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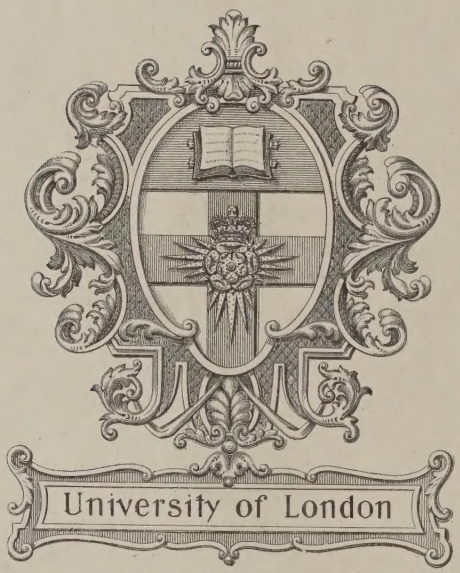
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REPORTS

FROM

COMMITTEES:

THIRTEEN VOLUMES.

—(3.—PART I.)—

COLONIZATION AND SETTLEMENT (INDIA).

Session

3 *December* 1857 —— 2 *August* 1858.

VOL. VII.—PART I.

1857-58.

REPORTS FROM COMMITTEES:

1857-58.

THIRTEEN VOLUMES:—CONTENTS OF THE

THIRD VOLUME.—PART I.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

COLONIZATION AND SETTLEMENT (INDIA):

261. FIRST REPORT from the Select Committee appointed to inquire into the Progress and Prospects, and the best means to be adopted for the Promotion of EUROPEAN COLONIZATION and SETTLEMENT in INDIA; especially in the Hill Districts and healthier Climates of that Country; as well as for the Extension of our Commerce with CENTRAL ASIA; together with MINUTES of EVIDENCE - p. 1

261—I. MAP of INDIA, showing MINERAL and VEGETABLE PRODUCTS, and course of TRUNK RAILWAYS - - - - - - - 159

326. SECOND REPORT from the same; together with MINUTES of EVIDENCE - - - - - - - - - - - 165

415. THIRD REPORT from the same; together with MINUTES of EVIDENCE - - - - - - - - - - - 373

COLONIZATION AND SETTLEMENT (INDIA):

FIRST REPORT - - - - - - - - - - - p. 3
MINUTES OF EVIDENCE - - - - - - - - 5

SECOND REPORT - - - - - - - - - - 167
MINUTES OF EVIDENCE - - - - - - - - 169

THIRD REPORT - - - - - - - - - - - 375
MINUTES OF EVIDENCE - - - - - - - 377

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
6 *May* 1858.

Martis, 16° *die Martii*, 1858.

Ordered, That a Select Committee be appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of European Colonization and Settlement in India, especially in the Hill Districts and Healthier Climates of that Country; as well as for the Extension of our Commerce with Central Asia.

Lunæ, 22° *die Martii*, 1858.

Committee nominated of—

Mr. William Ewart.
Mr. Baillie.
Mr. Campbell.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.
Mr. Lygon.
Mr. Mangles.
Sir Erskine Perry.
Mr. Seymour.
Mr. John Benjamin Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willoughby.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 25° *die Martii*, 1858.

Ordered, That the Committee do consist of Sixteen Members.

Ordered, That Mr. De Vere be added to the Committee.

Jovis, 6° *die Maii*, 1858.

Ordered, That the following Petitions be referred to the Committee, viz.:—From Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal;—and, Indigo Planters' Association in Bengal;—and, British Subjects resident in Calcutta and the Mofussil Districts of the Residency of Fort William, in Bengal.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

REPORT - - - - - - - - - - - p. iii

MINUTES OF EVIDENCE - - - - - - - - - p. 1

FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of EUROPEAN COLONIZATION and SETTLEMENT in *India*, especially in the Hill Districts and Healthier Climates of that Country, as well as for the Extension of our Commerce with Central Asia, and who were empowered to Report the EVIDENCE taken before them, from time to time, to The House:

HAVE taken Evidence on the Matters to them referred, and have agreed to Report the same to The House.

6 *May* 1858.

LIST OF WITNESSES.

Jovis, 15° *die Aprilis*, 1858.

	PAGE
Major-General George Borlase Tremenheere - - -	1
James Ranald Martin, Esq., F.R.S. - - - - -	17

Martis, 20° *die Aprilis*, 1858.

Major-General George Borlase Tremenheere - - -	27
Joseph Dalton Hooker, Esq., M.D., F.R.S. - - -	41

Jovis, 22° *die Aprilis*, 1858.

Robert Baikie, Esq., M.D. - - - - - - -	50
William Theobald, Esq. - - - - - - - -	55

Martis, 27° *die Aprilis*, 1858.

William Theobald, Esq. - - - - - - - -	73

Jovis, 29° *die Aprilis*, 1858.

Mr. Stewart Jolly Auld - - - - - - - -	100
Mr. John Freeman - - - - - - - - -	106

Martis, 4° *die Maii*, 1858.

Mr. John Freeman - - - - - - - - -	124

MINUTES OF EVIDENCE.

Jovis, 15° *die Aprilis*, 1858.

MEMBERS PRESENT:

Mr. Baillie.	Mr. Mangles.
Mr. Campbell.	Sir Erskine Perry.
Mr. De Vere.	Mr. Danby Seymour.
Mr. Gregson.	Mr. John Benjamin Smith.
Mr. Kinnaird.	Mr. William Vansittart.
Mr. Knight.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.
Mr. Lygon.	

WILLIAM EWART, Esq., IN THE CHAIR.

Major-General *George Borlase Tremenheere*, called in; and Examined.

Major-General *G. B. Tremenheere.*

15 April 1858.

1. *Chairman.*] WILL you have the goodness to state what rank you hold in India?—I retired from the Bengal Engineers about two years ago, with the rank of Colonel; I am now a Major-general.

2. In what part of India have you been?—I was 25 years in India, two of which I spent on the banks of the Jumna, two at Alighur, six at Delhi; and after my furlough I was five years in the Tenasserim provinces, and 10 in the Punjaub, where I held the position of superintending engineer of the whole of the Punjaub.

3. When did you leave India?—In 1855.

4. You are aware that the object of the Committee is to inquire into the question of settlement by Europeans in India: do you conceive that, on account of the peculiar desirableness of applying European capital to India, there is a material distinction to be taken between colonization in India, and what we call colonization in other countries?—There is a very great distinction. Colonization cannot proceed in India as it does in Australia or Canada; it must spring from the upper, rather than the lower ranks of society, by the settlement of capitalists; that is, from the capitalist rather than from the labourer.

5. You consider that, whereas emigration generally moves from below upwards, in this case it would have to move from above downwards, by the settlement of capitalists in the country who shall employ the labourers, not by that of labourers who work for capitalists?—Exactly.

6. In fact, the employment of Indian labour by English capitalists?—Yes.

7. In the order of reference made by the House for the direction of the Committee, the first subject refers to the progress of settlement in India. Have we any proper means of knowing what the progress of British settlement in India has been?—The progress of settlement in India has been very slight beyond the settlement of a few gentlemen engaged in the indigo manufacture and in sugar. Very little progress has ever been made in settlement in India.

8. Have we any means of knowing the number of British settlers in India?—I believe, at present, no means exist.

9. Sir *Erskine Perry.*] Have you seen a return made to this House in 1852?—No, I have not seen it. Formerly, every settler in India was registered by the

Major-General *G. B. Tremenheere.*

15 April 1858.

Government; but since permission has been given for any one to settle in India, I am not aware that any record has been kept.

10. *Chairman.*] Formerly, the East India Company kept a register of Europeans who settled in India?—I believe so; but that is a subject of which I have no personal knowledge.

11. You are aware that previously to the passing of the East India Charter Act of 1833, the question of European settlement in India was very much agitated in this country, and excited a great deal of interest?—Yes.

12. The Act of 1833, by the 86th clause, allows the settlement of British subjects in India, by giving permission to all natural born subjects of Her Majesty to purchase and reside on lands within the territories of the East India Company?—Yes.

13. The Indian Act, which was passed in conformity with that Act, which allowed British subjects to hold land in India, was passed in 1837, was it not?—I believe so.

14. The next subject referred to in the order of reference which directs the proceedings of this Committee, is the best means of promoting European settlement in India. What do you consider the best means of promoting European settlement in India?—The state of the existing means of travelling in India is sufficient alone to prevent the country and its resources from becoming known to capitalists. The ordinary mode of travelling is either by marching in stages from 12 to 14 miles a day, or travelling by dawk in a palanquin. Capitalists will not submit to this tardy mode of progress. I conceive that if railways existed, places holding out prospects of profitable investment would be readily visited, and capitalists would then judge for themselves of the advantages to be gained by settlement.

15. You consider that the want of good communications is the first obstacle?—The first and chief obstacle.

16. Do you consider another to be the want of capital?—Yes, capital is a *sine quâ non*; but I conceive that before capital can be attracted to India, it is necessary to give the greatest facility for intercommunication. Both the agricultural and the mineral resources of the different localities could then be readily inquired into on the spot. Those resources would not only be accessible to capitalists, but would be placed within easy communication one with the other, which is not the case now.

17. Mr. *Campbell.*] Would you apply that remark to the transit of commodities when produced, as much as to the introduction of enterprising men with capital, with a view to settlement?—Yes, certainly; the fertility of one part of the country, or the increased means of production arising from means of irrigation, would not only be beneficial to one district, but the advantages would be spread over vast tracts of country, and the present serious effects of drought and famine would be effectually prevented.

18. *Chairman.*] Can you give us your general views as to the resources, mineral and vegetable of India, which you think would be developed by enlarged facilities of communication?—As to the mineral resources of India, the chief are coal and iron, copper and tin.

19. Can you state the principal localities of those?—The principal localities of coal which is worked in India are those of Burdwan, and on the Nerbudda river: the whole of Burdwan (as is well known) furnishes a great deal of the steam coal which is used in India. The coal of the Nerbudda has only been recently visited by professional mineralogists, and a coal and iron viewer was sent there last year by desire of the East India Company.

20. One great object of establishing an improved means of communication would be to bring out the mineral and vegetable resources of the country?—Yes.

21. Would it not also be a great object to bring them into a state of connection with each other?—Undoubtedly; and without railways it would be impossible to effect that.

22. Besides the coal regions you have mentioned, are there not others; is there not coal in Assam?—There are several other localities in which coal is found in India; but from observations of my own, I conceive that it is coal of recent formation, and not probably so well adapted to commercial purposes as the coal beds of Burdwan and of the Nerbudda. It has not been economically produced in any other district, that I am aware of. A small working was made

in

in the Tenasserim provinces, which I myself visited and reported on, but it is very distant from the coast, and there are difficulties in transporting it, except at one season of the year; the coal itself is not mineral coal, but a lignite.

23. There is a generally prevailing difference between English coal and the coal of India?—Yes.

24. Does the coal of India approach more to the anthracite or the lignite character than the coal of England?—It approaches more to the lignite character; not to the anthracite.

25. What are the principal iron districts of India?—Iron is distributed almost universally in India; I have seen it in many of the different localities, both in the Himalaya and in the Tenasserim provinces. I have seen large blocks of ironstone projecting from the hills in the Tenasserim provinces, which are so rich in magnetic iron ore that the particles actually followed the hammer when applied to the rock. The best iron localities I imagine to be those in the Nerbudda, which have been only recently reported on by the mineral viewer who was sent to Bombay, Mr. Blackwell.

26. Have you any further information to give to the Committee with respect to the mineral resources of India?—In the Tenasserim provinces tin abounds, and is worked by Chinamen. Copper also exists in the Himalayas, but has not yet been profitably produced by Europeans. In Kumaon, and in the Gwalior territory, there are large deposits of iron, also in various other parts of the Himalayas; but from their being utterly inaccessible to capitalists, no attention whatever can be paid to those minerals at present.

27. Is there not a great want of fuel in Kumaon?—No; there is plenty of fuel, which, if economically managed might be made available for the smelting of iron; that is, wood fuel. There is no coal in that portion of the Himalayas.

28. Does it not require a great quantity of wood for smelting iron?—There are immense forests of wood which, by proper supervision and renewal, would, I conceive, serve the purpose.

29. Has not the wood been very much cut down in Kumaon?—Not that I am aware of.

30. And has it not been allowed to fall into a state of waste?—There are immense tracts of forest upon which no cutting that has hitherto gone on can have made the least impression.

31. Is it not a great point to bring those different mineral products into contact with each other; for instance, the coal and the iron?—It is the only manner in which they could possibly be made available in an economical point of view.

32. Will the railway that goes from Calcutta in the direction of Delhi, bring together much coal and iron?—The railway which traverses the continent from Bombay to Mirzapore will pass through Jubbulpore, which is close to one of the principal deposits of coal and iron.

33. Will not the railway which goes from Calcutta in the direction of Delhi, bring together the coal of Burdwan and the iron of Monghir?—Yes, it might be effected by short branches. Monghyr is one of the principal localities for the production of indigenous iron in India. It is worked by the native methods, and there is a considerable annual export from Monghyr towards Nepaul and our own provinces. There is also a native manufacture of fire-arms on the spot, which has existed for a long period; so that, besides the raw material, you have, to some extent, a population accustomed to the manipulation of iron. The coal of Burdwan is not far off, and limestone exists in parts of the same range of hills. I have long thought, and have endeavoured to make known my opinion, that if the district in the vicinity of Monghyr were thoroughly investigated, and the iron, the coal, and the limestone brought within easy access of one another, the most valuable results might be obtained.

34. One peculiar advantage which England possesses of course is, that the coal and iron and lime are found in contiguity, thereby giving you at once a means of smelting and a means of flux for the article. Is that the case in India?—I believe it to be the case on the Nerbudda. The three materials are in closer proximity to one another there than any where else in India, so far as we are at present informed.

35. Is it, then, of great importance to establish ready means of communication, so as to bring these invaluable articles into contact one with another?—It is the only way of making them useful.

 36. I believe

Major-General H. B. Tremenheere.

15 April 1858.

36. I believe there is, generally, a great want of lime in India?—There is in some parts of the country, but there is a peculiar concretion called kunkur, which is made available for building purposes.

37. I believe it is a carbonate of lime?—It is an impure carbonate of lime.

38. Is that available as a flux for iron?—I am not prepared to say that it is.

39. Is there not lime in the neighbourhood of Sylhet?—I believe there is.

40. May not communication, partly by railway and partly by road, bring that lime into contact with the iron, so as to be useful as a flux for iron?—Yes.

41. Has kunkur been tried as a flux?—I am not aware that it has. I should doubt its being procurable in sufficient quantities to be used as a flux in any one locality; it exists in thin beds in different parts of the country, but not in large deposits.

42. With regard to the vegetable productions of India which might be elicited by the application of capital and improved means of communication, will you state what are the most important of those?—The principal vegetable productions of India are wheat and other cereals, cotton, sugar, indigo, opium, hemp, flax, tea, and timber. With regard to wheat, I imagine that there is no limit to the production of wheat at a very cheap rate in India, and especially in the north-west of India, and in the Punjaub.

43. I believe that country is a splendid country for corn?—The Punjaub is certainly a splendid country for corn. I have seen it one vast sheet of corn in the spring, especially in the upper part of the Punjaub, in the vicinity of the Himalayas; there you may look over miles of country, one continued field of corn, which is bounded only by the base of the Himalayas.

44. Mr. *J. B. Smith.*] When you speak of corn, you mean wheat?—Yes, wheat. When the projected canals are completed in the Punjaub, that country will, I imagine, become the granary of India, if not of other countries.

45. *Chairman.*] Do you think that corn might be exported from India in consequence of the abundance of its production there?—I should consider that it might. I had occasion to inquire into the agriculture of the Punjaub in 1853. A series of questions were circulated by the Government to all the civil officers in the district, and from their replies I framed a general report on the subject, which I now hold in my hand. I will mention, with regard to the price of corn, that in one portion of that report I stated that the prices of wheat at Lahore and Mooltan were equivalent to 1*s.* 6*d.* and 1*s.* 3¾*d.* per Winchester bushel of 60 lbs. In North America, at the shipping places on Lakes Erie and Michigan, the prices of wheat, the produce of Ohio and the west, as stated by my brother, Mr. Seymour Tremenheere, in 1851, were from 2*s.* 2½*d.* to 2*s.* 8½*d.* for the same weight, and it sold at Liverpool for 5*s.* 9*d.* per bushel.

46. I believe that a considerable portion of the corn grown in that part of India is what the Italians call *grano duro*?—I believe it is, on the authority of a botanist.

47. It is the same corn of which the Italians make the maccaroni?—I believe so. When canals are introduced in the Punjaub, the prices which I have mentioned, I have no doubt, will be considerably lower.

48. Mr. *J. B. Smith.*] Have you any idea at what price it could be brought by canals to a port of shipment?—I have not. Both railways and improved water carriage are in progress, and when the means of communication for the whole distance to Kurrachee are completed, it will very much diminish the cost of conveyance.

49. Sir *Erskine Perry.*] But you do not imagine that water communication will exist the whole way to Calcutta?—No, to Kurrachee, by the Indus.

50. *Chairman.*] Will you continue your statement with reference to the other vegetable products?—There is cotton. The subject of cotton is a very large one, and I imagine the Committee would not desire me to go at length into that; what I wish to advert to particularly is the value of European superintendence, and European settlers, with reference to every one of these agricultural productions. The want of improved communications also is a general want, which is applicable to every one of those productions, whether mineral or vegetable.

51. Will you state how far, in any particular district, improved facilities of communication would have the effect of largely developing cotton or indigo?—I am not aware of any particular indigo or cotton district that would benefit more than others by improved facilities of communication. To return to the subject of European supervision, with regard to cotton, the Committee will no doubt

doubt remember the speech of Mr. Turner last year, and the statement which he made with reference to the value of European supervision. That gentleman informed the House of Commons that Mr. Landon had sent to him a specimen of his yarn, to show that if cotton could only be got in this country as clean as he had made it in India, the same results would be arrived at.

52. Has not Indian cotton the advantage of swelling more, and also taking the dye more easily than the American cotton?—I believe that is the case; at present its chief defects are very well known. Mr. Turner stated at the same time that his house lost 7,000 *l.* a year by the dirt and refuse with which the cotton is mixed; that loss would be altogether prevented if Europeans were living on the spot, and superintending its picking, its cleaning, and its transmission to England.

53. Would you apply the same principle to the development of sugar in India?—The same remark applies to all. The great example, with regard to vegetable products in India, as showing what may be made of them, is in the production of indigo. The planter has resided in the country; he has purchased from the cultivators the plant in its perfect state, or has made advances to secure the crop, and has applied his own science and skill to the manufacture of the drug, which now is not equalled in any other market.

54. Is not indigo a singular instance, not only of the successful application of European capital and skill, but also of the power of transfer from one place to another which capital gives; was not indigo originally Indian in its production, and was it not afterwards transferred, by European skill, to the West Indies, and again retransferred by European capital to India?—Yes, it was first improved in the West Indies by European skill and superintendence, and was then transferred to India. By the same means by which the market was removed from India, it was again planted there, and the indigo of India has now taken the best place in the markets of the world.

55. That therefore shows that European skill and capital are independent of locality, and that cultivation follows them, whether in the eastern as well as in the western parts of the world?—Yes; while on this subject I will mention what has been done by the natives themselves with regard to the cultivation of opium. The Committee are aware that opium commands a very high price in India, and it is found to be worth the while of the native cultivators to take pains with it, and it is a very popular and profitable article. I do not give this on my own knowledge, but from an officer who resided in the district of Behar, and had an opportunity of observing the cultivation of opium over a period of 14 years. I will read an extract from his letter on the subject. He says, "They have paid the greatest attention to the tilling of those fields, and the taste the natives displayed would do credit to a lady's flower garden. From the improved system of cultivating the poppy, the crop is about 50 per cent. more certain than it used to be formerly; and so it would be in the wheat and barley fields if the same attention was paid to irrigation and manure?—I merely mention that circumstance to show that the natives are capable of great perfection in cultivation.

56. Are there any other vegetable products to which the same remarks apply?—Yes; there are other vegetable products; there is sugar. The sugar cane is grown nearly all over India, but the natives do not, in my opinion, cultivate it in a scientific manner. The cane is frequently of a small kind, but containing much saccharine matter. There is another variety which grows much larger and higher; but in all cases it is planted closely together, which prevents hoeing and weeding after a certain time, and the free access of light, upon which the formation of saccharine matter greatly depends. The method of cultivation in the West Indies is entirely different.

57. Has the palm sugar been cultivated in India?—No, not to any extent; it is all the cane.

58. Has not the palm sugar been tried with some success?—I have not seen any; all that I can speak of is the sugar cane. The cultivation of sugar has never been attempted on a large scale by Europeans, but it has been left to the natives themselves. Where capitalists have undertaken the manufacture of sugar I understand that they have pursued nearly the same course as the indigo planters, by purchasing cane and goor or coarse sugar from the native cultivators. In an instance where an opposite course was pursued, which is within my

Major-General *G. B. Tremenheere.*

15 April 1858.

own knowledge, in the Tenasserim provinces, where hired labour was used, the manufacture was a failure, not as to the description of sugar produced; that was very good, but commercially it was a failure. In the upper part of India, sugar is more plentifully produced than in Bengal, especially in the Punjaub. I may say that there exist great facilities for the production of sugar in the North-West Provinces. At Shahjehanpoor there is a sugar manufactory, which is successfully carried on.

59. To what do you attribute the failure of which you spoke in Tenasserim?—To the high price of labour in Tenasserim, which is peculiar in that respect as compared with the rest of India, and to the mistake which was made in attempting the cultivation, rather than purchasing the produce of the natives, who can grow it much cheaper; and there were other causes of failure.

60. Would not improved facilities of communication be a very great benefit in preventing famines, which sometimes prevail in India?—Yes: years of scarcity have recurred at Bengal at regular periods, with intervals of from 18 to 19 years. Thus the years 1733, 1752, 1770, 1807, and 1836 are recorded as those of the greatest distress within the last century. In the North-Western Provinces the intervals have been shorter, the principal years of scarcity having been 1782, 1792, 1802, 1812, 1819, 1825, and 1832, the intervals being from seven to ten years; canals and irrigation alone will not prevent the disasters caused by these oft recurring famines, because all parts of the country are not adapted for the construction of canals; it is only by affording the greatest facilities for the transport of produce that the true remedy can be applied.

61. With respect to the cultivation of tea, your residence in the north part of India probably gives you some information as to whether by the application of British capital the cultivation of tea could be developed in that country?—There are good facilities for the cultivation of tea in the lower ranges of the Himalayas. The Committee are aware probably, that there is a company carrying on the cultivation and production of tea in Assam, and I believe that from Assam to the northernmost part of Hindostan, at similar elevations and within similar climates, no limit exists to the cultivation of tea in the Himalayas.

62. Is there not a probability that India will be a very large consumer of tea hereafter?—Undoubtedly; the natives are very fond of tea. If it can be produced at a low price (about 6 *d.* per pound), the consumption will be very large. There will also be a market for it in the Trans-Himalaya territories.

63. Are they not great consumers of it on the other side of the Himalayas, the tea at present being supplied at a great distance from China?—Yes. I would mention one or two facts with regard to it which I have extracted from Mr. Jamieson's Report. One of the plantations now yields 235 lbs. of tea per acre, which, if sold at 6 *d.* per lb., would yield 5*l.* 17*s.* 6*d.* from land, the annual rent of which paid to Government is only 1*s.* 6 *d.*"

64–5. You think that by the application of British capital and skill, the cultition of tea could be developed to a great extent?—Undoubtedly; it is perhaps one of the most important points of all.

66. Mr. *Knight.*] Do you know the amount of labour required to be expended on an acre of tea?—No, it depends on local circumstances.

67. Mr. *Baillie.*] Is not labour in that country exceedingly scarce?—In that part of the country which I now speak of Dr. Jamieson mentions in his report that there are 10,000 rajpoots who have no ostensible occupation who would be willing to turn their hands to the cultivation of tea. They are now idle, and obtaining a precarious subsistence.

68. Mr. *Danby Seymour.*] Are you acquainted with that country yourself?—Yes.

69. You speak of it from your own knowledge?—Yes.

70. *Chairman.*] Referring to that part of the country with which you are personally acquainted, should you say that there is a very evident want of knowledge upon the subject of the proper application of manure, which would probably be remedied by the introduction of capitalists?—I should not say that there is a want of knowledge of the utility, but that there is very great neglect of the available resources of manure; that is, there is a want of economy. A great deal of manure is burnt as fuel.

Major-General *G. B. Tremenheere.*

15 April 1858.

71. If Europeans were settled in the country would the application of manure be attended to in a very superior manner to anything which exists at present?—Undoubtedly, if it were superintended by Europeans, and if the science and experience of England were transferred to India.

72. Is there any great extent of waste land in that part of India with which you have been acquainted?—There is a great deal of uncultivated land at the base of the Himalayas.

73. Is there not this difference between the waste land of England and the waste land of India, that in India the waste land is very often land which might, with great advantage, be brought into cultivation; whereas here the waste land is generally land that is least capable of being brought into cultivation?—Yes.

74. Science and skill must of course accompany capital in developing the resources of India?—The application of science and modern improvements. I should like to say a few words on the application of European skill to the cultivation of land. I have some information on the subject from an officer who resided at Poosah, on the Ganges, for 14 years. He had charge of the Government stud, and he has given me a practical illustration of what might be done with regard to farming in India. The subject is so important, and the facts he mentions show so clearly what may be accomplished in that country, that I will read the letter, if the Committee please: "Some time ago I promised to send you a little memorandum, showing what was done by an improved system of cultivation on the Poosah Stud Farm (which contained 2,300 beegahs) during the 14 years I had the management of that depôt." "From 1833 to 1840 the lands under the management of my predecessors only produced 458,281 bushels of fodder. In 1840 I took charge, and in the next seven years increased the out-turn to 480,017, showing an improvement of only 26,666; during this period the lands were thoroughly cleaned, manured, deeply ploughed, and all thistles and other weeds collected and burnt. During the succeeding seven years, viz., from 1847 to 1854, I had the satisfaction to reap 702,224 bushels off the same fields, minus 100 beegahs, which had been taken from the farm and converted into paddocks. This shows an increase of produce in seven years amounting to 248,942 bushels more than the lands had ever produced before; or, I may say, four average crops in addition to the regular old out-turn." He mentions another fact with reference to the cultivation of carrots. "I once cultivated 16 acres of carrots for the horses, using the common country carrot seed, which usually, in Benares, produces a vegetable resembling a small turnip in shape, with a few thin carroty tails attached to it. I trenched this land 18 inches deep, and laid a deposit of six inches of manure at the bottom of each trench, gave it one ploughing, put in the seed and harrowed it down; the produce amounted to 9,066 bushels; many of the carrots were 14 inches long, and weighed four pounds each. The average cost of them, when fed off, was about two tons per rupee" (that is, 2*s.*). That letter is from Colonel Apperley.

75. Sir *Erskine Perry.*] Had not that gentleman the resources of a stud of 300 or 400 horses, whose manure was applicable to the land?—Yes, that is very true.

76. Mr. *Campbell.*] Had not the former superintendents of those studs the same facility of applying manure?—Undoubtedly.

77. Is not the manure generally thrown away or wasted?—Yes, it is generally wasted by the cultivators of the soil; the manure is thrown outside the village; it is there left exposed to the sun and rain, and all its virtues are evaporated or drained off before it is applied to the land, and cattle are not kept up for the sake of producing manure; no litter is thrown under them. Altogether there is a great waste of manure; there are no precautions taken whatever to increase it, or to preserve it. You will see in the neighbourhood of a village heaps of bones scattered, which might be ground into bone dust, and there they lie, and have lain for ages. Dead carcases of animals are allowed to rot in the neighbourhood of a village, infecting the air, whereas if mixed with soil and other substances they would produce most excellent manure. I will mention another circumstance; the surface of the land in India is very often covered by a saline efflorescence, which is an impure carbonate of soda. I believe that to this moment no one knows the correct chemical properties of that substance, or what might be made of it; but I have no doubt that if it were mixed with the carcases of animals, it would produce nitrate of soda, which is very excellent manure,

Major-General *G. B. Tremenheere.*

15 April 1858.

manure, for the nitrogen given off by the decaying substance would combine with the soda in this saline substance. I have no doubt that through the prevalence of this substance, lands which have been rendered sterile might be turned into fertile tracts.

78. Mr. *Mangles.*] What is the native name of that efflorescence?—In the Punjaub it is called "Kuller."

79. Is there not a sort of infection of the land which is stated in some districts to be spreading over the country?—I have not heard of that.

80. *Chairman.*] You have spoken of the extension of railways and canals; would works of irrigation also greatly increase the productiveness of India?—I think works of irrigation are of the greatest importance with regard to vegetable productions, and that they might be extended by means of private capital; they have hitherto been constructed out of the revenues of the country. There appears to be no reason why private capital should not be applied to public works of this nature, as well as to railways.

81. That would be another means of developing the resources of the country, by the application of European skill and capital?—Yes.

82. Do you think that the want of development of India has been very much caused by the absence of good roads in the country?—I think by the absence of railways; but the ordinary roads have not been an impediment, because the produce is transported at seasons of the year when the country roads admit of the passage of carts.

83. Mr. *Mangles.*] In fact, at that season the whole country is a road?—The whole country; there is no obstacle at that season.

84. Sir *Erskine Perry.*] Is it not the fact that for many hundred years India was superior to Europe as it regards the facility of transit from one part of the country to another during a great part of the year?—Yes; but still you find rivers to cross in India. If the Committee wish a general description of the roads of India, I shall give it in a few words. The main lines of road in India are not yet completed. There is one very excellent road from Calcutta to Delhi, and which is in progress to Lahore and Peshawur; but there are many breaks in it, which are in the course of being supplied. With regard to the district or cross-roads, they have been of late years provided for by a cess at one per cent. on the revenue. Very great improvements have taken place of late years in the district roads.

85. *Chairman.*] But it is not very long that the roads have been much attended to in India, is it?—I am not aware of the date at which the ferry funds were set aside for the express purpose of improving district roads. I think it was in the time of Lord William Bentinck.

86. How long has the Grand Trunk Road been finished?—The Grand Trunk Road is not finished; the trunk road was commenced by Lord William Bentinck.

87. Do you remember in what year it was commenced?—I think about 1830.

88. Do you assent to this observation of a very intelligent, impartial foreigner, Mr. De Valbezen, who has written upon India with regard to the state of the means of communication in that country. He says: "The system of communication by means of roads in India has remained up to recent times in a state of nature. Even to this day the movement of commerce, outside the artery of the grand trunk road, is conducted along little frequented pathways, or on dangerous rivers navigable only at certain seasons of the year;" is that the case?—That is not quite the description I should have given of the means of communication; there are certainly not perfect branch roads; but a great deal has been done of late years since the ferry funds have been devoted to that purpose; many miles of road have been constructed, and many bridges have been made; but I conceive that there has been a want of economy in the application of those funds, simply from the want of engineering assistance.

89. Mr. *Vansittart.*] Are the roads under the surveillance of the magistrates?—They are.

90. *Chairman.*] How are the roads maintained?—The roads are maintained by the proceeds of the ferry funds, and by a cess of one per cent. upon the revenue of new settlements.

91. Are they maintained to any extent by local taxation?—Not beyond the cess of one per cent.

92. Mr. *Danby Seymour.*] But they are also maintained partly by Government grants, are they not?—Not that I am aware of. The district roads are maintained by the ferry funds, which have been set aside for the purpose, and by a tax of one per cent. upon the revenue of the country. The main roads of the country are maintained entirely by the Government. There is a distinction between the main lines of communication and the district roads.

93. They are now removed from the magistrates and collectors to the Board of Works?—The district roads remain under the supervision of a local committee, of which the magistrate or collector is a member.

94. *Chairman.*] Are there any impediments to the employment of capital existing now, in the form of objectionable local transit duties?—I am not aware of any; they have been entirely abolished within our own territory.

95. Are there any objectionable transit duties between our territories and the territories of independent states?—I have no means of stating that of my own knowledge; that is not a subject to which I have paid any attention.

96. What is the state of the police for the protection of property in that part of India with which you have been acquainted?—The protection of the property of travellers is, I think, very complete at every halting place; the police arrangements are such that robberies very seldom occur, either of merchandise or the property of private individuals.

97. I suppose you would not extend that observation to other parts of India?—I am alluding to the trunk lines of communication.

98. One portion of the inquiry which has been devolved upon this Committee by the House of Commons is the possibility of availing ourselves of the climate of the hill stations of India for colonization and settlement; have you ever turned your attention to that subject?—I think one of the most important things that could be done would be to make the hill stations accessible by railway from the plains.

99. You mean of course by carrying railways to the foot of the hills?—To the foot of the hills.

100. Sir *Erskine Perry.*] Do you mean for commercial purposes?—For commercial purposes, as well as for the purposes of settlement in the hills.

101. Mr. *Danby Seymour.*] To what hill stations do you allude?—I allude to the hill stations of Simla and Mussooree, Almora, and Darjeeling; there are others also to the northward of Simla, such as the station of Dalhousie, which was formed a few years ago, and Murree for the Punjaub.

102. Do they all lie near the East Indian Railway?—No; it would be necessary to have branch railways from the East Indian Railway to have access to any of those stations.

103. They could be easily reached by branches?—Easily.

104. Are you aware that a new road has been made to Darjeeling, which is constructed in such a way that rails could be laid down upon it?—I am aware that it has been sanctioned, but I am not aware that it has been made.

105. Is it not in course of construction?—I am not aware of that; I am aware that such a road has been sanctioned.

106. *Chairman.*] In a military point of view is it not very desirable to have access to those hill stations?—Undoubtedly it is desirable on every account to have access to them; I conceive that means of speedy access to the hill stations is one of the chief wants in India.

107. Do not a great portion of the families of our soldiers absolutely die for want of access to a place where they can have cooler air than they can get in the lower regions of India?—Yes; we have a large number of English soldiers in India. Taking a period of 13 years, ranging from 1839 to 1851, I find, from the returns, that the average number in the country in any one year of that period was 38,146. The average annual decrease by deaths, invaliding, and all causes, was about 11 per cent., of which one-half, or about $5\frac{1}{2}$ per cent., is due to mortality alone. So that, within this period of 13 years, no less than 27,267 Englishmen have passed away. By the rules of the service at that time, only one-tenth of this number could have been married men, and of the progeny of these it is known that only one out of every five survive the effects of climate during their early years. In round numbers, it may be stated that 2,000 English adults have annually perished without contributing in any appreciable manner to the increase of that element of the population of India which is so much required.

Major-General *G. B. Tremenheere.*

15 April 1858.

108. Mr. *Danby Seymour.*] What are your calculations grounded upon?—Tabular returns.

109. Who made those tabular returns?—I obtained them at the India House.

110. *Chairman.*] Will you proceed with your remarks on this subject?—The climate of the plains of India is decidedly adverse to the settlement of English families of the labouring class. In illustration, I need only refer to the care which is necessary to preserve the health of our soldiers in the East. For a great part of the day, during summer, they remain in their barrack-rooms, which are darkened by wetted mats fixed in the doorways to cool the air. The sun's rays at that season are so powerful that the economical employment of European labour in the plains of India is, I conceive, impracticable. In the hill districts the case is different. As you ascend the slopes of the Himalayas the climate, and with it the character of the vegetation, changes gradually, till, at elevations of 4,000, or from 4,000 to 6,000 feet, they become entirely of the European type. Here you feel at once that the temperature and climate are adapted to the European constitution. One of the peculiarities, however, in the form of the Himalaya mountains is the general absence of table land on their southern face. The distinguishing features are sharp ridges succeeding one another with long slopes and deep valleys. Upon the ridges themselves there is little or no culturable land, and consequently no population. The cultivation is confined to a series of ledges or steppes along the mountain sides, and to the valleys which are exceedingly hot, and not very healthy. While the air in the elevated ridges where our sanataria are situated is pure and invigorating, that of the cultivated valleys is not so, and I should consider it very doubtful whether an Englishman could labour long out of doors, with impunity, among these mountain valleys and slopes. Some portions of elevated table land might be found where the conditions are more favourable for a settlement; but so far as my observation goes, the Himalaya mountains are not adapted to European colonization on a large scale. Of mere manual labour there is no deficiency in India; on the contrary, native labour is abundant and cheap, and at equitable rates, proportioned to the distance men are required to go from their own homes, it is available for any part of our possessions. What is chiefly desirable is, the settlement of European capitalists, and that the indigenous labour of the country should be skilfully and profitably directed. The true function of the European in India is not as a labourer, but as a director of labour. It is very important that some plan should be devised to increase the number of the English in India. As a nation, we are too small a body there; and this perhaps, as much as any other cause, has led to the recent attempt to exterminate our rule. The conquest of the country by the Mahommedan powers, was followed by a large mixture of Mahommedans with the native population; new cities were founded, and a community of feeling sprang up between the conquering and the conquered race; whereas we live in cantonments, or standing camps, apart from the people, and there is no identity of interests between us. We do not, as a body, understand the native character, its habits of thought, and springs of action. This experience has been seldom gained except by such men as the Skinners, the Forsters, and Van Cortlandt, who have been born in the country, and have grown up in daily intercourse with the natives. When it is combined with the natural superiority of the European, its influence on the natives is irresistible, and may be turned to the best account. It is like the mixture of two chemical substances, by which all their latent qualities are developed. If the Committee will allow me, I will now state my views as to the means of increasing the European element in India, in which colonization to a certain extent is involved. I have already stated that we have a large number of English soldiers in India, and that both among them and their children the mortality is very great. My proposition would be, to rescue the young offspring of our soldiers from the fate which awaits them in the plains, and place them in asylums on the hills, where they would be trained in health and in industrial habits, and become in time an integral part of the population of India. For the same reasons, and with a view not only to improve the soldier but to benefit the country, I would suggest the extension of the permission to marry beyond the present limit of 12 per cent. The condition of the private soldier in India, as compared with that of his officer, is entitled to much consideration. The officer obtains leave to the hill stations, and at stated periods he may visit his native land; he can send his children, either to the hills or to England, whenever he thinks necessary. For the private soldier no such advantages are within

Major-General *G. B. Tremenheere.*

15 April 1858.

within reach; even if sick himself, there may not be accommodation for him in any of the depôts in the hills, and as for his children, there is nothing for them but to take their slender chance of life in the plains. The permission of marriage should be conditional on an agreement that the children arising out of it should be sent to one of the proposed establishments in the hills so soon as they are four years old. I am aware that an objection is likely to be made to the separation of parents and children, but it is one of the necessary conditions of residence in India. The children of officers of all classes, and of civilians, are sent to England; therefore there would be no hardship in insisting upon the soldier sending his children away, especially if it were made a condition of his marriage. It would be necessary that those children should be maintained there at the cost of the Government. The Lawrence Asylum is an example of the kind of establishment proposed. There might be another at Murree, one at Dalhousie, and one at Dhurmsalla for the Punjaub; one or two in the Almorah hills for the North-west Provinces, and another at Darjeeling for regiments stationed in Bengal. The children, being thus collected at these hill stations, would grow up as healthy and robust as they would have done if reared in England, and in all probability with a ratio of mortality lower than it would be here. I may mention, in passing, that at this moment there are, at the station of Dum Dum, 900 children of soldiers who are employed in the field. What will become of them is very clear from the rate of mortality which usually prevails amongst them. The most important question of course would be, what to do with those children when grown up. If they are properly instructed and trained, with reference to the material and social progress of India, no difficulties will arise on this score; honest, virtuous, well instructed European subordinate agency, is one of the leading and most pressing wants. It is the first difficulty by which every enterprise, every branch of business, every Government officer, and every public employment is met. I do not hesitate to say that a body of well trained mechanics, supervisors, practical agriculturists, and teachers of all the useful occupations of life, from which selections could be made by employers, would be one of the greatest boons that could be conferred upon India. Children so brought up would be familiar with the language, and habits, and prejudices of the natives. They would be inured to the climate, of temperate habits probably, and with the energy of character, and moral influence of the European. Many of the young men might choose to enlist in the army, or might be formed into corps of militia, which would be a direct saving to the State. When those trained overseers, or subordinates are ready for employment, I would make the railway companies, or capitalists, or agriculturists, pay a premium for those they require, which would in some measure remunerate Government for the cost of their instruction. I believe that settlers, and railway companies would employ them to a very large extent, instead of procuring such aids from England, which they are now obliged to do at great expense and risk; that a very extensive demand is likely to arise for them as the great resources of India become better known and more accessible.

111. You conceive that if properly educated, there will be a European race, possessing great moral and intellectual superiority to the natives, permanently established in India?—Undoubtedly; they would look to India as their home, and they would be a most invaluable element.

112. Sir *Erskine Perry.*] Do not you contemplate that in such establishments the greater portion would be half-caste?—I do not think so, if soldiers were permitted to marry before they left England; in fact, I think they ought to be encouraged to marry within certain limits. I would take every precaution possible to prevent the mixture of races.

113. Then your plan involves that marriage should be encouraged in this country before the soldiers leave for India?—Yes.

114. Do you mean that a regiment under orders for India, should have the limit as to marriage enlarged?—Yes.

115. So that in the case of a regiment under orders for India a certain portion of the men would have to contract marriages at once?—As soon as it was known that a regiment was likely to go to India the men would give attention to the matter.

116. Mr. *Campbell.*] Might not the introduction of the half-caste element be discouraged by preventing a soldier, who marries a native, from getting the allowances which he would get upon marrying a European?—I think a rule of

Major-General *G. B. Tremenheere.*

15 April 1858.

that sort would bear hard upon the soldier; I think that if a European wife is available there is no fear of his taking a native.

117. You are perhaps aware that recently the Government has encouraged volunteers to marry in Canada, by the formation of a volunteer corps of married soldiers in Her Majesty's army; do you think that similar volunteer corps, or married soldiers, would answer at the hill stations in India?—I should see no objection to married corps; but it appears to me, that in making a change of that kind there might be some danger that the collecting together so large a number of women might at first produce some inconvenience. I would rather increase the number of married men in each regiment. I think that would be a preferable experiment.

118. Mr. *Danby Seymour.*] To what extent would you propose to increase the married men in each regiment?—I conceive it should be done gradually. It is now 12 per cent.; it might be at once increased to 20, and if the result were satisfactory, a further extension might be made.

119. Mr. *Mangles.*] Would it not greatly add to the expense?—I do not think it would; I do not think the expense would be so great as might at first sight appear. Our barracks are now constructed in India upon a very large scale. I think there would be no difficulty in accommodating even 25 per cent. of married men with the numbers that now form the regiment without any additional accommodation; the scale of accommodation is so liberal.

120. But surely you have seen very large expense incurred in providing quarters for married men?—That is very true. I was permitted by Lord Dalhousie to build married barracks for soldiers in India, and I can truly say that it was followed by very great advantages. As soon as they obtained possession of those married quarters, which consisted simply of two small rooms, I was at once satisfied that a change of habits would take place amongst the married men. Instead of being cooped up together, 50 in a barrack-room, with merely sheets and blankets hung up between the beds, they had a respectable and convenient lodging; and there can be no question that a married man will prefer a place of that kind, fitted up by his wife, and made comfortable and convenient, rather than go to the canteen.

121. But what do you say as to the expense?—The expense I do not think would be so great, because the present barracks provide for 12 per cent. of married men; and the barracks for the unmarried men are so large, that I am satisfied that accommodation could be made for a greater number of married without crowding the unmarried men; and that they would be willing to give up a certain portion of accommodation for the married families. Many of the barracks have been made on so liberal a scale, that I think no crowding would be caused by extending the permission to marry to 20 or even 30 per cent. of the men.

122. Would not the expense of the passage from England be considerable?—The passage from England would be increased; but if this scheme was entertained, the wives would come from the hill stations in India after a time; there are many there now that are likely to become so. The Lawrence Asylum now contains 400 children, about one-half of whom are probably female children.

123. Mr. *Villiers.*] What is the objection to having a native woman as a wife; do the children degenerate?—I think the character they produce degenerates. Although the half-castes possess occasionally many qualities of the European, still they have many of the vices of the natives. Probably that arises from defects in early training; but certainly the half-caste in India cannot be compared with the pure European for any purpose whatever.

124. Is not it easier to rear in India the children of native women than the children of European mothers?—Not if you send the children of Europeans to the hill climates; they are just as easily reared as the children of natives. I think you could not reckon upon raising a population in the plains from the European soldier with any success whatever. By keeping them in the plains they grow up generally lanky, degenerate looking men.

125. Mr. *Kinnaird.*] Are half-caste admitted into the Lawrence Asylum?—I think so.

126. Mr. *Villiers.*] Have you any experience of children reared in the hills?—Yes. I have seen the children in the Lawrence Asylum; those I have seen are just as robust, and eat as much beef as children in England.

127. At what age have you seen them?—I think nine or ten.

128. After being there how long?—After being there four or five years.

129. Have you ever seen the children of European parents who have been born and kept in the plains?—I have.

130. Do you say that they decidedly degenerate?—Not always; at the same time, I think that, as a general rule, it would certainly lead to a deterioration of the race. It has been stated, though not proved, that at the end of three generations, a European family would become extinct in the plains of India.

131. *Chairman.*] Are you aware of the height of the Lawrence Asylum at Mount Abo above the level of the plains?—Five thousand feet.

132. Mr. *John B. Smith.*] Have you had opportunity of seeing the effect of the hill stations upon half-castes in a physical point of view?—Only so far as they are mixed with other children at the Lawrence Asylum.

133. Do you think that they are physically inferior to Europeans?—I think so.

134. Even at the hill stations?—Yes. They will improve, physically, by being reared on the hills.

135. They feed in the same way as the Europeans?—Yes.

136. Mr. *Danby Seymour.*] Will it not depend very much upon who the mother was; would not the child of an Englishman and an Affghan mother be very different from the child of an Englishman and a Bengalee mother?—Yes, undoubtedly. The principal reason for preventing mixture of races is that we should be enabled to draw soldiers from the progeny of an unmixed race. That would be a decided advantage.

137. Mr. *Campbell.*] Would not the advantage that would be derived by establishing an European militia force in the hills from the progeny of European parents to a great extent counterbalance the cost of sending those European married soldiers to India?—Undoubtedly, and that would in a great measure counterbalance the expense of rearing them in the hills. I have heard that the transport of a soldier from England to Meerut costs about 130 *l.*

138. You are aware that a considerable allowance is given to all regimental schools of European regiments on the plains at present?—Yes.

139. Can you state what that allowance is?—I know that the schoolmaster is provided for, but what the allowance to the school is I do not know.

140. Do you think it would be desirable to abolish those regimental schools on the plains, and to establish in the hills asylums for the children of the European regiments, after the example of the Lawrence Asylum?—Undoubtedly.

141. You do not think it would be attended with any material increase upon the existing cost?—That would be a matter of detail; but I think the cost would be less than might at first sight be imagined.

142. Sir *Erskine Perry.*] Do you anticipate that the class to be educated in the hill asylums would be available for filling stations in the Government of India?—No, only subordinate stations; such, particularly, as superintendents of mechanics, and railway officials.

143. Have you had much experience of the educational experiments which have been made in India; do you know anything of the Martinière Institution?—I have not seen the Martinière. I was a member of the education committee at Delhi, and I watched the progress of the Delhi College, where the English language was taught, and, I am sorry to say, not much else of a useful kind. The education given is not, in my opinion, adapted for the future condition of life of the natives.

144. Is not it the case that in these establishments, in which the children of soldiers are educated in India, it is found that they have a great objection to accepting anything like mechanical employments?—They like such situations as overseers, not to work with their own hands, but to be placed over others. There is a great demand for that class of people in India, and a great difficulty in obtaining such agency in public works.

145. Is it not the case that the engineers and contractors have been obliged to bring their own men of that class over from England?—Yes; they are not obtainable in India.

146. Do not such schools as you describe exist all through the Presidencies; are there not public schools for the children of soldiers?—There are regimental schools for the children of soldiers.

147. Mr. *Danby Seymour.*] Are not many ind ependent institutions now rising up

Major-General *G. B. Tremenheere.*

15 April 1858.

up for the education of children in the hills?—Some exist, which I have seen, but their progress is not very great.

148. Within a few years, have not several been established in the Neilgherries?—Some may have been established there.

149. Sir *Erskine Perry.*] Does it consist with your general information that youths brought up in those establishments (I particularly allude to the Martinière, at Lucknow) are found to be altogether averse to engaging in anything like mechanical operations?—Probably, as to working with their own hands, but I am not sufficiently acquainted with the Martinière to say what is the particular class of instruction that they receive there. If we took upon ourselves to educate those children in the hills, we should give them that particular kind of training which would make them particularly adapted for the purpose for which they were designed.

150. Mr. *Mangles.*] Are there not moral reasons why the soldiers, if they are permitted to marry in large numbers, should marry Europeans rather than natives?—I think so.

151. If they married natives, would not the children run a great risk of being brought up as heathens or as Mahomedans?—Yes; when the father died I think it would lead to the demoralisation of the children left behind.

152. *Chairman.*] You have been in the province of Tenasserim; what is the climate there as affecting European constitutions?—The climate of Tenasserim is generally very favourable to the European constitution; it is a climate moist and damp, and at the same time generally healthy. It is an exception to other parts of India in most respects. There is a very small population in Tenasserim, amounting to not more than one-half or three-fourths of a man per square mile; the consequence is, that labour is very dear, and although the soil is unusually healthy and fertile, and covered with the densest vegetation, it is comparatively an uncultivated waste.

153. What resources does Tenasserim offer to the British capitalist?—To the British capitalist I should say the first resource there would be the production of tin. Timber also occurs. Teak timber is tolerably abundant, but it has been a great deal worked out, and it is now only obtained from rather distant and less accessible localities.

154. Has it ever occurred to you that there might be some mode of transferring labour beneficially from the more populous parts of India to Tenasserim?—The chief want of Tenasserim is an addition to its population. There is voluntary emigration from the Madras coast, but it is carried on under great difficulties and at great expenses. Three years ago I was proceeding from Calcutta to Rangoon, and in the Gulf of Martaban we overtook a native craft of about 150 tons burthen, filled with native emigrants from the Madras coast, and in the greatest distress from want of water. Those people pay, on an average, about 3*l.* a head for their passage to Tenasserim; they are generally not in a position to command so much money, and on their arrival at Rangoon or at Moulmain, to which place generally they proceed, they pledge their labour, that is, they sell themselves for those 30 rupees, and pay it off gradually by working out the sum. One of the greatest advantages that could be conferred upon that province would be to transport labour at a very cheap rate, or even at no rate at all, landing the people in the province, where there is ample employment.

155. Would not individual enterprise do that, instead of the Government being obliged to do it?—I doubt whether it could be done at a remunerative rate. Probably 1*l.* a head might be remunerative, if carried on in a systematic way.

156. Do you think that there is opportunity for the development of British capital in Tenasserim?—In consequence of the difficulty of procuring labour I am doubtful upon that point. I think, except with reference to tin, there is no very cheering prospect for a capitalist in Tenasserim until the population is very much increased.

157. Mr. *Campbell.*] Knowing the Tenasserim provinces, of course you know the capabilities of the port of Ackyab?—From general acquaintance with the country. I have touched only at Ackyab.

158. You know that 20 years ago it was a place which imported its own rice?—I cannot speak with confidence on that point. I believe that in former times, rice was to some extent an article of export from Arracan.

159. Are you not aware that at present it exports many hundred thousand tons of rice in a year?—Yes.

160. Are

160. Are you not aware that that rice has been entirely produced by the enterprise of Colonel Bogle?—Akyab is in the province of Arracan, of which I have no personal knowledge; I have been only there a few hours. I know Sir Archibald Bogle, who was for many years Commissioner in charge of that province; he is an energitic officer, and has done much towards the developement of the resources of Arracan. I believe he introduced Carolina rice into that province; but the indigenous rice is of an excellent quality.

161. Mr. *Mangles.*] Colonel Bogle is an officer of the Government, not a merchant?—Yes, he is a Government officer. The province of Arracan being connected with Bengal by land, or by a short coasting voyage, there are more facilities for emigration there, than there are in the Tenasserim provinces. To Tenasserim and Pegu, every one must be transported by sea.

162. Mr. *Danby Seymour.*] What is your opinion about making grants of land to officers and soldiers, when their term of service has expired in India?—I do not anticipate great advantages from that; I think that the European capitalist or speculator would be more successful if he possessed no land at all, and simply availed himself of native labour, and native agriculture under his own direction and superintendence. By giving adequate prices and adequate encouragement to the natives, almost anything may be produced in India. If he attempted to cultivate the land himself, I think the chances are, that he would fall into difficulty and fail.

163. You are aware that officers of the East India Company's army have asked for special advantages in Australia, and have received grants of land from the governments of those countries?—I am aware of that.

164. Do you not think that if they had grants of land given to them in the hill country in India, that would be of greater use to India than sending them to Australia?—It would be of greater use to India, but I doubt the advantages to the holders of the land. I think that if they had means at their command they would employ these means to greater advantage, by not becoming landholders or possessors of lands themselves. Indigo planters possess land occasionally, but I believe it is generally avoided by them.

165. What I meant to ask you was, whether you think that the Government of India should hold out the same encouragement to those officers to settle in the hill districts of India as the Governments of the Australian colonies do?—I see no objection whatever to it if people are inclined to settle there, but till you have those aids to capitalists which I have alluded to, namely, subordinate European agency, consisting of men acquainted with the language and habits of the people, I think that settlers would be under a disadvantage in the country.

166. With regard to private soldiers do you see any objection to giving them grants of land in the hill country, when their term of service has expired?—I do not see any particular objection to it if they are willing to take it in the hills; I see no objection to their attempting the cultivation of tea, or hemp or flax, or any products of that kind.

167. You are aware that in the establishments of the old military pensioners in India, it is found that there is a vast deal of drunkenness and immorality, which is to a great extent ascribed to their having nothing to do; do you know whether they have asked for land to cultivate as gardens?—I am not aware that they have asked for land; I know there is a great deal of drunkenness and great evil, but soldiers, when not pensioners, are not very ready to cultivate gardens; they are not very fond of it.

168. But still if they are willing to do so, it would be a great advantage to make them grants of land for that purpose?—Certainly.

169. Mr. *Villiers.*] Why do the indigo planters avoid taking land?—They find it more to their advantage to buy the crops.

170. You think that that will generally be found to be the case, and that there would be no preference for taking land?—I think not; I think their preference would be for purchasing the produce of the soil, because they can then induce the natives, by assuring them a market, to cultivate in any manner that they please; they are very tractable, and will do any thing, provided it is worth their while.

171. Is that the reason why the country has not been settled to any extent by Europeans since 1833, that it is not profitable? Do you think that if land had been sold at a fixed price, as it is in the colonies, land would have been bought by Europeans?—There are no obstacles to purchasing land now.

Major-General *G. B. Tremenheere.*

15 April 1858.

172. Where can you purchase land in India at 1 *l.* an acre?—As to the price, I am not prepared to say; but occasionally, when a native is a defaulter for his rent, his land is put up to auction.

173. Mr. *R. B. Smith.*] What province are you speaking of?—The Bengal provinces.

174. Mr. *Danby Seymour.*] But when the land is put up to auction in that way, it is still subject to the Government assessment?—Yes.

175. Mr. *Mangles.*] Is the assessment a heavy one generally in relation to the value of the land?—I should say not.

176. You have stated that the most profitable way, in your opinion, for an European capitalist to deal with the land is by purchasing the produce from the natives, in the case of indigo and sugar. Would there be any difficulty in doing the same with regard to cotton to any extent?—None, whatever. I think it most desirable that the European should purchase his cotton, and look after its production and packing and cleaning.

177. Do you suppose that if European agents were established at the great cotton fields, making advances to the ryots and taking the cotton at certain prices, they would have any difficulty in getting any amount of cotton that they might require?—I think not.

178. Sir *Erskine Perry.*] You think very highly of European superintendence and science of cultivation in the case of indigo; do you think that the same advantage would accrue in the case of other products, and especially in the case of cotton?—Yes.

179. If that is so, and if the profit has been so great in the case of indigo, how do you account for European capital not having been applied to other products of India?—I do not think that the profit will be so large in other cases as in the case of indigo; because indigo is a very valuable product, and is contained in a small compass. Cotton is a bulky product, and the means of cheap transport are absolutely necessary to make it profitable.

180. Is not the produce of sugar per acre a great deal larger than the produce of indigo?—That I cannot say. I think that one of the first things that should be done to develope the resources of the country is to permeate the land with railways. Before many years have passed we shall have a system of trunk lines of railway, but that is only the foundation of the system which ought to be constructed in India; feeders must be supplied to those trunk lines, just as the feeders of a river are necessary to swell the main stream, and until that is done in every portion of the country, and all the productive parts of the country are penetrated by railways, there will be no progress in the development of its great resources.

181. Have you calculated the period in which such a net-work of railways could be established in India?—It is impossible to calculate the period if the authorities do not extend their patronage to it by giving the guarantee of Government, which I consider necessary to attract capital to India. The guarantee of a certain rate of interest is absolutely necessary.

182. Suppose the Government gave a guarantee to an unlimited extent of railways, would the results you speak of be accomplished in less than 500 years?—I would not advocate an unlimited guarantee. I would work through the principal existing channels of commerce, and I would penetrate them with railways in the shortest possible time. I would guarantee the revenues of the country to a reasonable extent; of course, taking the most important lines first.

183. Mr. *J. B. Smith.*] Are you not aware that 70 miles of the Madras railway is open, and that cotton is still carried to Madras by the road that runs by the side of the railway?—I have heard that so stated, but it is not likely that for a small portion of a journey, the natives will transfer their cotton from their carts to the rail.

184. Mr. *Mangles.*] Is it not the fact that the railways which are now planned and contracted for penetrate to the principal seats of the cotton growth, and of iron?—That is quite true.

185. Have they not been planned with reference, not merely to the military, but to the commercial wants of the country?—Yes, they have.

186. And you think judiciously?—I think judiciously.

187. As far as they extend, do they come up to the conditions you have mentioned?—Certainly, as far as they go; but I conceive that they are but the skeleton of what is wanted.

188. Are

188. Are you aware that orders have gone out to the Government in India to make good roads to the principal stations of those railways, so as to form feeders to them?—I am not aware of that; but I should not think that would answer the purpose you have in view. I think the feeders to those main lines of railway communication must be by railways themselves, but of a light construction. I think that where the country is rich enough, and where the minerals are sufficiently abundant, any road at all in connexion with the railway ought to be a railway, and that if a tramroad were constructed, the produce would overwhelm it; you would only have to do the work over again. Major-General *G. B. Tremenheere.* 15 April 1858.

189. Mr. *Campbell.*] It is an extension of the system now existing that you advocate?—An extension of the system through all the principal channels of commerce.

190. Mr. *Villiers.*] Are any of the products which you have mentioned exclusively products of India, with the exception of indigo?—I should say not.

191. Therefore one of the difficulties that they have to contend with is, that they have to meet the same products in other countries in neutral markets?—Yes, undoubtedly.

192. That is, of course, one reason why the cost of production should be reduced as much as possible?—Yes.

193. The facility of transmission is an item in the cost of production?—Undoubtedly; one main item.

194. Mr. *Mangles.*] Do not you think that the work on hand in railways in India at present is as much as can be done at once?—No, I think not; I think a great deal more might be done. I am aware that one of the reasons for limiting the present exertions, with regard to railways, is the prevailing idea that sufficient dead weight could not be sent out: but I am satisfied, from inquiries I have made, that that difficulty would disappear, and that the rails and rolling stock, or whatever might be necessary to be made in England for the extension of railways, *ad libitum*, might be sent out as fast as the embankments and bridges could be made in India. I think the resources of this country are quite adequate to supply to any extent all that might be required.

James Ranald Martin, Esq., F. R. S., called in; and Examined.

195. *Chairman.*] YOU have, I believe, been engaged as a surgeon in the army of Bengal, and you have had very great experience on the subject of climate in India?—I have. *J. R. Martin*, Esq., F. R. S.

196. I believe that you planned a system of sanatary reports on stations, cantonments, and districts throughout India?—I did.

197. Your experience has extended both to natives and to Europeans, and you addressed the Government of India on the advantage of occupying the island of Negrais, on the coast of Pegu, as a sanatarium?—Yes.

198. In fact, you have had great experience on the subject of sanataria?—I have. It was my fortune, during some years, to serve in some of the most unhealthy climates in India.

199. Have you ever addressed the local Government of India with regard to a plan for the removal of European troops from the plains to the mountainous districts?—Yes, I have; both in India in framing statistical reports, which I submitted to the Government, and in August last, in a very detailed manner, I addressed the Court of Directors on the necessity for the preservation of the European army, of its removal, if possible, permanently, to the mountainous districts of India.

200. On what ground did you urge that measure?—On the ground of the very great mortality and the injury to health sustained by British troops in India, even in time of peace, and of the enormous extent to which sickness and mortality are increased under all military operations in the field.

201. As a medical man, what should you say are the effects of the climate of the plains of Hindostan on the European constitution?—The diseases produced by residence in the plains of India are chiefly fevers, dysenteries, liver diseases, and cholera.

202. Do the effects you describe attach to all the level grounds of India alike, or to what parts do they particularly apply?—They apply more especially to the alluvial plains throughout India, and the plains subject to annual inundation; they apply less to the arid plains of Hindostan.

J. R. Martin, Esq., F. R. S.

15 April 1858.

203. What are the effects of mountain climate on the European constitution, and what are the peculiar advantages which you think may be derived from it?—The peculiar advantages of the mountain ranges throughout India will, I conceive, at all times, be found in the prevention of disease very much more than in the cure of disease. There are, indeed, certain diseases that seem to be engendered by residence in the elevated ranges of India: I mean certain forms of bowel disorders; and it is on that account that I submitted to the Court of Directors of the East India Company the propriety of determining the respective climates of the medium ranges throughout India, as well as of the high elevations which we have hitherto occupied, in order to determine their respective advantages.

204. Do you draw any distinction between mountain ranges and mountains in isolated situations?—I conceive that an isolated mountain has an especial advantage, very much the kind of advantage that is to be obtained from an insular situation; and I believe an insular situation of considerable elevation to be the best of all.

205. For what conditions of health are the mountain climates favourable in your opinion?—They are especially protective against the diseases of the plain; they are curative in simple fevers, unaccompanied by organic disease; visceral diseases are rarely cured in the mountains.

206. For what conditions of health are the mountain climates unfavourable?—For bowel complaints generally, and for chest ailments, owing to the cold and damp of the high elevations.

207. Is residence in the hill climates a substitute for the advantages of a voyage by sea, in your opinion?—I found, practically, in Calcutta, that sending a European on a sea voyage of one-half the duration was more effective to the restoration of health than double the time passed in any one of the mountain ranges.

208. Have you any experience of the effect of mountain climates on Europeans, born or reared in the mountain ranges?—Yes, I have; but it is fair to state that the means of observation that any person can have of that kind, are as yet very limited; I should therefore speak with much diffidence as to what I have seen on that subject; but I think I have observed this, that European women brought up in mountain ranges (I speak especially of great elevations) have been of delicate temperament.

209. Mr. *J. B. Smith.*] What elevation are you speaking of?—Seven thousand to 8,000 feet, or thereabouts. They have been of delicate constitution, and have taken to child bearing and child nursing indifferently; and they were not so long lived as their brothers, nor so robust apparently as their brothers; but I repeat, that the amount of observation upon this subject is not as yet sufficient to arrive at any fixed data.

210. *Chairman.*] Experience remains to be acquired upon the subject?—Quite so; but as compared to the plains there can be no question that the children reared in mountain ranges will have a long duration of health, and a vastly improved constitution, compared with children reared in the plains.

211. Have the hill districts been sufficiently explored for sanataria?—I think not at all; I conceive that the whole thing has to be scientifically ascertained.

212. What means would you take of ascertaining the facts which are wanted?—In the way suggested to the Court of Directors, in my memoir, by the employment of a commission of selected officers, consisting of engineers and medical officers.

213. To ascertain the comparative healthiness of different districts of India for European constitutions?—Quite so.

214. Can you recapitulate the hill districts which are at present resorted to for health?—The one nearest to Calcutta is Darjeeling, which is very promising.

215. Can you state the height of the different stations?—I cannot accurately; some are between 7,000 and 8,000 feet. There is Landour, Simla, and others in the mountains of the Punjaub. Then there is Neuraelia on the summit of the Ceylon ranges, and the Neilgherries. They all possess the same kind of climate with the same influences on European constitutions.

216. At what height do you fix the position at which European health shows itself, or the tendency towards it?—That has not been ascertained; but we know from observation that in South America and the West Indies, even a low elevation

elevation of 2,500 feet is sufficient to raise the European soldier out of the fever range, while, unlike the high elevations to which we have hitherto resorted in the East Indies, they are not high enough to have the effect of producing bowel complaint.

217. Should not you draw a great distinction between countries to the eastward and to the westward of the river Gogra in the Himalaya range on account of the much greater quantity of rain falling eastward than westward?—Yes; I observed when in Burmah, during the first Burmese war, that the rains were such as we from India had never seen.

218. Do you think that when the facilities for communication are greatly increased in India, it might be possible for a parent employed at some distance to have his children reared in the hills, so as not totally to separate parents from their children?—There can be no doubt about it to my apprehension.

219. You are aware of the extent to which schools have been established in those hill districts?—I am aware that endeavours have been made very successfully during several years past, and that two asylums in particular were founded by the late Sir Henry Lawrence, which have been most successful as far as they have gone.

220. Can you give the Committee any statistical information respecting the number of European children who die now in the plains?—The mortality of European children, as well as of the fathers and mothers, depends entirely upon the locality. It is stated by a distinguished army surgeon whom I know in India, that over a range of years, the mortality of European children in Fort William, Calcutta, was 168 per 1,000 per annum. But it is right to say that he declared that to be the highest mortality at any station in India, unless it were Secunderabad in the Deccan. It depends upon the station. There is another point in respect to climate which I have noted in India, and which I believe to be quite true, that the injury to European health is not so much from the amount of heat as from the long duration of residence in it. That is what eventually destroys the European constitution.

221. Therefore, when there is a greater facility of communication, and Europeans can more easily resort to healthier places, the duration of European life in India is likely to be much increased?—Very much.

222. Are you acquainted with the climate of Ceylon?—Only by observation on persons who have lived there.

223. What is its effect upon the European constitution?—Very good; but the station which I particularly mentioned, Neuraelia, is liable to the same objection to which our own high ranges in India are liable, namely, that it occasions bowel complaint.

224. But both in Ceylon and in India it remains for the test of time to prove how far the European constitution can be improved by permanent residence on the hills of India?—Quite so; and more particularly what advantages might be derived from residence in the medium elevations of from 3,000 to 4,000 feet.

225. You prefer medium elevations?—I should begin my investigations there assuredly. I think it is most important to determine that question, especially when we see what the effect was of removing the British troops in the West Indies even 2,500 feet above the sea level.

226. Is there not an objectionable part of the inclination of the Himalayas, called the terai, which is a haunt of malaria?—What are called the tarais of India, namely, the plains reaching to the base of great mountains, are usually extremely humid, and are overrun with rank vegetation. They are inhabited only by wild beasts; they are extremely injurious to health, so much so that to sleep in any one of them for one night is death to an European.

227. Will not the establishment of railways give the traveller the advantage of passing rapidly through those districts where now he may be obliged to linger, and so to avoid the danger of disease from that cause?—The advantages would be very great indeed, by enabling Europeans to traverse with safety that which is now an extreme source of danger.

228. Sir *Erskine Perry*.] The breadth of the terais is only a day's journey generally?—Yes.

229. *Chairman*.] With regard to isolated hill stations, which you recommend, is it not the fact that the climate is sometimes determined by the nature of the prevailing wind; for instance, is it not in the case of the heights of Camaldoli, near Naples; is it not generally considered that the malarious air from the Lake

J. R. Martin, Esq., F. R. S.

15 April 1858.

of Agnano is felt on the heights of Camaldoli?—Yes. The same fact is observed in the West Indies, but the extent is limited. Certain posts at an elevation of 500 to 700 feet have been found quite deadly, so that no soldiers who went on guard there have survived; whereas those on the plains below were comparatively healthy. That is accounted for by the malaria being wafted upwards, and by the elevation fixed there; but I do not believe that that can exist at any great elevation.

230. Mr. *Campbell.*] You say that bowel complaint or diarrhœa has been engendered in the hills. Has that remark reference to Europeans who may have been sent there after suffering in their health on the plains, or to those who have been permanently resident on the hills?—It applies very much to Europeans in every class of health, inasmuch as diarrhœa, of a very intractable form, is found to originate in the high elevations. Men present themselves to me every day, who have gone up to the mountain ranges of those high elevations, suffering from what is the least dangerous form of fever that we have in India, intermittent fever, and they have contracted bowel complaint there so intractable that they are obliged to come home. It is so with the European soldiers to a great extent, so much so that a memoir has been written by a very intelligent surgeon of the Bengal army, Mr. Grant, upon the bowel complaint of the hill ranges.

231. According to your experience, would that apply to men who have been resident from their infancy in the hills, as well as to those who with impaired constitutions have gone from the plains to the hills?—It applies particularly to persons who have gone there with impaired constitutions, but also to a certain extent to Europeans who have gone there in health.

232. You think that if the permanent residence of European troops on the hills were impracticable, looking at the military necessities of the country, judicious reliefs of European troops from the plains to the hills would be attended with great benefit to their health?—Very great; it has become, in my opinion, a state necessity. The greater the amount of the European army in India, the greater will be the difficulty of maintaining troops in a state of integrity without such periodical removal.

233. Was Darjeeling established as a sanatarium when you were in India?—Yes, it was. I had frequent opportunities of seeing the influence of that climate upon the European establishments, as well as upon military officers who were there for the restoration of health.

234. Mr. *J. B. Smith.*] At those heights that you speak of, of 7,000 or 8,000 feet, is not there snow a considerable portion of the year?—There is snow always at that elevation during the winter months.

235. At what portion of the year is the snow there?—November, December, and January.

236. Not more?—Not more.

237. To what do you attribute that tendency to bowel complaint at those high elevations; is it from sudden changes in the atmosphere?—More especially, I think, to the influence of the cold and damp upon a constitution previously relaxed in the plains.

238. There is a great deal of damp there?—There is a great deal of damp in the mountain ranges, at the high elevations.

239. Are they very liable to sudden changes of temperature?—I do not think they are so liable to sudden changes of temperature as to the continuous influence of cold and damp. Of all the injurious influences of the atmosphere, those conjoined of heat or cold with damp are the worst.

240. Sir *Erskine Perry.*] Have we any reliable statistics as to the mortality of the natives in India; as to the length of native life?—Except in the native army, I do not think we have. Statistical observations referring to the civil population have not been done with accuracy.

241. Can you give any opinion as to the relative value of native life in India, as compared with the life of Europeans in that country?—The value of a sepoy life serving in the plains of Hindostan, his own native climate, is about the value of the best life in England of a native Englishman.

242. Mr. *J. B. Smith.*] Do you mean an English soldier?—No, in civil life.

243. But that is not the case in the Madras army. Is there not a remarkable contrast, in that respect, between the Bengal army and the Madras army?—Yes; the Bengal army, when stationed in Hindostan, is much healthier than the Madras army.

244. The Madras army is very much unhealthier, something in the proportion of 5 per cent. to 2 per cent.?—Yes.

245. With regard to drawing any general conclusions as to the aptitude of India for European life from the mortality that occurs there, may not the fact be that life is not so long in India, generally, as it is in healthy countries in Europe?—The value of European life in India I have no doubt would be greatly raised above what it is at present, by the removal of European settlers and European troops to the mountain ranges, but on the plains I believe that the value of European life never can be high.

246. I understand you to state that we have no experience as to the power of the European race to perpetuate itself in India?—We have not sufficient extended experience necessary to fix any data.

247. Is there not a general opinion that no instance can be brought forward of a third generation of Europeans born in India?—That applies to those born in the plains; a third generation of European race is not to be found in the plains of Bengal; it does not exist.

248. Is it not generally stated that there is no example of a third generation of Europeans, born in India, being alive there?—That is quite true, but it applies solely to the plains.

249. Do you think it is possible that if stations were made at the hills you would be able to keep Europeans living there during three generations?—I have doubts whether they could be maintained in their native vigour as Englishmen; but I have no doubt also that they might be protracted through several generations by residence in a mountain climate.

250. Must not the establishments in the hills be almost entirely establishments, which would not be of a self-supporting description, consisting either of hospitals or bungalows for the residence of the rich; as there would be no means at the hill stations for settlers to obtain their living permanently there?—That would depend upon the capabilities of the soil; as to the climate I have no doubt about it.

251. Have you visited those stations yourself?—No; I speak from extended experience of the influence of those climates upon the European constitution.

252. But we understand that upon the whole of the Himalaya range there is no level ground at all?—No, that is one of the difficulties; it exists, I believe, only in the elevated ranges in Central India, about Nusseerabad and Mhow, where there are great plateaux, where there would be exercising ground for large bodies of troops, with facilities for water and good vegetation, and they are very healthy.

253. But in the Himalaya stations there is no level ground whatever; the only cultivable grounds, we understand, are valleys which are by no means healthy?—Not at all; if there be any extended grounds I believe they would be found in the district of Kumaun.

254. Therefore, if establishments are made in the hills it seems very improbable that the European inhabitants would remain there for three generations; they would probably only remain there for a certain period, either for education or for health?—But even for those more limited purposes they would be very valuable.

255. Mr. *Kinnaird.*] You were present while General Tremenheere was giving his evidence, with respect to the mortality among the troops being 11 per cent., or 168 out of 1,000; does that tally with your experience, as a medical man, attached to the army?—Yes; but I understood that to include the loss both by deaths and by invaliding.

256. Do you suppose that by improved methods of placing the troops, the mortality might be materially diminished?—I believe that it might be reduced to the level of England. On the removal of the European troops from the pestilential plains of Jamaica to the Blue Mountains (which was done by Lord Metcalfe), it was found, as was anticipated by the old army surgeons, that the mortality was reduced from 130 per thousand per annum, over a long extent of years, to 22 per thousand per annum.

257. Are you decidedly of opinion that by adopting the same measures, the same results might be obtained in India?—I believe that the same results which have been obtained in the West Indies, may be exceeded perhaps by the adoption of the same measures in the East Indies.

258. With reference to the suggestion of a larger proportion of the soldiers being

J. R. Martin, Esq., F. R. S.

15 April 1858.

being allowed to marry with a view to their sanatary condition, do you also confirm the evidence of General Tremenheere upon that subject in a sanatary point of view?—I do. It has been found in the European regiments of the Indian army, and particularly in the Bombay European Fusileers, which have been a remarkably well ordered corps, that by permitting an increase in the proportion of marriages, and allowing the soldiers to do for themselves what they may do without injury to their health or discipline, their health is improved, and crime is very much diminished. They are said to be better men in every way as well as better soldiers.

259. Do you think they would cheerfully accept the offer of having their children removed to the hills for education and healthful employment?—I think that with a little explanation they would willingly.

260. Do you think the children so reared in those hill districts might, as General Tremenheere says, be made available both as troops, and for other purpose of superintending work?—Assuredly.

261. Mr. *Willoughby.*] Do your remarks concerning the sanatary stations in India refer particularly to their being a convenient place of resort at particular seasons of the year for residents in the plains; or are the Committee to understand that you consider that they are adapted for colonization, in the usual acceptation of the term, for Europeans?—I conceive them to be adapted to colonization by grown up Englishmen, and also very advantageous for the rearing of the children of the colonists.

262. How are the colonists to be supported in those hill districts?—In the higher grounds where there are not table lands, they must be supported from the plains; food must be imported there.

263. They would not be self-supporting?—They would not be self-supporting except upon the great plateaus.

264. You alluded to great plateaus in Nusseerabad; what particular plateau do you allude to there?—I allude particularly to the stations of Googoondah and Goona, both of them on elevated plateaus with an abundance of good water, trees and grass and vegetation, and facilities for cantoning troops, provided they are found healthy; and having also the necessary facilities for exercising grounds.

265. Is that in British or foreign territory?—I think that, unless affected by recent political movements, they are in foreign territory.

266. Do not the approaches to almost all the hill stations in India lead through tracts of country that are peculiarly unhealthy?—Generally they do through deadly terais; but those could be overcome by railways.

267. Would it not be rather difficult to construct railways in a country in which to sleep one night is death?—That is to an European.

268. Mr. *Mangles.*] That is only at certain periods of the year?—Yes.

269. In the dry seasons do not the Europeans go there for tiger shooting without suffering much from the climate?—Yes.

270. Mr. *Willoughby.*] Are you acquainted with the Mahabuleshwar hills?—Not personally. I have seen many who have resided there.

271. Do you know what the average fall of rain is on those hills during the months from June to October?—It must be very great on account of its being on the west coast, where the south-west monsoon is arrested by the elevated ranges. The falls of rain on the Malabar coast are very nearly as great as they are beyond the eastern part of Bengal.

272. Are you aware that, in consequence of that, every European deserts the Malavelly station from June to October, being unable to reside there during that time?—Yes, owing to the geographical circumstance that I have stated; the arrest of the south-west monsoon by the great western ghauts.

273. Mr. *Lowe.*] What other places are there, besides this place, near Mahabuleshwar, where you think sanataria might be placed?—I am not acquainted, because investigations have not been hitherto instituted on that subject.

274. Is there any one on the Vindhya chain?—Yes; I believe there is hardly a province throughout India where there are not mountain ranges which can be made available for the residence of Europeans, civil and military. The question would be the best elevations; that is the cardinal point.

275. You are inclined to think that an elevation of from 3,000 to 4,000 feet is more likely to be salubrious than a higher one?—Yes; I should be especially anxious to determine that question.

276. You think that the violent effect on the frame of such a great change of climate

climate more than counterbalances the good effect of a cooler temperature?— Not quite so; but it is so violent as to produce bowel complaint, owing to the cold and damp. *J. R. Martin*, Esq., F. R. S.

15 April 1858.

277. Mr. *Danby Seymour*.] Are you aware that sometimes, at a medium elevation, a fever is found to prevail which does not prevail above or below that elevation?—It is found, in the West Indies, that an elevation of 2,500 feet raises the European soldier out of the range of yellow fever and remittent fever, which ar the two deadly fevers in Jamaica. That point is not ascertained in the East Indies; but, in a memoir which I submitted to the Court of Directors, I especially recommended an investigation of the diseases of the mountains, and the kinds of fever that may be found there.

278. I asked that question because I have been told that that was the case with respect to some hills resorted to near Trichinopoli; can you state whether that is so?—No doubt there are fevers at different elevations, but they are not of the deadly malarious character of the yellow fever or the remittent fever.

279. Are you aware that the question of the salubrity of the medium range of hills between 3,000 and 4,000 feet has been tried at the Javadie Hills, about 180 miles from Madras, in the plains of the Carnatic?—I am not aware that any detailed investigation, extending over them, has been made.

280. You are not aware that they have been largely settled by European settlers, and have been found to be perfectly healthy?—If that is so, that is an illustration of the theory that I have propounded.

281. Are you aware of another chain of hills near Pallamcotta and Tinnevelly, which are very much resorted to by Europeans, and are found healthy?—Yes, I have heard of them.

282. With regard to the terai; the terai are the richest lands, are they not?—I have no doubt whatever that they might be made very productive by scientific agriculture.

283. Are you aware that the terai, going up to the Neilgherry mountains, is cultivated on each side of the road, as far as the reduction of the assessment will allow it?—Yes, that is so. I have no doubt that in the terais the land might be made not only useful but perhaps even healthy; for of all improvers of climate, agriculture is the greatest.

284. Are you aware also that on the slopes descending from the Neilgherries towards Calicut there are coffee plantations, on which Europeans live the whole year?—Yes. I knew several coffee planters.

285. What is your opinion of the climate of Bombay and the country about Bombay, in comparison with that of India generally. Do you consider it healthy?—No, not healthy; but I believe it to be healthier than Calcutta.

286. What part of India would you consider more healthy than the part around Bombay and going up to Malwa?—I should say that, in general, the salubrity of any district or station would very much depend, first, upon the geological character of the soil, which I believe to be the most important element in climate; and, secondly, upon the elevation and latitude.

287. Should you consider the Concan and the south Mahratta country a healthy country?—Yes; where dry, and facility is given for the water to drain off.

288. Do you consider the west coast of India generally more suited to the European constitution than the east coast?—Generally speaking, the western district of India I should consider more suitable to the European than the valley of the Ganges, for instance.

289. And the Carnatic?—In the Carnatic the heat is very great; the heat is greatest in the plains of the Carnatic.

290. I understood you to say, that you consider that, if Europeans were enabled from time to time to leave the plains for the hills, their health would be very much benefited by it?—Assuredly; if they were to leave the plains for the mountain ranges during the hot and rainy seasons, their health might be excellent, and they might be long lived.

291. Might not settlers in India be able to do that, to a considerable extent, when railways are established?—Yes, assuredly.

292. Have you ever known Europeans born in the hills of the third generation?—No; my acquaintance has been with Europeans of the first generation.

293. If you were asked by a gentleman proposing to go to India, to settle there with his family, whether there were any reasons arising from the insalubrity of the climate, why he should not do so, what advice would you give him?—

J. R. Martin, Esq., F. R. S.

15 April 1858.

That question comes before me every day; and I determine it on these grounds: I ascertain whether the person has any organic disease of any of the three great cavities. If he has, I state that India is altogether unsuited to that person. Further, if he labours under any functional disorder of importance; in that case, I say that he ought not to go to be restored to health; but provided there be neither the one nor the other, I should say that a European may go to India with an average prospect of good health.

294. With reference to what General Tremenheere said about the encouragement of marriage among the troops; do you think that would have the effect of promoting a greater amount of health among them?—I think so; it would save them from many contingencies which now afflict them.

295. Do you see much difference in the Eurasians, according to the different races to which the mothers belong?— My principal experience has been of the Indo-British, whose mother was a native of Bengal proper; a diminutive and inferior race. I have, however, seen others, the sons of more robust mothers of the north, and they were powerful men.

296. *Chairman.*] Do you mean of the hill districts?—The elevated plains of Hindustan, not especially the hills, but in the northern latitude.

297. Have you seen an Eurasian of a Telegoo, or Tamul mother, or a Canalese, or Malabar mother?—I have, but only in passing through Hyderabad and Madras.

298. But you think there would be a great difference in the vigour and intellectual capacity of the Eurasian, according to the race from which the mother sprang?—According to the race and the locality.

299. Mr. *Vansittart.*] Do fevers and dysentery and liver complaints prevail to a greater extent in Bengal than in the Upper Provinces?—They prevail immensely more in Bengal Proper, as compared with the plains of Hindustan.

300. We have only two hill stations in Bengal, Cherrah-Ponjee, and Darjeeling?—Yes; the former is in Assam, situated in a country where the rains are so exceedingly heavy, and of such long duration, that I question whether it can ever be a proper sanatarium or place of resort even for healthy Europeans.

301. You would recommend that the 900 children at Dum Dum should go to Darjeeling?—Darjeeling is far preferable.

302. Mr. *Mangles.*] You heard General Tremenheere's evidence; do you think it would be possible to rear English children in the Himalayas, and to continue the race, so as to retain much of the energy of the European character and habits?—I very much question that on moral and physical grounds; in the first place, however excellent the climate of the mountain range may be as an equivalent for the native climate of England, there would yet be on moral grounds educational difficulties; those however might be got over.

303. You mentioned that you had given in a memorial to the Court of Directors, recommending that a commission should be appointed to ascertain the most healthy stations for European troops, with reference to the large numbers of them now serving and likely to serve in India; are you aware that the Court of Directors have sent out orders upon that subject in accordance with your representations?—I received a letter in reply from Sir James Melvill, informing me that the Court of Directors had been pleased to forward my memoir to the Governor-general for his favourable consideration.

304. Were you not shown a copy of the letter which the Court of Directors sent out to the Government of India, desiring them to appoint such a commission and to institute inquiries?—Yes; you were pleased to show me a copy of the despatch.

305. Mr. *Villiers.*] May we collect from your evidence that you consider that there is nothing in the climate of India that necessarily conduces to the physical degeneracy of our race?—I believe that the residence of Europeans on the plains of Hindustan, in every part of it, even in the very best districts, leads to a persistent deterioration of the European physical frame, by inducing diseases which belong to malaria and a high range of temperature; and that it is only upon the mountain ranges that the European may hope to live in a state of integrity.

306. But you consider that the Europeans may settle in the mountain ranges consistently with their prosperity, and also with their not degenerating?—In the mountain ranges, I think so to a certain degree not yet determined.

307. What are we to understand you to say with respect to the women who have gone to the hills; have they appeared not to thrive so well as the men?—

My

My observation was on a limited number; but it was that the brothers (as I inferred), from being more out in the open air, were more robust than the sisters. They were persons of the better class, and the ladies did not bear child-bearing and child-nursing well.

308. Are those adult women who have gone to the hills after having lived in the plain, and having been more or less affected by the climate?—My observations refer to the children of European officers brought up in the mountains.

309. You have observed that the female children are not reared with the same advantage that the male children are?—That was my observation over a limited range.

310. If that is the case, is that consistent with your opinion that the European race, if settled in the hills, would not degenerate?—If that were generally the case, it would not be consistent.

311. Is it not a general observation that European women going out to India suffer much more than the men?—It depends entirely on the class to which the European women belong. The European soldier's wife, I believe, suffers very nearly the extent of injury that the soldier himself does; but I should say that European women of the better classes enjoy far better health in India than their husbands do; and there is a curious circumstance with reference to them: when I came back, I ascertained, in framing a work which I published on the influence of tropical climates, that it is found that the widows of our Indian officers come at once upon the select scale of life in England, whereas a retired officer does not, until after some years of residence at home.

312. Is that the result of the general experience of medical men who have given attention to the physical condition of women in India?—That is the result of the experience of the Bengal Military Widows' Fund, a very old standing institution.

313. Is it in consequence of the greater care that females of the bettermost class take of themselves in India that they suffer much less, as you say, than the wives of soldiers?—I believe so; that in the case of the wife of an officer, in the first place, her habits of life are better than the average of officers; and, secondly, that she is not exposed to direct solar or malarious influences, as the husband is often obliged to be.

314. Do you confirm the opinion expressed by general Tremenheere, that it is greatly preferable for a soldier to bring out his wife from home rather than to marry a native woman?—I should say greatly preferable.

315. For what reason, if European women suffer as much as the men from climate?—I do not consider that it is of advantage to increase very largely the race of Indo-British. And if the European soldiers are removed to the mountain ranges, I should consider that they would be accompanied by their families greatly to the benefit of themselves, and also of the State.

316. When they marry native women, do not they live well with their families?—They do, but it spoils the soldier; he becomes domesticated in Indian habits; he volunteers to remain in India when his regiment comes home; he becomes an old Indian, in fact, an indolent man, and too much domesticated in India.

317. Then, in fact, a considerable portion of the Indian army, that is to say, the troops that are raised by the East India Company, do not return home?—They do not return; but they have a better mode of arrangement in respect of the health of recruits than Her Majesty's regiments; they have traditional modes known to themselves; and I think that their habits are of late years healthier than those of the Queen's troops.

318. Do you mean that there is a better system adopted in the East India Company's army than in the Queen's army in India?—I believe with regard to the sanitary condition of the soldier generally, and of the recruit in particular, that it is better in the Company's regiments, the foot and the artillery, upon the average than in the Queen's regiments.

319. Are the East India Company's regiments now removed to the mountain ranges?—No; but I hope they will be, in common with the rest of the European force. I hope and believe that in a very few years the great bulk of the European army in India will be permanently located in the mountains.

320. Has it been the habit of the soldiers of the East India service to marry native women?—Very much.

321. With respect to the religious influence of their marrying native women,

J. R. Martin, Esq., F. R. S.

15 April 1858.

is not it generally the case that the native women become outcasts, and very often adopt the religion of their husbands, if they have any religion at all?—I suppose they do; but a great portion of the wives of the European soldiers that I have seen have been Eurasians or Portuguese, not pure natives.

322. Are they Christians?—A kind of mongrel Christians.

323. Assuming that the soldier is a Christian, the children are brought up in his faith?—They are; and in the event of his death, they are provided for in the orphan institutions.

324. Then there is no important religious objection against European soldiers marrying native women or half-caste women?—No more than has been stated.

325. You said that it is the long-continued application of heat which is so particularly injurious to European health?—It is the long-continued application of heat that is particularly deleterious to the European frame, even more than its intensity.

326. Therefore it is inconsistent with your view that our race can be propagated with advantage in any of our settlements in India?—Yes, on the plains: it is not inconsistent on the mountain ranges.

327. Your idea seemed to be that there must be Europaan settlers on those mountain ranges without having any productive employment; but is not it possible to cultivate portions of those mountain ranges?—Yes; a large extent of superfices of course will admit of cultivation and great improvement.

328. And they could exchange the results of that cultivation for the grain or food grown on the plains?—Assuredly, that would be a great advantage.

329. Mr. *Willoughby.*] Did I rightly understand you to say that the South Mahratta country, on the Bombay side, was adapted to European colonists, by reason of its being a healthy climate?—No, I did not mean that.

330. Are you not aware that the mortality amongst the European troops in that part of the Bombay Presidency is greater than at almost any other station?—Yes, I am quite aware of that. I meant that some of the arid plains were healthy as compared with other plains.

331. You did not mean to say that you thought they were adapted for the colonization of Europeans?—By no means.

332. Mr. *Danby Seymour.*] With regard to the general unhealthiness of the Company's European troops, do not you think that if a certain stimulus were held out to them, by employments under the Company, either as overseers of works, or in some other manner, it would contribute materially to promote their healthy condition?—Very much. In the case of the Bombay Fusileers, the habits that they have got into by being permitted to do various things for themselves, and to pursue various trades, have tended to improve their health and their morals.

333. *Chairman.*] Do you think that the health of the soldier suffers very much from the unemployed state in which he is kept during the greater part of his time?—It operates most dreadfully to his injury all over the British possessions, as well as in the East Indies. The monotony of barrack life is destructive both to his mind and body.

334. Mr. *Mangles.*] With regard to the possibility of rearing persons of English blood on the hills, with the stamina and strength of Europeans, your answers to different questions appeared to be hardly consistent with one another: what are we to understand your opinion to be upon that subject?—My impression is rather against a European child being brought up with the same vigour as in the climate of England, but still that he may be brought up in excellent health comparatively in the mountains, as compared with the plains.

335. You think the race might be perpetuated in the hills for several generations without deterioration?—I think so, without very much deterioration; but that must be determined by the result of experiment.

336. Mr. *Campbell.*] Are you aware that the same facilities of returning to this country are allowed to the soldiers in the Company's service as are allowed to the Queen's troops, that is to say, that they are invalided in the same way as the Queen's soldiers are?—If that is the case, it is only very recently; they had not the same facilities of returning to England a few years ago.

Martis, 20° die Aprilis, 1858.

MEMBERS PRESENT.

Mr. Baillie.	Mr. Lygon.
Mr. Campbell.	Mr. Mangles.
Mr. De Vere.	Sir Erskine Perry.
Mr. William Ewart.	Mr. Danby Seymour.
Mr. Gregson.	Mr. J. B. Smith.
Mr. Kinnaird.	Mr. William Vansittart.
Mr. Knight.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.

WILLIAM EWART, Esq., in the Chair.

Major-General *George Borlese Tremenheere*, called in; and further Examined.

Major-General *G. B. Tremenheere.*

20 April 1858.

337. *Chairman.*] YOU gave us evidence, on the last occasion, in regard to the productions of India, and the best means of calling those productions into active development?—Yes.

338. Can you assist us in the composition of a map which would lay before the public very clearly the objects of the inquiry of this Committee, with the districts in which the different articles are produced; indigo, cotton, sugar, and so on; and the mineral productions, coal, iron, and lime, &c.; and showing how far the establishment of railways and canals and roads will bear upon those productions?—I shall be very happy to assist in any manner in my power.

339. In what other way besides the ways you mentioned at the last meeting of the Committee, might European settlement be encouraged?—European settlement in India might probably be promoted by a further increase of the members of the uncovenanted civil service. Their ranks are recruited from young men who, in many instances, have been brought up in India; they have small pensions, and, after serving the Government for a period of years, are very likely to become good settlers. Their local experience will induce them to take advantage of opportunities for profitable investment, which in the course of their career would be surely forced upon their observation. The strength of the regular civil service is too small for a country of such vast extent. They work hard, and are a most exemplary body of men; but there is a limit to individual exertion, and they look to England as their ultimate home. A certain proportion of highly-educated civilians is absolutely necessary; but much of the ordinary civil business, both revenue and magisterial, might be better administered if a larger number of moderately paid officials were employed.

340. You think that they would be brought into more immediate contact with the natives?—Yes, they would become acquainted with the resources of the country, and by retiring on smaller pensions, would be more likely to settle in India than the civilians of the present day.

341. Besides the advantages which you have already proved, what advantages do you think might arise from the training establishments in the Himalayas which you have suggested?—Besides the benefit to be derived, in a material point of view, from establishments in the Himalayas for training Europeans in the practical sciences, other advantages would follow which might be of the greatest value to the future of India. At present the standard of morality amongst all classes of the native community is so low, that the pure stream of English law is polluted by the corruption of the native officials, who compose the machinery of the civil courts, and are the only instruments which our civil officers can employ. Ability, a fair reputation, quickness in writing the Persian and Hindostanee languages, and an aptitude for business, secure employment to a native. High moral qualities, if only based on the principles inculcated by their own religious creeds, would have influence if they could be found; but, unfortunately, these native subordinates and the whole class from which they are derived are notoriously deficient in good principle, and they counteract the efforts of Government to administer strict justice to the people. The people themselves have no greater

Major-General *G. B. Tremenheere.*

20 April 1858.

respect for truth or upright dealing; they will institute, against one another, prosecutions of the most serious character, on the most false pretences, and support them by a cloud of witnesses; even when they have a just cause for litigation, they know that if they do not possess the means to bribe freely, they cannot succeed; and the feeling among them is, that the party who can pay the most to the subordinate officers of the court, is sure to gain the day. The best way to cure this evil is to make moral worth, and character, the chief qualifications for employment by the State. It is not by books, nor by teaching, that any appreciable progress will be made towards improvement in the national character of the natives. More may be done by the living example of numbers of Englishmen, trained up among them from their infancy in the principles of the Christian religion, who, by reason of their moral superiority, will obtain the precedence in all public employments, and in the favour of the State.

342. Are there not strong reasons why agricultural improvement should be attended to in India?—The application of science to agriculture has made such progress in Europe during the last half century, that the extraordinary results produced are a standing rebuke to all authorities connected with India, where not even a first move has been made in this direction. Although the Government cannot undertake farming on its own account, there are methods of transferring the experience of one country to another, which, as landlords of the soil, the Government of India ought to do. More than one-half of the revenues of the country, that is to say, 15,500,000 *l.* out of 28,000,000 *l.*, is derived by rents from the land; and four-fifths of the whole value of the annual exports, namely, 17,500,000 *l.* out of 21,500,000 *l.*, are the direct produce of the soil. Of India it may be truly said that agriculture is at once the greatest, the simplest, and most obvious of her resources. Some years ago, the Indian Government were urged to provide trained agricultural teachers, and to establish model farms in different parts of the country; but the most promising results might be anticipated from an extension of the railroad system, and the settlement of capitalists. They could be assisted by trained agriculturists from one of the proposed European establishments in the hills, who would combine a knowledge of the native methods with all the aids which science can afford.

343. Will you state some of the advantages which would arise from the introduction of branch railways communicating with the central East India line?—In nearly all the thickly inhabited parts of India, especially in the level countries on either bank of the Ganges, in the North-West Provinces, as well as in the Punjaub, the scarcity of wood fuel is much felt; when procurable at cheap rates, it is consumed by every one for cooking purposes; but the scarcity is in some districts so great, that cowdung is the only available fuel for the poor, and the land is thus deprived of its natural supply of manure. The consumption is much increased by the influence of caste, as nearly every man will eat only what is cooked by himself, or by a relation, or by another of precisely the same caste. Wood fuel is deficient where there are no jungle or brushwood tracts, nor forests within a moderate distance, from which roots and pieces of dry wood can be readily brought to market. I may also mention, in regard to the advantages of branch railroads in the Bengal Presidency, that the line of railroad which is now in progress passes through a country which cannot be said to be the most productive part of India; the line is rather situated along the centre of commerce. The productive part of the North-West Provinces lies immediately to the northward of the East Indian Railway. The great marts of India, such as Delhi, Agra, Benares, and Mirzapore, are upon the line, but the produce comes from Rohilcund, from Oude, and Jeypone; and in those countries, at seasons of scarcity, the people of the country flock towards the centre of the Gangetic Valley. The lines of traffic, and of the great produce of the country are immediately at right-angles with this line of railway: for instance, the produce of Rohilcund comes from Bareilly to Agra and Delhi; the produce of Oude comes towards Cawnpore, Allahabad, and Benares; and other produce comes towards the Ganges, nearer to Calcutta: therefore the line of railway is more in the line of commerce than of production.

344. Was not the line made with the view of following the line of commerce?—It was laid out with a view to convey the products of the country along the line of the valley of the Ganges towards the sea.

345. Mr. *Campbell.*] The line of railway is more in the line of the ancient marts of commerce than in the line of production?—Yes. In some parts of India,

India, in the plains, for instance, which skirt the base of the Himalayas, and in other hilly districts in Central India, there is an inexhaustible abundance of wood, which by the aid of railways might be made available for ages, at a moderate charge for transport, to supply abundant and cheap fuel to the inhabitants of the long exhausted plains.

346. You stated that colonization in India must proceed from the upper or middle classes to the lower; that is, that English capital and enterprise would be most successfully applied in the employment of native labour, which is cheap and abundant?—Yes.

347. Would it not be practicable for small intelligent farmers, possessing a knowledge of soils, manures, and crops, to settle in India with advantage to themselves and the people of India?—Yes, I think so, decidedly.

348. There is a great deficiency at present in that respect?—Yes.

349. In fact, the knowledge of agriculture altogether is very small in India?—It is about in the same position as when Alexander invaded the country.

350. On the banks of the Ganges they depend upon the alluvial deposit of that stream, and inland there is no attempt at agriculture?—It is simply an empirical art, and no improvement has been applied to it.

351. Is there anything to prevent colonists, if they were established in the hills, from pursuing labour in that country; and do you think that tea could be produced there?—Tea could be profitably produced in the hills, I have no doubt. Whether European labour could be profitably applied to its production is a point that I am not decided upon.

352. Is there anything in the climate to prevent it at an elevation of 7,000 or 8,000 feet?—The climate is not very favourable to European labour, even in the hills. There are parts undoubtedly where a European could labour with advantage; at the same time the valleys in the hills have not exactly a European climate. The sun is extremely hot, and I should think that a European labourer would be rather exhausted.

353. Could not the productions of the hills be sold with advantage in the plains, and the production of the plains in the like manner in the hills, and would not the possession of property in both, enable the owner to command his own climate?—Certainly; an interchange of products would be an advantage in any country, and especially in India.

354. You think it would be an advantage if you could produce on the plains articles of commerce suitable for the hills, and *vice versâ*?—Yes; an interchange of that description takes place in the Kangra Hills, where rice of a very good description is produced, and there is a considerable traffic between these and the plains.

355. Are agricultural and other employments under Europeans popular with the natives of India, and do not they prefer it to service with their own countrymen; that is to say, do they prefer employment by the Indigo planters to employment by natives?—No objection exists on the part of the natives to employment where regularity of payment is certain.

356. They can depend more upon the Europeans than upon the natives?—Yes; I think they are very willing to work under Europeans.

357. Is not that attended with advantage to the people of the country?—Decidedly.

358. Is not it the fact, that several commodities grown in India are produced on the same soils under European superintendence at from 10 to 30 per cent. more value in the manufactured state, than similar staples grown by the natives?—I have no doubt of it; Indigo is a particular example of that improvement arising from European superintendence.

359. The police of India has, you believe, been an impediment in the way of settlement in India?—I have no information on that subject.

360. You have never heard that the police operate prejudicially to settlement?—No, not in the Upper Provinces.

361. You stated that the colonists might be very advantageously employed in the uncovenanted civil service; do you think that the Lawrence asylums might form a good nucleus for young men adapted for that service?—Certainly; I think also that the establishment of training institutions in the hills would probably lead to the formation of others of a higher character.

362. Do you think that the establishment of an agricultural college would form a practical and useful finish to the education of boys in the hills?—Yes; either an agricultural

Major-General *G. B. Tremenheere.*

20 April 1858.

agricultural college in itself, or instruction of that description should certainly form a leading feature in any public institution in India.

363. Do you think that the extension of the English language among the people of India and in the courts of India would be attended with beneficial results?—I have doubts upon that subject; I would rather look to the use of the vernacular, the ordinary Hindostanee language, both for the courts, as well as a medium of instruction to the natives; that is, I would turn our own books of science and learning into the ordinary language of the country.

364. Do not the natives of India generally prefer being tried by an English magistrate or judge to being tried by one of their own countrymen; have not they more confidence in him?—They have great faith in the uprightness and the sense of justice of the English judge; at the same time they have a great horror of the native subordinates whom he is obliged to employ; and I feel no doubt, that of the two they would rather prefer their own courts to ours; but if we could obtain an honest and native subordinate agency, or an honest subordinate agency of any description, they would prefer the English courts; I think they would have much greater confidence then in the proceedings.

365. And you do not think that the scope for bribery would then exist that does exist at the present time?—Certainly not.

366. Mr. *John B. Smith.*] You stated that at Mooltan wheat was selling at 1*s.* 3*d.* a bushel, whilst at the same time it was selling at 5*s.* 9*d.* in Liverpool?—Yes.

367. Are you aware what was the produce of that wheat per acre at Mooltan?—No; I dare say it is contained in a Report which I have here, though it is some time since it was published. Here is a table showing the estimated amount of certain crops produced on an acre of land of different kinds.

368. What is it as to wheat?—It was not exactly in the Mooltan district, but in the district of Thanesur, in the North-West Provinces. The produce of wheat per acre is given at 16 maunds, which is equivalent to 1,280 lbs. per acre.

369. And you say that the wheat weighed about 60 lbs. per bushel?—Calculating the Winchester bushel at 60 lbs.

370. That would be twenty bushels an acre?—Yes, about 21 bushels.

371. Are you aware whether the land that grows wheat is irrigated land?—Yes, it is generally irrigated from wells, but it grows, frequently, without irrigation, when the seasons are favourable. Wheat land does not require much irrigation; at the same time, the cultivator generally has it in his power to irrigate wheat land if he desires a good crop.

372. Do you happen to know what is the produce of wheat on irrigated land, and what is the produce of wheat on unirrigated land?—I cannot state it from memory. The produce here is given, but not the distinction between irrigated and unirrigated land. I should doubt whether it was obtainable with respect to wheat.

373. Is there more than one crop grown on the land in the year?—Yes, two, almost invariably.

374. Does that refer to irrigated as well as unirrigated land?—There is a winter crop, consisting of cereals, a crop of the European type. The summer, or the rain crop, is exclusively of an Asiatic character.

375. Sir *Erskine Perry.*] Is that grown off the same acre?—Yes; off the same land.

376. Mr. *John B. Smith.*] The land does not produce two crops of wheat per annum, does it?—No; but wheat is grown continually, year after year, on the same land in various parts of the country.

377. Twenty bushels an acre seems to be a very small produce; do you consider that it is capable of great increase by the adoption of improved agriculture?—Certainly, a very considerable increase; I have seen in some parts of the Punjaub crops of wheat so thin, and the ears of wheat containing perhaps not more than six or eight grains, that it seems almost unaccountable that it should be worth their while to cultivate such land; but no pains were taken to manure or to irrigate it; 16 maunds is rather a low average. I find here in various parts of the country 24 maunds, 20 maunds, 19 maunds, and 16½ maunds; 20 maunds is the common produce per acre.

378. But that report does not state whether that is the produce of irrigated or unirrigated land?—No, it does not.

379. Sir *Erskine Perry.*] In the course of your Indian experience have you come

come in contact with many European settlers?—No; I have amongst the indigo planters in the district of Allighur, but not in the lower provinces of Bengal at all. I have known also a sugar planter or two.

380. Had you sufficient intimacy with those persons to learn whether there were any obstacles in the way of English settlers?—No, my impression is that there are no obstacles; that anybody can settle in India; I am not aware that there are any obstacles.

381. Have you ever heard any complaints as to the administration of justice, in deterring British capital and enterprise from settling in the country?—I have heard complaints, but it being a subject with which I was in no way concerned, I have not taken pains to investigate the truth or otherwise of those complaints. I have heard that in Bengal great complaints have been made; at the same time I could not give the Committee any reliable information upon that subject.

382. Mr. *Willoughby.*] You alluded to the uncovenanted service in India; has not that service very much increased of late years, and has not their sphere of employment been very much enlarged?—Yes.

383. Is not the character that you have given of the native officials rather too general, or do you intend the Committee to understand that there are no trustworthy members among them?—By no means; I believe that there are exceptions, as in almost every class of society, but I speak more of the general character. There are good natives; there are moral men amongst the Mahomedans as well as amongst the Hindoos, but I believe the instances are rather rare in which that morality or principle would come up to the English standard.

384. To what part of India do you refer?—To the parts of India in which I have been, in the North-west Provinces; in fact, I think it is applicable to all parts of India. I think that the character of the natives generally is untrustworthy.

385. Is it not the fact that the natives in their commercial dealings with Europeans, are celebrated for their probity and trustworthiness, generally speaking?—I think, with regard to merchants, that remark may be correct; but with the natives generally, if you order a native to do a thing; take a small matter as an instance; if you order your servant to buy an article, you never can be satisfied that he will not charge you more than he gave, and the same remark applies to purchases on a large scale. If an officer requires materials for a public work, he can never be satisfied that he is doing justice to the Government by the amount that he pays for those materials, because so many influences are against him; in fact, he is surrounded by a set of people on whose word he can place no reliance whatever. I believe, with regard to native bankers and merchants, and men of that class, that faith is kept very strictly.

385*. As a question of policy and justice, do you advocate the employment of Europeans in offices which are now filled by natives of the country in preference to the natives?—I do as a first measure, until you can obtain those qualities which, I presume, the Europeans would possess. I think that the quality of the instrument should be looked to, and not the mere national character of the employed. If you could obtain natives possessing the same principle as Europeans, I would have them employed by all means, and I would give them the preference; but until you can do that, let them see that those are the qualities which are required.

386. I presume you are of opinion that we should not govern India for our own purposes solely, but for the benefit of the inhabitants?—I conceive that the employment of high principled instruments under the Government, would be doing more justice to the people of the country than the employment of others who are corrupt, although they may be of the same nation.

387. Although you advocate, as every one acquainted with the requirements of India must do, the construction of branch railways, do you object to Lord Dalhousie's plan, that attention should be first paid to the Grand Trunk lines which are now in course of construction?—By no means; the Trunk lines are absolutely necessary as a foundation.

388. Those lines have been projected as much for a commercial as political and military purposes?—They have.

389. You advocated rather the employment of Europeans in the offices which are now filled by natives in our courts of law; do you consider it possible to obtain Europeans properly qualified to perform those duties?—Not at present; but my idea was, that they should be trained for the purpose.

Major-General *G. B. Tremenheere.*

20 April 1858.

390. You would not recommend that they should be employed till they were trained?—Not till you could find men duly qualified by possessing a sufficient knowledge of the languages, habits, and customs of the people.

391. In your examination on the first day, you alluded to the case of Mr. Landon as an example of the benefits of European supervision; are you aware that Mr. Landon, after having established by great energy a profitable cotton factory in that district, has returned to England?—I am not.

392. Is it not the fact that very few persons settle in India with a view to permanent residence, but the large majority keep in view an ultimate return to their native country?—Yes; I have no doubt that that is the case now, and that is the very evil which by the increase of Europeans in India I should wish to see remedied.

393. With regard to the stud farm which you quoted as to the great increase of produce, does that statement show the means by which the farm was cultivated and the expense incurred?—No, it does not enter into a statement of the expense; I read the whole of the statement from Colonel Apperley's letter; of course the advantages of manure there were peculiar.

394. Probably also he had the assistance of his establishment?—No, I should doubt that. The establishment was employed in the care of the horses; with the exception of an unlimited command of manure, I should say there were no exceptional points in that case.

395. Did I rightly understand you to say, that you would relax the rule in regard to marriage to the extent of 25 per cent. in each regiment?—Yes.

396. Would that occasion no additional expense in accommodation?—Yes, but I think it would be very little, provided the barracks for European regiments were constructed on the scale on which they now exist in the Punjaub.

397. In many stations in India, are not the quarters of the married soldiers distinct from those of the single?—In the Punjaub, only with regard to the Bengal Presidency.

398. Did you also recommend that the children of the soldiers should be separated from their parents at the age of four years?—Yes.

399. Do you think that that would be readily acceded to by the parents?—I think so, provided they have the means of visiting them in the hills by railroads to the foot of the hills; they might obtain leave, and see their children occasionally. I think that the hardship would fall chiefly upon the mother, but at the same time, if she married on those conditions, that would be partially remedied. She would only have to submit to what every mother and father has to submit to in India, in another rank of life. They cannot keep their children in the plains without imminent risk, and the wives of the soldiers would, I think, readily concur in that arrangement.

400. How would you get over the difficulty in regard to regiments stationed in the lower provinces of Bengal or Burmah?—By establishing a sanatarium at Darjeeling, which should be accessible to the foot of the hills by a railway.

401. Mr. *Kinnaird.*] By the tenor of your evidence, and by the answers you gave just now, did you not recommend the employment of Europeans in those different posts, with a view to the benefit of the natives, and not with a view merely of advancing the interests of England?—Undoubtedly. I have no idea whatever of advancing the interests of the English in India apart from the interests of the people of the country. My object in suggesting the employment of Europeans was to insure a pure administration of the law, by means of high moral character which you cannot obtain, as a general rule, from the natives.

402. Do you think that by proper attention and care that result might be easily obtained?—I think so, by proper training and instruction.

403. Do you think that a better police might be secured?—Yes. I refer to all the subordinate native agencies which the Government officers are obliged to employ.

404. With regard to the great cheapness of production and the price of wheat, do not you suppose that the effect of providing outlets and of giving a market for the produce, would be not to lower, but to raise its value; must not that be the effect of canals and railways?—Yes, provided they have ready means for sending it out of the country; otherwise, the value would be depressed. The canals will have a tendency to depreciate the value, because the production will be so enormous that the market will be glutted on the spot; but if they had a ready means of sending that produce away, the price probably would be enhanced.

405. The effect of a good harvest at present is really against the ryot?—Yes; the effect is to render it more difficult for him to pay his revenue.

406. And the very fact of reducing the price would materially improve the condition of the people?—Yes.

407. Mr. *Villiers.*] I think we may collect that the resources of India could be much more developed than they have been hitherto?—Yes.

408. Do you account for their not having been developed to the extent that they might have been by the want of European capital, or the want of an intelligent superintendence in the employment of that capital?—With the present facilities, I do not think that the absence of European capital has been the first cause; it is the absence of facilities for communication and for the transport of the products which are raised.

409. Do you believe that if Europeans were to go out there they could develope the resources of the country with any profit to themselves?—Yes, I have no doubt they could.

410. Do you say that there are no obstacles whatever to settlement in India which present themselves to a capitalist?—I am not aware that there are. I think that a manufacturer of sugar, for instance, can carry on his business in the most productive part of India without any obstacle.

411. Have you ever attempted to find the cause why the English people, who go to the uttermost parts of the earth, with a view to get profit upon their capital, do not settle more in India, with the object of acquiring riches in that way?—I think I mentioned on the last occasion that one of the first obstacles was the absence of any ready means of obtaining access to those parts of the country where it would be to the advantage of a European to settle and invest his capital. He arrives at Bombay or Calcutta, and finds that he has to go 1,000 or 1,200 miles before he can reach the point to which his inquiry is directed. The only means by which he can reach that point is by a tedious journey, occupying six weeks.

412. Those are difficulties which present themselves to the colonist or settler, wherever he may go, provided it is a new country. Why does not he go to India as well as to Australia?—There are more enticing objects in other countries. The finding of gold, the production of copper, and mines generally, offer much greater inducement than the slow profits derived from agricultural produce.

413. I suppose that in every new country the greatest possible disadvantages are presented at first to the settler; do you consider that the Government in India offer any obstacles to settlers, or do you think that the laws and regulations in the different Presidencies deter a European from settling there?—I am not aware that the Government offer any obstacles whatever. If you compare the absence of enterprise with Canada or the United States, I may remark, that the climate is a sufficient answer. The climate in those countries is suited to the European constitution, but the climate in India is not suited to the European constitution.

414. Do you think that that is a sufficient reason to account for the very few persons that have settled in India?—I think that that is one of the chief reasons, and also the absence of facilities of communication.

415. Is it an erroneous notion that those persons who have attempted to settle there, and who have employed their capital for the development of some of the principal products in India, have generally failed?—I am not aware of any instances of failure myself. We know that there are a great many instances of the reverse with regard to indigo. Many fortunes have been made in the production of indigo.

416. How is it with regard to the production of sugar?—One instance of success I know very well. I have used the sugar of the manufactory, and it is used all over the North-west Provinces, and is as good as any sugar that can be produced.

417. For the markets of the interior it has been successful?—I think so for the plains of India.

418. Do you know of any instance in which where the products of India come into competition with the same products from other countries in neutral markets, the products of India have succeeded commercially, with the exception of indigo?—I know of many products which are capable of being brought into successful competition. I should enumerate sugar, hemp, flax, and linseed. Linseed is an

Major-General *G. B. Tremenheere.*

20 April 1858.

article which has been profitably imported into this country, and commands a very extensive market.

419. Does that continue, or was it occasional?—I believe it increases very considerably; the increase of the exportation of linseed has materially increased of late years, and even in our newly settled country of the Punjaub, the increase both of the production and export of linseed has been very great.

420. You do not ascribe anything to the operation of the land revenue upon capitalists or occupiers of land?—No; in the part of the country where I have resided my impression is that the land revenue does not fall heavily on the people.

421. Is that in Bengal?—Not in Bengal exactly, but in the North-west Provinces and in the Punjaub.

422. With reference to the purpose of exporting the products of India, you do attach great importance to the want of communication?—I attach great importance to it.

423. Do you know whether Europeans, who have settled there for the last 20 years, have been anxious to promote public works for facilitating communication, and have been resisted by the Government of India?—I am not aware of the opinions of settlers upon that point, for I have not been much amongst them, but I know that it has been the general feeling in England, amongst people interested in India, that the want of communication by railway is one of the great obstacles.

424. It is within the last 10 years that those works have been promoted by the Government to a very great extent?—Yes.

425. You have said that settlers would have to complain of the good faith of the servants and tradesmen; do you contrast what you have observed among the natives of India, with what you have observed among the Europeans in that respect, and is that contrast unfavourable to the natives?—Yes.

426. You think that you can place implicit reliance upon that class of persons in Europe?—I would not say implicit reliance, but I think you can place more reliance upon the word of an European than of a native in all dealings.

427. I suppose the remuneration for labour is extremely low?—It is low; but it bears its usual proportion to the expenses of living, and the wants of the people.

428. Do you think that their extreme poverty has something to do with that species of dishonesty?—No, by no means; it is an inherent vice.

429. You, perhaps, speak rather in a conventional way; I suppose there are good and bad?—There are exceptions, of course; but I think, as a general rule, that is the national character.

430. We have heard, in the late insurrection, of instances of extraordinary fidelity amongst servants?—Yes; and those same servants would take advantage of any opportunity that might be placed in their way to benefit themselves at the expense of their masters.

431. Would that apply to the native master as well as to the European?—I think not. The native masters have a more intimate knowledge of the vices of the servants.

432. Do you say generally that the native has an antipathy to the European?—No, I should think not.

433. Not sufficiently so to deter the European from settling?—Certainly not.

434. Mr. *Danby Seymour.*] When you say that you compare the native and European servants, by European you mean English?—Yes, English.

435. Are you acquainted with the servants in Russia, in Germany, in Spain, or in Italy?—No.

436. You are not acquainted with the state of morality in those countries?—No.

437. It is generally supposed not to be so high as in this country?—No.

438. Therefore, when you compare the natives of India with England, you compare them with the highest standard known?—Yes.

439. Do you not think that the opinion of the servants of the Company with regard to the honesty of the natives, is lower now than it was 40 or 50 years ago?—No, I think not.

440. Are you aware of many extracts in Sir Thomas Monro's writings where he discusses that point, and disputes the opinions which you have expressed?—No.

I merely

I merely form my own opinions from extensive dealings with the natives in the course of very large operations in the Punjaub and other parts of India, where I have been employed.

441. Do you think that you could trust servants in this country implicitly if they were not looked after?—No, every one is better for being looked after.

442. Have you had much experience in employing labour in this country?—None whatever.

443. Is it not the case that in Bengal it is the practice of those who are settled there to keep 200 or 300 clubmen to assert their rights?—I have heard of such things, and I believe that to be the case, but I have no personal knowledge upon the matter.

444. Do you think that is a state of society that would tempt settlers to go and reside in that country?—Certainly not. That state of things has exclusive reference to Bengal and to the production of Indigo.

445. Bengal is the most populous province of India, and the richest?—It is very populous, but there are very thickly populated provinces in the direction of Benares and upwards, in the Gangetic Valley.

446. But there are 40,000,000 of inhabitants in the province of Bengal Proper?—It is a very thickly peopled country.

447. Are you aware whether Mr. Landon's reason for returning to this country was, that he had made a fortune?—No.

448. Are you aware whether he left any successor in his manufactory there?—No, my statement was derived solely from Mr. Turner's speech in the House of Commons.

449. Mr. *W. Vansittart.*] You say that generally you are favourable to an increase of the uncovenanted servants. Are the Committee to understand that the covenanted service is inadequate and disproportionate to the duties which they have to perform?—I will not say that they are inadequate to the duties which they have to perform, but I think that they could be done better by a larger number of men. The officers of the civil service are indefatigable in the performance of their duties, but they are overworked, as almost all other officials in India are overworked.

450. Do you think it would be advisable, generally, to have the districts halved; I believe Monghir was 120 miles long and 60 miles broad?—Yes, I should think it advisable to quarter them.

451. Would not the expense be enormous?—Not so much if men were employed who possessed rather lower qualifications, and at lower salaries.

452. Following up what you have said with regard to the native subordinates and officials, do not you think the courts of sudder ameens and moonsiffs are very unpopular?—I could give no satisfactory answer to that question. The employment of sudder ameens is a recent measure, adopted with a view to encourage the natives to look to high employment under the State. What the success of that measure may be I am not aware.

453. Are you aware that the sudder ameens and moonsiffs generally have behaved exceedingly ill during this late revolt; for instance, the judge of Futtehpore was murdered by order of his moonsiff?—Yes; that is an instance of what I have specially referred to, the want of principle, honesty, and character amongst the native employées of the Government; they cannot be depended upon.

454. Do not you think, with regard to the salaries that the sudder ameens and moonsiffs draw, that we could get young men of good education and family to go out from this country to fill those situations?—No doubt; at the same time, their instruction would have to begin in India, and they would require a long apprenticeship.

455. If we could have a sort of school for them here, similar to what Haileybury College used to be, do not you think that it might be carried out, giving a sort of preparatory education similar to that at Haileybury College?—I would rather trust to their education in India, because it is not simply book-learning they require; they require to know the character of the native population, which is a study in itself; and they can only obtain that by lessons in the country, and by close observation.

456. Mr. *Knight.*] Do you think that the being rendered amenable to the local courts in all civil matters is considered a great objection by settlers in India?—Yes, I have heard of that as an objection; I have no personal knowledge of it; I have heard it stated, and seen it in the public papers, and I have no doubt

Major-General *G. B. Tremenheere.*

20 April 1858.

it is felt as a grievance that an European should be subject to be tried by a native.

457. Then possibly, if some districts were better than others for settlement by Europeans, it might answer to place more European magistrates there?—Yes, certainly; it would be more satisfactory to an European settler to be able to refer his disputes and complaints to an officer of his own country.

458. The impression is, that there is very little or no justice to be had from a native court?—I think it is more a feeling of humiliation that the European experiences in being obliged to plead his cause before a man whom he knows to be inferior in moral qualities to himself.

459. They are supposed also to be very venal?—Yes, very venal; I do not wish to impute venality to native judges or native sudder ameens; probably the venality would not extend beyond the native subordinates of the court.

460. Mr. *Mangles.*] A member of the Committee asked you how you accounted for the very small resort of Englishmen of capital to India compared with the resort of Englishmen of capital to Australia and America, and you said you thought the climate had a great deal to do with that circumstance?—Yes.

461. Are you not aware that every class of Englishman who does go to India demands and requires a much higher salary or pay than he would be satisfied with in his own climate, or any other?—Undoubtedly. I think that arises from the great distance he has to go, and the great risks he has to encounter.

462. The civilian is highly paid?—Yes.

463. A Queen's officer directly he embarks to India has double pay?—Yes.

464. Are not the fees of the lawyers and solicitors at Calcutta double, or more than double, what they are in English courts?—They are high.

465. Is a tradesman in Calcutta satisfied with English profits?—I should say not.

466. If you hire a European nurse for your child or a European servant in your family, have you not to pay him much higher?—Yes; all European labour and all European employments are more highly remunerated in India than elsewhere.

467. Do you not think that the induction to be drawn from those circumstances furnishes a very considerable answer to the question why Englishmen do not go to India in larger numbers; that they cannot always secure that high amount of profit that would induce them to make the sacrifices, and submit to the privations and hardships of a residence in such a climate?—Yes, if you speak of the contrast.

468. Is a merchant in Calcutta satisfied with an equal profit to that of a merchant in London or New York?—I should not say that that acted as an obstacle, because it is a generally accepted idea that the profits in India, in any occupation, are higher than in England or in the English colonies, and therefore I think that the prospect of those profits would probably act, or ought to act, as an incitement to settle in India.

469. Would not a man prefer to go to a climate similar to an English climate to make 1,000*l.* a year rather than go to India, unless he was sure of making 2,000*l.* a year?—Yes, I think he would; and I think any Englishman would be more content in an English climate, or a *quasi* English climate, upon half the salary, because the pressure is very great upon the European constitution in India; at the same time there are places in India where he could escape those inconveniences when he desired to do so.

470. Do you mean in the hills?—Yes.

471. Is there much opening in the hills for the employment of British capital?—I think there is, with regard to the cultivation of tea, and the production of hemp and flax and timber for the English market. I may mention an instance with regard to resinous products. Every pound of tar which is used in India for our gun carriages comes from England or from Europe; whereas the Himalaya mountains are full of resinous woods; those are resources which European capital and labour would develop; again, there is magnificent timber in the Himalaya mountains. There is the Deodar cedar of gigantic size, fitted for mast pieces and for every purpose most valuable both in India and Europe; yet there it grows, without being touched by European or native to any great extent. The hemp also of the Himalaya has been proved to be the strongest fibre with which practical men are acquainted; and no plant is so commonly cultivated as the true hemp plant in many parts of India; if Europeans were settled there, they would

Major-General G. B. Tremenheere. 20 April 1858.

would undoubtedly develop natural resources of that kind; at the same time they will not go there for want of the ordinary facilities of travel and transport.

472. You say that you have heard objections raised by English settlers or colonists to being rendered amenable to the native courts?—I have heard of objections.

473. Do you think it would be possible to supply a sufficient amount of English administrators of justice within any moderate bounds of expense?—Yes; I think that all the magisterial duties and the ordinary police duties could be very efficiently performed by an additional number of civil servants of the uncovenanted grades, and could be satisfactorily performed at no great additional expense. I think that their salaries need not be high, and that you could secure, from amongst the young men of England, ample numbers who would administer justice of that kind in a very efficient manner.

474. Would it be just to exclude the native?—Certainly it would not be just to exclude the native; but I would simply employ the European until you could have a native of a proper standard.

475. Is it not something like the old adage of not allowing a boy to go into the water until he can swim, not employing the natives till they are fit for employment?—If you show men what qualifications are requisite for employment, it is their fault if they do not come up to that standard; if you give them an opening, and say we will employ you if you exhibit certain qualifications, I conceive there is no hardship in keeping them out of employment till those qualifications are produced.

476. Do you think that there has been no improvement in the native functionaries, the sudder ameens and moonsiffs, since they have been largely employed?—I think there has been an improvement.

477. Is not it worth while to go on with it then?—I think they have shown during the late rebellion that, as a general rule, they are not fit for the situations in which they have been placed. An instance of that has been mentioned by an Honourable Member.

478. Has it been the general rule that they have proved themselves unfit for the situations which they hold?—I am not sufficiently acquainted with the circumstances to state that it has been the general rule; there are several instances of their failing you in the hour of need.

479. You said that there were two crops of wheat and of other grain grown upon the same land in the year?—Yes, that is the general rule, two crops in the year. The crops have distinctive names; one is the rubbee, which is the corn crop, that is the winter crop; the other is the khurreef, or the rain crop.

480. Are there two crops of cotton?—No.

481. May not that account as one circumstance why the natives do not grow cotton so freely as they grow wheat, that they get two crops off their land growing other crops?—It may have some influence; but I think that the want of a certain market is more likely to affect them.

482. Still that has some influence?—It may have; but I am not prepared to say that the two crops of other produce would be more valuable to the natives than one good crop of cotton.

483. You spoke of the want of railroad feeders to the great trunk lines of railway, and you particularised the East Indian Railway, in the valley of the Ganges, going through the marts of commerce, and not the fields of production?—Yes.

484. Are you aware that the Court of Directors have sent out to the Government of India two or more plans of railways through Oude and Rohilcund for report?—I believe they have been referred to India for report, probably a year or two ago, or nearly so; but I conceive that there is sufficient information in England to proceed in those matters without waiting. The Indian Government is very much occupied at present; and I think sufficient information is procurable in England for proceeding at once, leaving, of course, the choice of the particular direction and locality to be selected by the Indian Government. But references to India are not required to enable us to know whether railways are necessary in the parts of the country to which I allude. They are, perhaps, the most productive parts of India. There is not, probably, in the world a richer valley than the valley of the Ganges. It is highly populated, and it is a level plain, and contains, in an equal area, more cultivated land and more valuable products than, perhaps, any other section of the globe of equal extent.

Major-General *G. B. Tremenheere.*

20 April 1858.

extent. Therefore there can be no question that railroads are wanted there, and that until they are constructed, the country will never progress; for the main line of railroad which I speak of does not afford any assistance to the producer in that rich country; he has still to transport his produce to the railway. The ordinary roads will not reduce the cost of transport sufficiently, nor will they enable produce to be sent into those countries on the occurrence of any scarcity.

485. Is not the valley of the Ganges very well supplied with water-carriage?—The lateral rivers are not very well adapted to water-carriage, and I am not aware that they are much used for the carriage of produce; they are used for timber. But the rivers of Rohilcund and of Oude, I believe, are not used for the transport of agricultural produce, or only to a very limited extent. Moreover, the minor rivers, such as they are, do not lead to the most frequented marts.

486. Do you think it would be safe, as there are two rival schemes for the Oude and Rohilcund railways, for the Government in this country to decide between them, without reference to India?—It would be certainly desirable to have the opinion of the Indian Government on the subject, or to issue such directions that the Indian Government would have an authority for acting at once in the matter; but delays are very prejudicial to the progress of India.

487. An Honourable Member asked you with respect to a matter connected with your opinion of the native character, and referred to Sir Thomas Munro's opinion: are you acquainted with Sir Thomas Munro's writings?—Yes.

488. Do you remember a passage in a minute or letter of his, in which he says, that of all the principal native officers he had been acquainted with for a long term of years, only two or three had eventually proved not to be corrupt?—No, I do not recollect the passage.

489. Mr. *Gregson.*] At Question No. 58, with regard to sugar, you say, "Where capitalists have undertaken the manufacture of sugar, I understand that they have pursued nearly the same course as the indigo planters, by purchasing the cane from the native cultivators." Are you aware that capital and modern European machinery have been introduced into Bengal for the manufacture of sugar?—Yes, I have heard so.

490. Have you heard of two large sugar companies, one called the Dobah and the other called the Dacca Sugar Company?—Yes.

491. Do you know whether they have been prosperous; are they still in existence?—No, I do not; I believe the Dobah works are still in existence.

492. But not the Dacca?—No.

493. Mr. *De Vere.*] In answer to Question 55, you state that the cultivation of opium in the district of Behar has been very much improved, doubled in value, I think you say; 50 per cent. more certain than it used to be?—Yes; that is by the operation of native care and labour alone. The application of European superintendence and capital has not been applied to the cultivation of opium; but in consequence of the great profits derivable from the production of opium, the natives have taken great pains.

494. The great improvement that has taken place in the cultivation of opium has been without the aid of European capital or European superintendence?—Yes.

495. With regard to the scheme of asylums for the education of children, which you mentioned on the last day of your examination, you suggested, in answer to Question 110, that there should be certain industrial asylums established upon the hills for the education of the children of soldiers; and you suggested that, in order to provide a supply of children for those establishments, certain encouragement should be given to the soldiers to marry. You said you made that suggestion with a view not only to improve the soldier, but to benefit the country; do you consider that marriage would be productive of improvement to the moral condition of the soldier, if he were relieved of those responsibilities of married life which relate to the duty of educating and providing for his offspring?—The soldier, at present, neither educates nor provides for his offspring in India; a certain allowance is made to every European woman and every European child in a regiment, which assists, in fact almost entirely maintains them, with the help of his own pay and rations. A school is also provided for the soldiers' children in the regimental lines; and therefore the soldier is at present relieved from all care and trouble in rearing his own children. Now the expense of those regimental schools, the construction of the school-room, the expense of the schoolmaster, and the ordinary current expenses of the school, would cease if the children

dren were removed and concentrated in asylums in the hills; and I conceive that the effect on the soldier would, so far from being detrimental, be certainly favourable to his moral character.

Major-General *G. B. Tremenheere.*

20 April 1858.

496. Is it not the case, according to the present system, that the children are still under the moral supervision of their own parents?—Yes; but I am sorry to say that the moral training of the barrack square is a very imperfect one; the children are subject to influences there from which it would be very desirable that they should be removed.

497. With regard to the effect that your plan might have upon the character of the women, do you think it would be beneficial to the character of these married women, the soldiers' wives, that they should be removed from the moral responsibilities attending the nurture of their own children?—I do not think it would be attended with any moral deterioration. I think if the mother was satisfied that her child was being brought up in a satisfactory manner, and as a useful member of society, and was likely to gain its own livelihood, and be a credit to her eventually, she would not feel deteriorated in her own self-respect, any more than the mother of a child in another rank of life feels so, in sending her child to England; the mere absence of the child will not loosen those bonds of affection with which she regards her children; it probably might increase them.

498. You have drawn a comparison now, and also upon your former examination, between the proposed plan of taking away the children from their parents, and the present separation of children which takes place when the children of officers and civilians are sent from their parents to England; is there not this great distinction between the two cases, that in the plan which you now propose the children would be altogether removed from the domestic element of education, and put into the hands of the State, whereas when children are sent voluntarily to England they are sent to friends and relatives, and persons who still educate them upon the domestic principle, not upon the principle of the State providing for the education of children?—That is very true; but I conceive that the results would be in favour, not only of the child, but of society in general; that the training and influences which would surround the child in such an institution would elevate his character, and improve his mind, and be beneficial to him in every respect.

499. Are not the hasty and ill-assorted marriages of soldiers productive of much evil?—They are at present, because when a soldier makes an improvident marriage, he finds on his embarkation on foreign service, that he is obliged to leave his wife behind, and throw her upon the charity of the country; but, under proper regulations, those inconveniences would cease.

500. Would not the tendency to form such improvident and ill-assorted marriages be rather increased by a plan which would relieve parents from all responsibility as to the nurture of their children?—Such an effect might ensue; it might encourage and give rise to the natural wishes of soldiers; no doubt they possess them now, and they are kept in restraint by the regulations of the service; but I conceive that for every European family you transport to India, provided you take care of their offspring and raise them up in the manner I have indicated, you attain an absolute gain for India and for the advantage of the people.

501. Have you considered the expense of these establishments at all; how do you propose the expense shall be supplied?—I have just stated that there is already a very considerable expense attending the maintenance of every child of a European soldier in India; they have a definite monthly allowance; that of course would go towards the expense of maintaining them elsewhere, the expense of the schooling, and the buildings necessary for them; there would undoubtedly be an additional expenditure, but I conceive that it would have such an ultimate bearing upon the country as to be an ample remuneration to the Government for taking such a plan.

502. I understand you to say that to meet the expense of these establishments you would abandon the present system of regimental schools and personal allowances to the soldiers for their children?—Yes; if the capitalist or the settler required subordinate superintendents from any of those establishments, he should pay a premium for obtaining it, and that also would be one mode of reimbursing the expense.

503. Do you propose that the staff of these establishments should be English, or in any degree mixed up with the native element?—I think the native element

Major-General *G. B. Tremenheere.*

20 April 1858.

ought to be combined, because you require them to be trained in the native language especially.

504. You propose, at a subsequent period, that you would make railway companies, or capitalists, or agriculturists pay a premium for those children who have been so educated, when giving them over to him; will such persons pay a premium unless you have some power to give a promise of a permanence of relation between them and the person you bind to them?—Yes, they would, I think, if they possessed qualifications that would be useful to them; they have to obtain that particular class of people from England now, at very great expense, from their passage money and the expenses attending the transport of Europeans from England, which are very great; that would only be equalised by the premium to which I refer.

505. If, on the one hand, you have persons who have received a high industrial education in these establishments, and, on the other hand, persons who could make a profitable use of them, do you not think that the persons in want of them would have to provide for themselves by paying for that labour according to what it was worth in the market?—Certainly.

506. Then you could not promise that the persons to whom you would assign them would enjoy their labour for a stated period?—I think there would be no objection to apprenticing them for certain periods.

507. Are you aware that that experiment was tried lately in the case of emigrants sent out to different parts of Australia at the Government expense, with an attempt to bind them for a certain period to the employers of labour there, and that it was found entirely impossible to retain their services?—I am not aware of the fact; but I think that there are inducements to persons in Australia to turn their attention to other branches of industry which would not exist in India, and that there would be no difficulty in obtaining the continued services of young men drafted from such institutions.

508. Would not the same inducements still continue that they should take their labour to wherever it was best paid for, and where it was most advisable for them to go?—Yes; but I think they would find the best market in the kind of industry I have alluded to. The object of the proposition is mainly to engraft European skill and energy and industry upon the practices of the natives, and upon the country in which they are placed; that is the chief point in India.

509. Have you considered whether very great difficulties would not occur as to the religious education of the children forcibly taken away from their natural guardians?—No; I conceive that if the religious denominations were properly separated there would be no practical difficulty.

510. Is it part of your scheme that there should be separate establishments for the separate religions?—I think that would be desirable.

511. Mr. *Lygon.*] You stated that the rivers were used to a certain extent for the transit of agricultural produce; is there any reason why the feeders of those rivers should not be used to a greater extent than they are now?—I have not visited the rivers of either Rohulcund or Oude, or the district of Purnea, but my impression is, that in the upper part of the country they are not susceptible of any very great improvement. The Ganges, the Jumna, and the Goomtee, to a certain extent, are navigable by boats drawing two feet of water; but beyond that draught there are great impediments, which are not removable by any skill or science. You would not reach either Delhi, Agra, Alighur, or Hattras, by means of any of the feeders of the main rivers, and these are some of the principal marts in the Upper Provinces.

512. Mr. *Campbell.*] You mentioned that the opium cultivation was carried on by natives alone, and not under European superintendence; are you not aware that the opium cultivation is under the superintendence of Government officers generally?—There is an opium agency. Several officers of the civil service are employed as superintendents in that manner; but I understand it is more for the collection and transmission of the drug than as applied to the actual cultivation. I may say that what I have stated with regard to opium is not on my own information or observation, but is simply adduced to show that the natives are capable, where their interests are concerned, of effecting very great improvements. Opium is a valuable drug, and bears much the same relation to other agricultural products, as gold to iron in the mineral kingdom.

513. I suppose you generally observe that population and production exist to a larger

Major-General *G. B. Tremenheere.*

20 April 1858.

larger extent on the banks of navigable streams in India than elsewhere, from the facilities which those streams afford?—Yes.

514. I suppose you would argue therefrom that the establishment of railways would create a similar density of population and production on their borders?—Yes, undoubtedly; that effect has already taken place even on the construction of ordinary roads in some districts.

515. In reference to feeders of rivers, are you not aware that generally those feeders, except in the rainy season, are dry, and that as a means for the conveyance of produce, they would afford no facility?—Only at that season of the year; they are much lower in the dry season, and some of them are comparatively dry.

516. Then as investments, railways in India, compared with railways in this country, present no competing lines, no cost of land, and no Parliamentary expenses to enhance their first cost, and, on the other hand, their remuneration returns are rendered sure by dense population and teeming production?—Yes.

517. So that in every point of view they hold forth to the capitalists of this country great encouragement as safe investments?—I should say so, decidedly.

518. Mr. *Willoughby.*] You made some remarks with regard to the Deodar timber; are you aware that a considerable number of spars of that timber were sent down to the dockyard at Bombay for trial there, and proved to be perfectly valueless for that purpose?—No, I was not aware of that; I spoke as to the length.

519. Mr. *Danby Seymour.*] Are you aware that there are very few Deodars remaining in the Himalayas, and that an order was sent out a short time ago to preserve those that do remain?—I am not aware that very few remain; my impressions are the reverse; but the whole subject of the existence of the Deodar timber in the Himalayas was fully reported upon by Major Longden, and full information supplied.

520. *Chairman.*] Have you read a paper on the public works of the Bengal Presidency before the Institution of Civil Engineers?—It will be ready early in May.

521. Will you allow the Committee to see it?—I will do so.

Joseph Dalton Hooker, Esq., M. D., F. R. S., called in; and Examined.

J. D. Hooker, Esq., M. D., F. R. S.

522. *Chairman.*] YOU are the author, I believe, of the well-known Travels in Bengal, the Himalayas, and the Khasia Mountains?—Yes.

523. When did you visit India?—I left England in November 1847, and arrived in India in January 1848.

524. What was the object of your visit?—It was chiefly connected with botanical pursuits, with a view of investigating the climate of India in connexion with botany.

525. What districts did you visit?—I first visited the districts of Behar and Mirzapore; I then descended the Ganges, and went to Sikkim, where I spent a great part of my time; from Sikkim I went to the Khasia Mountains, and the districts of Silhet and Achar. I afterwards went to Chittagong, and from there to Calcutta, and so home to England.

526. Were you at Darjeeling?—Yes, for a considerable time.

527. And you went to the borders of Tibet, did you not?—Yes, twice, and resided there for several months.

528. Darjeeling has been used lately as a sanatarium?—Yes; it was established about 1840, and it has continued as such ever since.

529. Was not it first recommended by Lord William Bentinck?—I think it was during Lord William Bentinck's Government of India that it was recommended, but I think Mr. J. P. Grant first drew the attention of the Government to the desirability of having a sanatarium so near Calcutta as Sikkim, which was under our protection.

530. I think Major Herbert and Colonel Lloyd were the first Commissioners that were sent out?—Yes.

531. Do you recollect that they state in their report on that occasion that such a settlement as that at Darjeeling, in the hill districts, will tend more than any other circumstance to attach English families and capitalists to the soil of India?—That is the view that they expressed.

532. To what extent has the population of Darjeeling increased within your recollection?

J. D. Hooker, Esq., M. D., F. R. S.

20 April 1858.

recollection?—I do not know the exact numbers; but there were hardly any inhabitants in it when the sanatarium was first established in 1840; and I think that there were some 4,000 or 5,000 settled inhabitants in 1848; and I know that both the European and native population doubled during the two years that I remained there.

533. What do you think of its climate and its uses as a sanatarium?—I think its climate cannot be exaggerated for healthiness, when compared with the plains of India. It is not quite equal to a European climate, an English especially; but, upon the whole, it is exceedingly healthy.

534. What is the elevation of Darjeeling?—The station itself is between 7,000 and 8,000 feet above the level of the sea.

535. What is the best elevation for the European constitution?—I think that, in that part of the Himalayas, that is the best.

536. What did you find peculiar in the climate of Darjeeling?—The climate is exceedingly healthy; but, in consequence of the long-continued rains in the summer, it is not the most agreeable to English residents. The winters are rather cold, and the summers are very rainy.

537. What effect had the institution of this colony of Europeans upon the surrounding inhabitants of the hill districts?—It caused the inhabitants from all quarters to flock into Darjeeling; and the natives of Nepaul and Bhotan and Tibet, and the indigenous tribes of Sikkim itself, all very rapidly settled permanently in the territory of Darjeeling.

538. To what extent in numbers?—I am not exactly aware, but several thousands.

539. Was the effect very considerable upon the natives?—Very great indeed, for there was hardly any person there before that; it was an all but uninhabited range of mountains.

540. Then it had a very civilising effect upon the inhabitants?—It had, at once.

541. In what way?—They came in to take service as police and domestics, and settle as cultivators; they brought provisions for sale, they aided in building houses and making erections of all kinds, and they assisted in conveying things from the plains to the hills.

542. I think you state in your publication that it was more like an Australian colony in its rapid increase, than an Indian town?—Yes; I stated that the increase during the two years whilst I resided at Darjeeling was, in point of rapidity, similar to that of an Australian colony; in saying which, I referred merely to the great increase in the number of inhabitants which took place in those two years.

543. Have you been led to view Darjeeling as a station for troops?—I had a good deal of opportunity to do so, because some considerable bodies of troops were stationed there during the time that I resided there.

544. What do you think of it as a station for troops?—It appeared to be exceedingly good; the reports to Government were most favourable.

545. Has there been any attempt to establish schools for the education of European children in Darjeeling?—There have been several attempts previous to and during my visit; the difficulty has always been to procure good masters.

546. Do you think it likely that in process of time good masters will be obtained?—I have no doubt of it.

547. Is there not a plan to establish a proprietary school at Darjeeling, similar to the schools of King's College and London University College?—I have heard of it, but it is since I was there.

548. Have you turned your attention to the subject of Darjeeling forming a basis for establishing a trade with Central Asia?—Yes.

549. Do you think that it will have the effect of introducing British products towards Central Asia?—I think so to a very great extent. There are a great many European products, which were brought from the plains of India to Darjeeling by the native population around; there are also a considerable number of important Tibet products, which have a market at Darjeeling.

550. What are the products of the hills themselves which you think might be available as traffic?—The commercial products of the hills themselves are very few, but those of the province of Tibet, to which I refer more particularly, are very important.

551. Has the cultivation of tea been attempted in the neighbourhood of Darjeeling?—It has very largely, and especially since I was there.

552. Is tea likely to be an article by means of which commerce will be established with the more central regions of Asia?—I look upon it as probable that it will be the most important of any.

553. Is it capable of much greater increase than at present?—I think the increase is indefinite; I do not see a limit to the cultivation or consumption of tea in Asia, both in High Asia and in India.

554. There are great capabilities for extending the cultivation of tea along the Himalaya Mountains?—Very great indeed.

555. In what part of the Himalaya Mountains?—In Sikkim in particular, between an elevation of 3,000 and 6,000 feet, the tea succeeds admirably.

556. Are you of opinion that, in various other parts of the mountain districts of the Himalayas, tea may be successfully cultivated?—Yes, certainly; the whole way from Assam, as far up as the Indus.

557. How many hundred miles?—1,300 miles, following the course of the Himalaya; I am speaking from memory.

558. Have the inhabitants of India ever yet developed their taste for tea; have they had the power of indulging it to the full extent to which it might go?—The inhabitants of the plains of India have not; but I understood, when I was in Bengal, that there was a growing desire for tea. I repeatedly gave tea away myself in Bengal, and it was always thankfully accepted.

559. Do you think that tea, if afforded cheap enough to the inhabitants of India, would meet with a very extensive consumption in India itself in time?—I cannot answer that question. I am not sufficiently acquainted with the habits of the natives of India, but I have no reason to doubt it.

560. So far as your knowledge of the people about the neighhourhood where you were extends, did they show an increasing taste for tea by increased cultivation of the tea plant?—Very much so indeed.

561. What is the quality of the tea?—All the Assam tea that I had was a very strong black tea; it is made in Assam itself; but I also had very large quantities of the coarser, commoner kinds of Chinese tea, which I carried about with me for the purpose of barter.

562. I think Dr. Campbell, to whom the public in that part of the country are very much indebted, established a fair for the hill tribes?—Yes; he established a fair at the foot of the hills, at a place about 30 miles from Darjeeling, and instituted rewards and prizes for improved agriculture and breeds of cattle.

563. Was that fair very much frequented by the natives?—Yes, during the time that I was in India very much indeed.

564. What commodities were brought to the fair?—From Tibet and the hills chiefly ponies, silks, and woollen cloths, shawl-wool, musk, amber, beads, and salt.

565. They were exchanged for the commodities of the plains?—Yes; they were exchanged for the commodities of the plains, but also paid for in money.

566. How far is the territory of Sikkim under British protection?—I am not aware exactly of the present state of the territory of Sikkim itself. After the Nepaulese war, I think in 1817, it was taken under British protection, and remained so till 1848 or 1849. I am not aware of our exact relations with Sikkim now.

567. It is comparatively independent under its own rajah, is not it?—I suppose it is now entirely so.

568. But a large portion of the land belongs to the British Government?—Yes, the territory of Darjeeling does.

569. Does Sikkim afford the shortest mountain passage across the Himalayas into Tibet?—Much the shortest.

570. And it is the shortest line from Calcutta to Tibet?—It is the direct route from Calcutta to Lassa, the capital of Eastern Tibet.

571. In the course of your stay in India you visited the frontier of Tibet?—Yes, I did.

572. How far is Darjeeling from Lassa?—The journey may be performed in ten days with good mules and light loads; but it takes, on the average, 30 days. My impression is, that to do it in 10 days the distance traversed daily would be equivalent to about 35 miles; I say equivalent, because it is up and down the whole way, over an exceedingly unequal country.

573. In fact perhaps nearly the most unequal country in the world?—I have never seen any to compare with it.

J. D. Hooker, Esq., M. D., F. R. S.

20 April 1858.

574. Do you go through passes of an extraordinary description?—Yes.

575. Does not the road sometimes merely consist of planks fixed in the side of the precipices?—In some cases it is so, for a very few yards only; but I think that those roads might be made a very great deal better, with scarcely any labour or expense. The difficulties of the roads have been exceedingly exaggerated.

576. What are the principal productions of Tibet?—Borax, salt, gold, shawl-wool, musk, jewels, and ponies.

577. Tibet is the principal place in the world for the production of borax?—I believe the greatest quantity of borax in the world comes from Tibet.

578. What is borax used for?—It is used in many manufactures in this country; as a flux extensively everywhere; and it is used in medicine, and in glazing porcelain.

579. The other productions are shawl-wool, gold, salt, jewels, and ponies?—Yes.

580. I believe that salt is brought to the Himalayas, is it not, from Tibet?—Almost all the salt consumed in the Himalayas is from Tibet.

581. Is that brought at considerable labour and expense?—At very great labour; it is all carried upon men's, children's, and animals' backs.

582. Do you know from what part of Tibet it comes?—The most that is introduced into Sikkim is procured from salt lakes in a part of Tibet about 15 to 20 days' journey north of Sikkim.

583. Does not it seem natural that in the process of time the salt of India, or even of England, might find its way to the north?—I think as soon as ever the communication is made easy from Calcutta to Darjeeling, the Indian or European made salt will be entirely used in the Himalayas; the natives prefer it very much to their own.

584. Is the wool of Tibet a valuable article?—Yes; it is the same shawl-wool that is woven into Cashmere shawls.

585. You mentioned gold, is not there a very considerable quantity of gold in Thibet?— According to report it must be another California.

586. I think that trade was first heard of with Tibet in the year 1774?—That is the first definite notice that I have met with, regarding the trade with Tibet.

587. A gentleman of the name of Bogle was sent over by Warren Hastings?—Yes; he was instructed to develop the trade between Tibet and Calcutta.

588. The next traveller was Mr. Turner?—Yes.

589. He was also sent by Warren Hastings, in the year 1783?—Yes, for the same purpose.

590. What does Mr. Turner say with regard to the production of gold in Tibet?—He says it is produced in great abundance in the alluvial soil of Tibet, and that the quantity is so great that during severe frost the ground opens, and the value of gold, from that simple cause, becomes very much diminished indeed; going down, I think, from 21 to nine.

591. Do you remember that the Abbé Huc, who, I believe, is the last traveller who has visited those places, mentions the quantity of gold produced?—I remember his mentioning gold as a product of Tibet, but not the particulars.

592. You yourself visited the frontiers of Tibet?—Yes.

593. Had we ever any trade with Tibet in former times?—From the report Mr. Bogle made in 1775 to the Government of India, the trade must have been a very considerable one in broadcloth, and he says the demand for it was still very great in his time.

594. Can you say whether articles of woollen manufacture are much valued or not by the Tibetans?—It was the first thing they asked me about; there was nothing they admired so much upon the frontier as the cloth of my garments.

595. You think that if they had the means of using British woollens, they would be glad to use them?—I am sure they would.

596. To what do you attribute the nonproduction of the gold which lies in such quantities under the soil of Tibet?—I speak from report; it was said that the Chinese discouraged the digging of that gold, and that the Lamas were required to represent that it was offensive to their deity that the land should be disturbed; that was the answer which both Dr. Campbell and I invariably got to repeated inquiries.

597. The Chinese exercise supreme authority through the intervention of the Lamas?—Yes, indirectly; but they also exercise independent authority, both civil and military; they have a military force at Lassa.

598. Is

598. Is tea largely consumed in Tibet?—It is a great article of consumpton.

599. And not only there, but on the whole range of country from Hindoo Kosh towards the frontier of China?—Yes, throughout Central Asia; and to a considerable extent in Siberia also.

600. And also in that region where the Abbé Huc began his travels?—Yes, both in Mongolia and Mantchuria.

601. And probably to the borders of the Great Forest which bounds South Siberia?—Yes, it is used there in immense abundance.

602. In what form is it used in Tibet?—It was always made up into a kind of soup, with salt, soda, butter and water.

603. Is it not sold in bricks?—Yes, it is always introduced and sold in the form of large bricks.

604. Is it a good tea or an inferior tea?—An exceedingly bad tea; it is reported to be the sweepings of the stores at the Chinese sea-ports.

605. Would the Tibetans and the inhabitants of Central Asia use the better Himalaya tea if they could get it?—There was nothing they prized so much as a present of a small packet of Assam or Chinese tea from myself.

606. Is the tea which they should be able to grow on the southern side of the Himalayas equal, or superior, or inferior, to the tea used in Tibet?—Infinitely superior to the Tibetan tea.

607. And the Tibetans could, of course, consume it in preference to the other tea, if they could get it?—I think they would consume the Assam tea in preference to Chinese, or Western Indian, or any other whatever.

608. I believe sections of brick tea are used as a species of currency in parts of Central Asia, are they not?—Very commonly.

609. Is that the case in Tibet?—Yes.

610. And also far away in Northern Tartary?—The whole way to the borders of Siberia.

611. The brick is cut into certain portions, and those portions represent the circulating medium?—I do not doubt it, though I never saw it cut; I have seen it used as a whole.

612. The Abbé Huc mentions its being cut?—I suppose it would be cut for small transactions.

613. The Chinese supply this tea to Tibet and Central Asia?—Yes.

614. From how great a distance does it come, to be supplied to the natives in this manner?—I do not know the distance from the seaboard of China to Lassa; but I was told that the whole of the tea that comes into Tibet is grown not far from the seaboard of China.

615. Therefore it comes 3,000 or 4,000 miles?—Yes, I think so; I speak at random, as to the distance and on the assumption that it is made where reported.

616. Are you of opinion that if we had any negotiations with China, which seem to be imminent now, it would be desirable to stipulate for the admission of our tea and the products of India and Britain generally into the Chinese dominions beyond the Himalayas?—Of very great importance indeed.

617. Do you not think that when the cultivation of tea has extended itself along the southern range of the Himalaya Mountains, it will be a very important article of trade to Central Asia?—Yes; the tea and the broadcloth would be of equal importance, and of the very greatest importance.

618. Not only Assam would come in for its share, but many other places?—Probably it would be the only tea that would be consumed in Eastern Tibet.

619. Is the frontier of Tibet closed against us?—Yes.

620. By what authority?—By the Chinese and Sikkim authorities.

621. Do they show a great jealousy of the English power extending itself in the direction of Central Asia?—I think that has hardly been tried, but I think they would present great obstacles to it.

622. Is there any ingress for commerce to Central Asia by way of Nepaul?—Yes, very considerable, as there is through Sikkim, and throughout the whole length of the Himalayas; but this commerce is at present confined to the native tribes.

623. What are our principal means of communicating with East Tibet?—We have no direct communications whatever.

624. Have any roads been made to the frontier of Tibet?—There are none so called but native paths.

J. D. Hooker, Esq., M. D., F. R. S.

20 April 1858.

625. Was it ever recommended that a road should be made up to the Tibet frontier?—I never heard of such recommendation in reference to the frontier of East Tibet.

626. Is it possible to make a road?—Not in the sense of our English coach roads, except at a very great expense, but it would be very easy to make the communication ten times better than it is now, and perfectly adapted to all the purposes of commerce.

627. Such a communication as would give, if not a highway, at least a bye-way to commerce?—Yes, and even a highway. I may mention, as a fact, that they have taken elephants the whole way from the plains of India across the Himalaya into Eastern Tibet; one of the passes seems to be a very easy one indeed.

628. Which is that?—A pass immediately to the eastward of Sikkim.

629. I believe we are very much indebted to Dr. Campbell's exertions in Sikkim for improving the trade and commerce of that place?—He appeared to be a most able and energetic man, who devoted himself entirely, and very successfully, to the development of the resources of the district.

630. You left Sikkim in 1850, did you not?—Yes.

631. And then where did you go?—I then went to the Khasia mountains, in Eastern Bengal; to the north east of Calcutta.

632. Did you go to any hill stations in that direction?—I went to the hill station of Churrah Poonjee.

633. What do you think of that climate?—It is the most rainy in the world.

634. How many inches of rain fall there in the year?—Five hundred fell the year I was there.

635. Sir *Erskine Perry.*] How many months is the rainy season?—It commences about the month of April and lasts till November.

636. *Chairman.*] Is that station a very unhealthy one?—No, not at all unhealthy; but it is far from healthy.

637. Is there not great uncertainty in speaking about the climates of India; did you or not find the climate near Silhet healthy, or otherwise?—It is remarkably healthy for a tropical climate.

638. And Cachar?—It was reported to me to be exceedingly healthy for a tropical climate.

639. Do you know it yourself?—Yes, I was there for a short time at several seasons.

640. Were you in Chittagong?—Yes; I visited that after leaving Cachar.

641. Is Chittagong healthy?—Not nearly so healthy, I was given to understand, as Cachar or Silhet.

642. Does not great uncertainty attend our knowledge of the healthiness of different parts of India; are we very well aware yet how far they would be useful as settlements for the British settlers?—I think our knowledge is very fairly complete of the climate of different parts of India, as far as my reading goes; the knowledge which we have of the districts which I visited was very correct.

643. We have not had sufficient experience to know whether not only settlers, but their descendants, can go on in Darjeeling, for instance; that was only settled in 1840?—We have not.

644. Of course in so short a time we can form no inferences with regard to how far it will suit the multiplication of the European race?—None, but there is no reason to doubt its suitability.

645. Do you know anything of the attempt to establish farms in the neighbourhood of Churrah Poonjee?—I heard a little about them, and I resided at one.

646. Can you give us any information about it?—The locality was an exceedingly bad one; the attempt was quite unsuccessful; it was about 30 miles from Churrah Poonjee; the farm was quite a failure.

647. Why?—The soil was exceedingly bad; it was a most injudiciously selected spot.

648. Do you think settlement could go on there under ordinary circumstances?—I think in many other parts there might be very good settlements.

649. Has much land been brought into cultivation in the neighbourhood of Silhet?—A great deal.

650. Has that been the case in the Gangetic Delta also?—I believe throughout the upper Gangetic Delta, including the Jheels, within the last 30 years a very great quantity of land has been brought into cultivation.

651. To what do you attribute that?—Entirely to the good rule of the East Indian Government in that quarter, and the general security of property.

652. To the repose that has been produced by a settled government in the country?—Yes.

653. Are our relations with the Rajah of Sikkim in a satisfactory state now, do you think?—I think not; I believe we are now on no terms with him at all.

654. Has the bargain with regard to Darjeeling been completed with the rajah?—Quite completed.

655. So far as Darjeeling extends, that is our own?—Yes, and it was very highly paid for.

656. We bought it?—Yes; we had the option of doing so by treaty, I believe; and we certainly paid a great deal more for it than it was worth to the rajah.

657. Are there any farms in the neighbourhood of Darjeeling?—There are small settlements where a little agriculture is carried on, but I do not think they would be called farms in this country.

658. Do you think that hill settlements generally may have a great effect in civilizing the hill tribes, and extending our commerce there?—I think they have had a great effect already, and that it will be increased.

659. You think that the good effects which you have observed in your experience in Darjeeling, may be extended along the lines of the Himalayas?—I think so.

660. There are only two principal valleys, I believe, along the southern range of the Himalayas, the valley of Nepaul, and the valley of Cashmere?—There are two or three large valleys in Nepaul, but we know nothing about them, except the great central valley, but even that is of limited extent.

661. Would British capital, if it were admitted into Nepaul, find a development there?—The valley of Nepaul is very low; it is only about 4,000 feet above the level of the sea.

662. I have been told that half the valley of Cashmere is almost in a state of depopulation; do you know whether that is the case?—I have heard that it is so.

663. And that is a very fine country for cultivation?—I think so, from what I have heard and read of it.

664. What is the soil of Darjeeling?—Chiefly a light sandy red clay, overlying mica schist, and covered with fine vegetable mould.

665. Are you aware of any obstacle that exists to Europeans settling in that part of the country where you have been?—No.

666. Mr. *Lowe.*] Do the Chinese exclude us absolutely from Thibet?—They all but exclude us from Tibet.

667. Would it not be impossible for you to go to Lassa?—Quite impossible; they did allow me to make a short cut in Tibet to avoid a long detour in our own territories.

668. That was as a particular favour?—Yes.

669. Is it the same with regard to Bhotan?—That country is in a much worse state; it belongs to independent petty rajahs.

670. It is a dangerous country to travel in?—A very dangerous country to travel in.

671. Did you go there?—Not at all, though I was for many months within a few miles of it.

672. What sort of a country is it?—Similar to Sikkim.

673. It is an available country if there was a good government?—Yes, in many parts; but as is the case with all these mountain countries, the proportion of land that is available for cultivation is exceedingly small.

674. Does it lie high?—There are elevations from 1,000 to 25,000 feet.

675. Mr. *Willoughby.*] Is land obtainable in Sikkim in any quantity?—I believe so; there is no restriction whatever as to the purchase of land.

676. To whom does the land belong?—To the British Government.

677. Of course, the whole of the land of India, in theory, belongs to the Government, but that is simply confined to the rent; there is always a proprietary lease from the Government, is there not; is the land absolutely the property of the Government, or is there another proprietor?—I believe it to be absolutely the property of the Government, except such portions as have been bought up by proprietors, which portions are comparatively exceedingly small.

678. You alluded to the summer being rainy; what is the average fall of rain there?—About 120 inches.

J. D. Hooker, Esq., M. D., F. R. S.

20 April 1858.

679. In the rainy months?—No; that is for the whole year; for the rainy months it is about 90 or 100 inches.

680. Mr. *Kinnaird.*] You stated that tea is a great object of barter; what do you think, with improved communications, good tea could be sold for there in opposition to their bad tea?—I am not able to form any estimate, because the tea in India has hitherto fetched an exceedingly high price, in consequence of the great consumption in India itself, so that I do not know the value that tea is likely to have when produced in abundance.

681. Is there any special duty upon the import of Chinese tea into India?—I do not know.

682. You stated that you still think that tea might be advantageously introduced as an article of commerce through India?—Very extensively and very advantageously.

683. You mentioned, with respect to the passes over into Tibet, one pass as being an easy pass; to what pass did you allude?—To a pass called the Pari Pass.

684. Did you make the journey yourself?—I did not, but I was for several months quite close to it.

685. What is the other pass?—There are three or four others in or close to Sikkim, some more difficult than others. I visited four of them.

686. What are the obstacles to a traveller going over; how is the frontier guarded?—The frontier is guarded by a militia. They do not draw a cordon, but they live in the villages close by, and they hear very soon of any Englishman or white person being there, and they are then upon the look-out to obstruct him.

687. The passes are sufficiently guarded to prevent our trade being introduced?—Quite, to British subjects.

688. Was any attempt made, while you were there, to revive the trade?—Dr. Campbell did all he could to revive it at Darjeeling, but he had no direct influence beyond Darjeeling.

689. Did the Government do any thing to strengthen his hands?—Not that I am aware of.

690. What are the feelings of the natives towards us?—They are very favourable indeed; they were exceedingly anxious that we should take the whole of Sikkim, and I believe now the rajah would be glad if we would do so; this would enable us to trade directly with Tibet.

691. Mr. *Villiers.*] Is the British trade only prohibited in Tibet, or is it all European trade?—All trade carried on by British subjects is prohibited.

692. Did you hear any thing of the contraband trade, smuggling?—Yes, a great deal.

693. It is not that the trade is prohibited, but that Englishmen are not allowed to go into the country, and pursue trade?—There is no objection to an Englishman at Darjeeling sending his goods, if he can get them sent, but no British subject is allowed to go the frontier and trade with Tibet.

694. Are there duties upon the frontier?—Yes.

695. Do they collect them for revenue?—Yes.

696. Is there any trade with Asiatics, or is there a prejudice against trades—No prejudice whatever; the Tibetans are most glad of the articles, and cannot exist without them; they trade with the Asiatics, that is to say, with the natives of the Himalayas who are not British subjects.

697. We trade with the Burmese, do we not?—Yes, but very little through the hills; chiefly through Siam, I suppose.

698. There is no impediment to our trade with Burmah?—Except that there is no part of any of our districts in the Himalayas that borders upon Burmah.

699. You say that there is a market for our goods in Tibet?—A very considerable one.

700. Did the Chinese conquer Tibet?—They took possession of the whole country.

701. Is it a military occupation?—It is a military occupation, quite; but I think that it was quietly done, without any great battle.

702. Are the officers very corrupt?—Very corrupt indeed; they take the salt over at night; smuggling is carried on to a very great extent. The hill rajahs trade for themselves with the Tibetans, and both their officers and their people smuggle.

703. Under

703. Under existing circumstances, is not our trade pushed as far as it will go?—No, I do not think so; it is scarcely pursued at all, for we have no access to the Tibet frontier.

704. What particular articles are they that are chiefly smuggled and consumed?—The great article is salt; that is smuggled in upon this side; and cloths and silks and tobacco and rice are smuggled into Tibet. Salt is smuggled from Tibet into Sikkim and into all the Himalayas upon this side of Tibet.

705. Do they prohibit the export?—No, they do not prohibit the export trade, but the Rajah of Sikkim levies a duty upon all salt that comes in to Sikkim, just as the Chinese levy a duty upon all that goes into Tibet.

706. What did we purchase?—A small portion of the territory of Sikkim bordering upon the plains.

707. Is that where you say a vast quantity of land was brought into cultivation in consequence of the better rule?—No, that was in Silhet and Cachar, and in the Gangetic delta.

708. What was the government before the time that you refer to?—I believe previously to the time that I refer to, part of Silhet, Cachar, Tipperah, &c. were under the Burmese empire, but I am not well informed on this subject.

709. Is it now under our rule?—It is now under our rule.

710. Is it since its coming into our rule that you have heard of the vast quantity of land coming into cultivation?—Yes; after the Burmese war these countries fell under our charge, and since then the cultivation has increased most enormously.

711. Are there great crops in that country?—Very great, and the rice crops are perhaps the most magnificent in all India.

712. You consider that the future development of that country is dependent upon better government?—I do not know that the government could be better. The people, as far as I can speak as a casual visitor, appeared to be exceedingly happy and comfortable.

713. How is it with respect to the adjoining country?—I have no doubt that if they could be brought under the same rule, their agriculture would be very much developed.

714. You do not say that Cashmere is in a very depressed state, do you?—I have heard that it is in a deplorable state.

715. It used to be a place of great activity?—I have heard so, but do not know what it was before, except from reading and hearsay. It is within the last six or eight years that I have heard of its lamentable condition.

716. Are we not answerable in some respect for the state in which it is?—Not directly.

717. Mr. *Mangles.*] Have you made inquiries about English settlement in the parts of the country that you have visited?—Only casually in the plains of India.

718. Were any impediments whatever, of any nature, thrown by the Government in the way of settlement?—I never heard of any, directly or indirectly. The great drawback in the plains is the difficulty of proving your legal title to the lands; but for that the Government is in no way answerable, in the sense of placing impediments.

719. What do you mean by the difficulty of proving the legal title?—The getting an indisputable legal title to the lands purchased.

720. Do you mean from the number of people who have a lien upon the land?—Yes, or who pretend they have.

721. You mean the number of tenures and under-tenures?—I have always understood that it is exceedingly difficult to get a legal title to the land, because of the corruptness of the native courts, not on account of the opposition of the British Government.

722. Is there a great extent of cultivation in Assam?—I have never been in Assam; I have always understood that Assam is a very improving country in every way; with regard to tea also; but that is a special subject.

723. Do you refer to the tea of the Assam Company, or to tea made by individuals?—To the tea of the Assam Company.

724. Is that sold in India largely?—Yes, it is sold in India largely, but much more largely in this country, to strengthen the Chinese teas, and it fetches a very high price indeed in our market; much higher than the Chinese, I am told.

725. Mr. *Gregson.*] You say that tea could be produced in an unlimited quantity?—Yes.

726. And of all qualities?—Yes.

J. D. Hooker, Esq., M. D., F. R. S.

20 April 1858.

727. Of the best qualities?—Yes, of the best qualities.

728. At what price could it be produced?—I understand that all the tea now drunk by Europeans in the Upper Provinces is made in the Upper Provinces, and I have heard that it averages 6*s.* 8*d.* a pound on the spot where made.

729. Is that prepared by the Chinese?—By the Chinese entirely, I believe.

730. Through English capital?—Yes, through English capital.

731. Mr. *Villiers.*] Can you say to what race the people in Tibet belong?—They are chiefly Mongolians.

Jovis, 22° die Aprilis, 1858.

MEMBERS PRESENT.

Mr. Baillie.	Mr. Lygon.
Mr. Campbell.	Mr. Mangles.
Mr. De Vere.	Mr. Danby Seymour.
Mr. William Ewart.	Mr. B. Smith.
Mr. Gregson.	Mr. William Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Knight.	Mr. Willoughby.
Mr. Lowe.	

WILLIAM EWART, Esq., IN THE CHAIR.

Robert Baikie, Esq., M. D., called in; and Examined.

R. Baikie, Esq., M. D.

22 April 1858.

732. *Chairman.*] HOW long have you been in India?—Seventeen years.

733. In what part of India?—In the Madras Presidency.

734. With what portion of the Madras Presidency are you best acquainted?—With the Neilgherry Hills.

735. How long did you reside in the Neilgherry Hills?—Seven years.

736. Are you very familiar with the climate?—Yes.

737. Can you speak with reference to the question of the hill climate generally?—The most important point is the elevation; all elevations below 3,500 feet being extremely unhealthy, and subject to fever. We have some elevations of 3,500 feet that are tolerable.

738. With regard to the temperature of the hill stations, what do you conceive to be the best?—The Neilgherries again; the average mean temperature being 58 degrees.

739. What are the hygrometrical conditions which you think necessary?—That the quantity of rain shall not be too great; because all the hill stations on the line of the Western Ghauts have an exceedingly heavy monsoon, and are quite uninhabitable for from four to five months of the year.

740. What are the hygrometrical advantages in the Neilgherry Hills?—The comparative lightness of the monsoon. Although prolonged, the quantity of rain is very small; it is only about 44 inches in the year, against 120 on the Western Ghauts.

741. What is the fall of rain at Mahalabuleshwar?—Three hundred inches.

742. The maximum is at Silhet; that is about 500?—Yes; there is a place on the west coast of Africa where there is 600 inches.

743. The rain diminishes as you go eastward?—Yes; the difference is so great, that within 15 miles of Mahalabuleshwar there is only 57 inches against 300.

744. There is only a limited proportion of those hills which is suited for the residence of Europeans, is there?—A very limited proportion.

745. What are the reasons which make the proportion so small?—The reasons are, principally, the heavy fall of rain in the monsoon. And in all the western parts, during the monsoon, leeches prevail to such an extent that people cannot move about.

746. What is the extent, and the nature of the soil and surface of the Neilgherry Hills?

Hills?—The extent is between 700 and 800 square miles; 40 miles by about 15. Around the outer edge of the hills the soil is very good; in the interior, it is indifferent.

747. What is their adaptation as a locality for stationing European troops?—The very best in India, I should say, from their great facility of access, the mean rate of temperature, and their great healthiness for Europeans.

748. Do you think it would be a great advantage to have stations for European troops in the hills?—The very greatest possible advantage; you would have the troops there quite fresh and in perfect health; ready at a moment's notice to be sent to any part of the low country where they were required.

749. What difficulties are there in the way of a large number of settlers establishing themselves in southern India?—The absence of ground for cultivation; they would have nothing to do. If you restrict the question to settlers of the better class, the country is admirably adapted for them.

750. What are the main ranges of those hills in southern India?—Beginning at the south, there is a range near Dindigull which is very healthy.

751. Will you begin from the south?—Yes; next to Dindigull range are the Neilgherries; next to them, a little farther north, a range called the Shandamungalam Hills.

752. There are the Chavaroy Hills, are there not?—Yes.

753. Are they inhabitable by Europeans?—I am afraid there are none of them inhabitable, except for a portion of the year.

754. You draw a distinction between settlers of the better class and others?—The strongest possible in every point of view; settlers of the better class would be of great use, and find great advantage to themselves, which, as regards the lower orders, is out of the question.

755. Unless they were specially provided for, as in the case of soldiers?—Yes, under strict discipline. We had a small hospital on the Neilgherries, and we found it impossible to prevent the natives running about the hills, and doing themselves more harm than good.

756. Have you ever considered the question of colonisation for Europeans in the low countries of India?—Yes, that I have great doubts of again restricting it to the lower orders. The better class, no doubt, might settle with great advantage in the lower parts of India; Mysore, for instance.

757. You draw a distinction between the higher and lower classes?—Yes.

758. Do you think that persons well off in life could live in the hill districts, and that their race could be continued there?—I have no doubt the race could continue there; but whether it would deteriorate is a question we are not prepared to answer; we have not sufficient experience.

759. With regard to the table land of Mysore, have you been there?—Yes, a considerable time; several of the Madras houses of agency have coffee plantations there, which I believe are carried on with great success.

760. But those would not be available as dwelling places?—No; people would not be able to reside there more than a portion of the year.

761. Have any schools ever been established on the Neilgherries?—Yes, there are several excellent schools there for all classes; I have a book here which I published 20 years ago, and a second edition has just been issued in India, bringing up the information to the present day; the title of it is "The Neilgherries." There are several schools for young ladies, and there are several widow ladies, who take charge of children from an early age; and in connection with the chaplaincy, there is a boys' school for Europeans and East Indians, and a girls' school for daughters of the same class, and a mission chapel for the native Christians; in short, the establishment is altogether very complete.

762. Have those schools increased much; have they a much larger number of scholars than formerly?—I must speak of that from hearsay; I believe they have.

763. Can you give us any further information with regard to the Neilgherries?—In addition to other advantages, there are three very distinct climates on the Neilgherries at different elevations, so that people of the better class may escape the monsoon in the rainy season entirely. The range is divided in the middle; the south-west monsoon prevails on one side, and the north-east on the other, so you may absolutely escape the rainy season entirely if you like.

764. What is the cultivation of the Neilgherries?—Coffee to a small extent, I think, was tried, but did not succeed very well; the native cultivation is that of

R. Baikie, Esq., M. D.

22 April 1858.

the coarser grains entirely; millet and barley, and a plant called "love lies bleeding," which is cultivated to a very great extent; it is an excellent grain for human food.

765. The Committee have understood that there might be moral objections to the bringing up of families of European children on the hill districts, in consequence of their communication with the natives?—Yes; until the population is so large that you could substitute European servants for native servants, which would be very difficult, there will be deterioration.

766. How far would the establishment of railways affect settlement in the hill districts?—It would be a great advantage, for it would bring you within 10 miles of the foot of the hills.

767. What is the state of the roads in that part of India?—They are very good.

768. Are there many?—There are three excellent roads up to the hills; one from the west, one from the north, and one from the south; they are all excellent roads.

769. What is the state of the roads in the plains?—Very good in that particular quarter; all the way from Madras there is an excellent road quite to the foot of the hills, at least what we consider a good road in India.

770. Have those roads been made for military or commercial purposes?—Partly both; in Salem for commercial purposes.

771. Do you think that the climate may be found suitable for the European constitution, as regards the Neilgherries?—Yes.

772. Do you think it is favourable?—Perfectly.

773. For the duration and continuance of the race is it favourable; is that a question solved?—Not in Madras; nothing but time can solve that.

774. Have you ever been acquainted with families that have lasted three generations?—No, the Neilgherries were only discovered in 1819.

775. Mr. *Lowe*.] What is the height of the Neilgherries?—Seven thousand three hundred and sixty feet above the level of the sea.

776. Is there any climate in Europe that you could assimilate it to?—No one climate.

777. Can you describe it by a composition of climates?—From the tables of temperature on the hills, it will appear that the mean temperature of the year, the mean maximum and the mean minimum, bear about the same relation to each other as in England, but are about 10 degrees higher, while the daily range is somewhat less. The highest observed temperature, and the lowest, in England, are greatly above and below, respectively, the corresponding points on the Neilgherries; that is to say, the extremes in England are greater. The power of the sun's rays, another most important point, is considerably less in the Neilgherries than in England.

778. Is there any European climate by which you could describe them; how is the summer on the Neilgherries?—We have little or no summer; the sky is completely covered by clouds at that time.

779. You say these places are suitable for settlers of the better class; are there any obstacles in the way of their settling there?—None, that I am aware of.

780. None arising from the Government?—None; they encourage settlement in every possible point of view.

781. No obstacles from the police?—None whatever.

782. Or from the judicial system?—None whatever.

783. Or from the land tenure?—I should think not; there is no difficulty in getting grants to any extent there; always with reference to the rights of the natives.

784. Mr. *Willoughby*.] What advantages do the hills afford in India to settlers of the better class?—The advantages are, the perfect adaptation to the European constitution, that they could reside there the whole year round; that children would have the advantage of schools, and of being brought up in a European climate; while the settlers themselves, if engaged in cultivating any of the great articles of Indian produce in the neighbouring low country, would be able to descend whenever it suited their affairs to do so.

785. You have not in your observations been referring chiefly to the products on the spot?—There are none. I do not know what things the settlers could cultivate on the spot in which they would not be much undersold by the natives. The wages of the natives range from 1 ½ *d.* to 4 ½ *d.* a day; and I do not think that

that any European could compete with men that can work upon that, and support themselves.

786. To whom does the land on the Neilgherries belong?—It is considered to belong to the Government.

787. Are there no parties possessing a right of occupancy?—Yes, certainly; the aboriginal race of the hills, called the Todahs, are considered to hold a proprietary right in the soil; and they receive a quit-rent from all other natives there established, as also from the Government.

788. Was it your duty to collect the Government revenue?—No; my duties were purely medical.

789. Do not the approaches to the Neilgherry Hills pass through an unhealthy country?—On all sides they do; but the belt of the unhealthy country is so narrow on the south side that it is only six miles; on the other side it is wider.

790. Mr. *Villiers.*] You said that there were no obstacles presented in any way to the settlement of people on the Neilgherry Hills; do you state that after inquiring into the matter, and satisfying yourself of the fact?—Yes; when I was in India, 16 years ago, there were no obstacles. It is 14 years since I left India; but I have not been in the Neilgherries since 1842.

791. And you said that they had only attracted the attention of the English Government in 1819?—I believe so.

792. Did the Government seize upon the territory?—No.

793. You say it belongs to the Government?—In the sense that all land in India is supposed to belong to the Government; sircar it is called.

794. It is land which they have appropriated?—They have paid the natives a quit-rent for a portion of the ground, which has been occupied as a cantonment; it was regularly sold to us.

795. It was occupied then for military purposes at first?—As a sanatary station at first.

796. For soldiers?—For officers more properly.

797. Then the salubrity of the place had been observed by the Government, and it was selected as a station for officers and servants requiring their health to be restored?—Yes.

798. You stated that the roads were good from every quarter, communicating with the hills?—Excellent.

799. What communication do you speak of?—From Madras, from Bangalore, from Calicut, and from Coimbatore.

800. When were those roads made?—They have been made at various periods.

801. Do you speak of when you were there; were they then finished?—Yes, they were then in very good order.

802. Were they made by the Government?—They were made by the Government.

803. Are they available for commercial purposes?—Perfectly so.

804. You state that the neighbourhood of these hills is capable of producing various things?—The top of the range of the Neilgherries is capable of producing the coarsest grains.

805. Have you known any settlers go there?—Yes, there were a few there when I was there.

806. Can you tell us if they had succeeded?—I think there was a Mr. Groves, who cultivated coffee then with some success, and one or two people tried silkworms.

807. Can you tell us anything about the success attending any experiments that were made?—No; I can only speak from hearsay upon that part of the subject.

808. Probably from no experiment that has been made; can you tell us anything about the products?—No, except to a very small extent, when I was there.

809. You cannot account for the fact that no more settlers have gone there?—Except that I presume they found they could not cultivate the products to any extent with success.

810. Not with any commercial profit?—Not with any commercial profit.

811. Had you any practical experience as a medical man there?—Yes, I was there seven years.

812. Did you see Europeans there yourself?—Yes.

813. Did they recover their health?—Yes; I had 630 officers in charge when I was there, and about 300 soldiers; the large majority of the officers recovered; the soldiers did not succeed so well.

R. Baikie, Esq., M. D.

22 April 1858.

814. Why was that?—The soldiers were under no proper control.

815. They were merely sent as invalids?—Yes; and they were not under proper discipline; there was no means of restricting them to their own part of the hills; they used to go into the bazaar and get drunk, and they came into constant collision with the natives.

816. Was there nobody in command?—There was a gentleman in command, but he did not live upon the spot.

817. Had any of those people families?—No; there has been a wing of a European regiment for some years upon the hills, and I understand they have succeeded perfectly.

818. Mr. *W. Vansittart.*] You say you were 17 years in the Madras Presidency?—Yes.

819. Do you know any thing of Ganjam?—Yes, by reputation.

820. Was not there a colony of Portuguese there?—Yes, in former days, but Ganjam became so exceedingly unhealthy that it was given up as a station 40 years ago.

821. Do you know any thing about the condition of the Portuguese colonists there?—No; I presume they have become amalgamated with the natives, but I cannot speak positively.

822. The Madras railway is constructing a branch railway?—Yes, and it already reaches the base of the ghauts, about 90 miles from Madras.

823. Mr. *Villiers.*] You said that the soldiers came into constant collision with the natives; was that upon any question of the rights of the natives to the lands?—No; it was simply as Europeans of the lower class generally do come into collision wherever they are allowed to mix freely.

824. Had the Government any right to take the land from the natives?—Certainly not.

825. Therefore they could not do any thing they pleased with the land?—They might.

826. But not justly?—Not justly, and they have acknowledged the rights of the natives quite distinctly.

827. Mr. *Mangles.*] Is there not waste land there, belonging to the Government, not appropriated?—No; the original inhabitants of the hills, a very peculiar race, are completely nomadic; they shift about from one portion of the hills to another, with their flocks, and if they were much restricted they would perish for want of the means of feeding their flocks.

828. Has the Government allowed that the whole of the property belongs to the Todahs?—Yes; all they have taken they pay an annual quitrent to the Todahs for.

829. Have you seen the descendants of Portuguese with high names in India?—Yes.

830. Had not they very much degenerated?—Dreadfully; they are worse than the natives themselves, both physically and morally; I consider them very inferior to the natives themselves.

831. Do you suppose the Portuguese are pure European blood, or what they call Creoles?—At Goa, no doubt, pure European blood.

832. Have those very much degenerated?—Yes, very greatly.

833. You do not believe it is possible for the European race to be propagated in India upon the plains without degeneration?—Decidedly not in the plains; my belief is, that they would die out in the third generation.

834. In the Neilgherries do you think the race might be continued?—I think it is possible.

835. Without degeneration?—That I doubt; I should be disposed to say, speaking as a medical man, that there are not sufficient extremes upon the Neilgherries in point of climate.

836. What articles of commercial value do you think might be raised by European settlers of capital in the Neilgherries?—Nothing in the Neilgherries themselves; I do not think they could compete with the natives.

837. I mean as capitalists employing the labour of the natives?—I do not think they could raise anything with advantage upon the hills except a small quantity of coffee, but that could be grown to much greater advantage in Mysore, not far off.

838. Is the climate in that part of Mysore which is fit for the cultivation of coffee suitable for European residents?—Yes, for a great portion of the year Europeans might reside there; it is a fine climate.

839. Is it on the table land of Mysore?—Yes, on the west; coffee requires a great degree of shelter; you cannot cultivate it in the open plain; you must have shelter for it.

840. Were you acquainted with the officers employed at Mysore?—Yes.

841. Do you know Colonel Onslow?—No, I do not recollect him; I knew almost all the others except him.

842. Mr. *Gregson.*] Are there any diseases peculiar to the Neilgherry Hills?—None whatever.

843. Have you seen any old persons who have resided there permanently?—No; we have only known them since the year 1819; the first settlement was made there in 1825.

844. You speak of growing coffee, and you say it requires shelter; could not coffee be grown upon those hills?—Yes, on the Neilgherries most certainly; there it would not require shelter, because the sun is not sufficiently powerful on the hills; but in the low country coffee requires a considerable degree of shelter.

845. How many years are the coffee plants before they bear?—I think they are about three years before they bear.

William Theobald, Esq., called in; and Examined.

846. YOU are a barrister, I believe?—I am.

847. Has your experience in India been extensive?—I have been 14 years in India, and was practising as a barrister the whole time, but I had great opportunities of becoming acquainted with the country and the people. I left Calcutta at the end of 1856, on behalf of the British and Christian inhabitants, meaning by Christian the East Indian inhabitants, in consequence of the alarm into which they had been put by the apparent determination of the Government to pass measures which involved the enactment of what we have always called the Black Acts; measures for the abolition of the supreme court; and for the enactment of the Penal code, without those alterations which we, as British people, thought important; and measures which also would have had the effect of converting Calcutta from what it has hitherto been, a Crown settlement, into a Company's zillah; and my object was of course to communicate our objections to the Government. But it was not merely a negative mission, but also to press on the authorities here the adoption of reforms which we have long been asking for.

848. You appear as the agent of a considerable body of planters and merchants in Calcutta and Lower Bengal?—Yes, I do.

849. How long have you resided in India?—Fourteen years.

850. Have you become acquainted with the interests and wishes of the British in India by other means besides your instructions?—Yes; about seven years ago, I think, the planters and merchants who were agents and proprietors of concerns in the Mofussil, determined to establish an association to represent their complaints as to the local administrations, and their wishes as to reforms, and I was appointed the secretary of that association from the first; and that has led to my having a great deal of correspondence and personal acquaintance also with our people in the country, and I have also had a great deal of correspondence with the Government.

851. How long is it since you were appointed secretary?—Since 1854. I was appointed by a popular election, in fact.

852. You have had ample means of being acquainted with the interests and wishes of the British in India by other means besides your instructions?—Yes; those are the means, as the secretary of that society, and through the acquaintance which I have made with our people in the interior; my residence has been in Calcutta.

853. How are the Europeans distributed in the interior, and what are their pursuits and occupations generally?—There are Europeans in all the great towns in the Lower Provinces; and the Europeans are distributed throughout the interior, especially in those parts adapted to the cultivation of indigo, as indigo planters; and they carry on a very considerable commerce in the produce of the country as capitalists, making advances upon, and purchasing the produce; consequently they are found all over Lower Bengal. I speak entirely of Lower Bengal.

854. Will you state to the Committee the exact locality of which you speak?—In India the technical name of that part is the Lower Provinces of Bengal; I think

W. Theobald, Esq.

22 April 1858.

think that is the official designation; and it includes the whole of Bengal proper, and the part of the country which used to be called Behar; it is said to have a population of about 40,000,000, but that has never been satisfactorily ascertained. I believe that the territory is as large as France, and is the most fertile of all India, and the nearest to the great port of export.

855. You do not include Tirhoot?—Yes, and Tirhoot; that was part of Behar.

856. What are the pursuits and occupations generally of the settlers there?—They are indigo planters in the country parts; in the towns they are agents connected with the Calcutta capitalists and merchants, and produce dealers; in fact, they have every occupation which a European as a capitalist, and a man of intelligence knowing the country, can have.

857. Have the Europeans increased in number since you have been in India?—They have increased, certainly, because railroads and steam communications have increased, and many other things which originate in European enterprise, and require European management; that class of persons has certainly very greatly increased, but I am informed, and I believe it is true, and the general opinion certainly is, that Europeans in the interior connected with agriculture, and the interchange of local products, have not increased in number, and that that class is declining in numbers. The proprietors of large concerns, I understand, find a difficulty in getting the assistance of respectable Europeans; first-class young men are required for the management of these concerns; there is a difficulty in getting first-class Europeans for employment in the country, and that is an increasing difficulty.

858. Have you observed the effect of the climate on Europeans in that part of India?—The Bengal climate is a very fine climate. The doctors and some other people would make us afraid of it; it is hot, and the Upper Provinces are hotter still; but I think we have a very comfortable existence on the whole there, and I should say that the planters and people who live in the interior, from what I have seen of them, and we have the opportunity of seeing pretty nearly all of them once a year, are a very healthy and hearty set of people; and, without giving a medical judgment on the matter, I should say that Bengal would bear a comparison with countries in the same latitude in every part of the world. We do not wish to be taken care of in that respect; there are none of those small aches and pains, and none of the chronic complaints, which keep people in this country so much in the doctor's hands; no doubt the fever and cholera, and some other diseases, are rapid, but we are comparatively free from small ailments, and generally enjoy a very fair health. There is the question, of course, of the general deterioration of health, and the more rapid consumption of life, but that does not appear to be any difficulty with those who are disposed to go abroad.

859. Have not the European inhabitants the advantage of a change of air?—Yes.

860. To what place do they generally resort for that purpose?—The European inhabitants of Calcutta, when they have their regular holidays once a year, generally take a sea voyage; Darjeeling has been too far and too inaccessible for them. A visit to Darjeeling usually is for the repair of a serious injury to health; the Neilgherries now are open to them. There is a railroad open for the greater part of the way to the Neilgherries, and they are becoming a very favourite resort; but, generally, it is a sea voyage that people resort to whose health is not seriously impaired, and Darjeeling.

861. They combine the sea voyage with an expedition to the Neilgherries?—Yes, that is the case. We now have steamers twice a month to Hong Kong and the northern ports, and consequently there is a facility for sea voyages, which used not to be the case: and a trip to Europe is very easy now.

862. From the facilities of access to the hills and the greater facilities for sea voyages, Europeans now enjoy advantages which they never possessed in former times?—Yes, and which ought to remove many of the prejudices against India.

863. In respect to communication by sea as well as ready access to the hills, is it not probable that India will become a much more habitable place than it has been hitherto?—No doubt.

864. Do not persons with whom you are familiar in Bengal much more frequently visit England than was the case in former times?—Yes; the East India Company has modified its rules, and given the official class opportunities of doing so; and as for the non-officials, the Europeans can visit this country; the indigo

indigo planters can come over after the season, making the voyage to England to see their principals. The only thing we want is, that the monopoly which one great company has of the transit to England should be broken down.

865. You refer to the Peninsular and Oriental Steam Navigation Company?—I do; we now pay 100 guineas for a passage. There is a longer voyage to Australia, for which people pay only 60*l.* to 65*l.*

866. Do not you think that facilities of access to the healthy parts of India, and the facilities of returning to England by the superior speed of vessels, will still further increase hereafter, and that India will become much more connected with England than it is now?—Yes; we all of us have our children at home for education, and we should have them out earlier; and it would lead to a great increase of European settlement, supposing other circumstances to be favourable.

867. Increasing communication and increasing commerce, therefore, will greatly increase the hold of England upon India?—Yes, I think so.

868. Has any plan for European colonization ever been formed in India?—I am not aware of any plan for European colonization ever having been formed, but there was a plan for East Indian colonization in the Bombay Presidency, patronised by Sir John Malcolm; the East Indians formed a society called the East Indian Amelioration Society.

869. What was the date of the formation of that society?—I think it was in 1830, or shortly before; the object was to transfer the surplus population of the East Indian community from the town to the country, and with a view of their learning agriculture and becoming farmers. Sir John Malcolm, I believe, assisted their object to the full extent of his power; I fancy he granted some buildings belonging to the Government, and they wanted some land to settle upon. The Court of Directors disapproved of the project, and would not grant the land, I understand, on the terms which were necessary for the project of colonization, and I believe it fell to the ground: that was at Phoolshshair, a little above Poonah. I am not aware of any other scheme for colonization in India.

870. Were any objections made to that scheme of settlement?—I understand (deriving all my information from Sir John Malcolm's book on the Government of India) that the Court of Directors thought it would create a body of landlords, and they seem to have considered that the bare enunciation of that proposition was a sufficient objection. Sir John Malcolm met that by adverting to the Merchant Tailors' Company in England which had made very good landlords, and had been very useful in promoting colonization. That was, I understand, the state of the argument. I have taken the number of the page of Sir John Malcolm's book, in which the information may be found, and from which alone I have derived my information. It is Sir John Malcolm's book on the Government of India, p. 87, and Appendix (A.) p. 65. I am not aware of any other scheme for colonization. Indeed, of course, until 1833, there could be no European colonization, because Europeans were not permitted to enter without licence, and that of course only in very small numbers.

871. Are there any legal obstacles to the settlement of Europeans in India in the present day?—That is a question which is not entirely free from doubt. My own opinion on the question is, that all legislative restrictions have been removed by Act IV. of 1837, of the Indian Legislature. The case stands thus: that Act permits any of Her Majesty's subjects to hold land in any part of the territories of the East India Company in the largest possible terms. But after that Act was passed, the Indian penal code appeared; and in the code there was a chapter, "On illegal entrance into the territories of the East India Company," providing penalties for illegal entrance into the territories of the East India Company, and that chapter proceeded upon the supposition that the 82d section of the Act of 1833 was still in force, and that section prohibited Europeans from entering without licence provinces acquired during the present century. Therefore it appeared that the authors of the penal code who, by the way, were also the authors of Act IV., were of opinion that Act IV. had not repealed the prohibition, and so the doubt arises, and the British and Christian inhabitants of Bengal, in 1853, petitioned for its repeal. My opinion is that there are no legislative restrictions, but that is the doubt which arises upon the view which, presumably, Mr. Macaulay and the Indian Law Commissioners must have taken; for if that Act had repealed the prohibition of the Act of Parliament, there would have been nothing upon which the chapter of the penal code could have operated.

872. Have any practical evils arisen from that remnant of restriction which seems

W. Theobald, Esq.

22 April 1858.

seems to be preserved by the Act of 1833?—There was the case of Colonel Ouseley, who was removed by Mr. Plowden, the Commissioner of Nagpore, but whether that took place under the authority of the Act of Parliament, or from personal objections and general views of policy respecting Colonel Ouseley upon that occasion I do not know. That case was decided after I left by the Supreme Court. Colonel Ouseley went as agent of the Ranees of Nagpore, for the purpose of protecting them against the East India Company, and he was removed by the Commissioner, under the authority of Lord Dalhousie, but on what ground of law or policy I am not acquainted. The Supreme Court gave Colonel Ouseley a verdict and damages. I might also mention that I believe the East India Company does prohibit its own civil servants from holding land, on a policy which, probably, this Committee might think worth considering, because they are an important body of persons; they are wealthy and well connected, and they are not, I understand (I speak not, perhaps, on the best information), allowed to hold land while in office.

873. Can you state to the Committee the law or regulation which prevents their holding land?—No, I cannot. I think it must be in consequence of the views of the Court of Directors of the general interest of the service of the country: probably it was to check abuse. I am not acquainted with it.

874. You cannot lay your finger upon the law enacting that restriction?—No; and I doubt whether it is under a law. I think it is a general regulation for the service.

875. There is no question as to the existence of the restriction?—I believe not.

876. Supposing the legislative restriction which you have just referred to still to be in force, would it apply to East Indians and to the children of European parents born in India?—I think not; because East Indians and the children of European parents born in India are natives of India. My son, who was born in India, is a native of India as much as an Asiatic. Such persons never required a licence to reside in India, I understand; and, consequently, the restrictions of the Act of Parliament never could have applied to them. There was the case of Mr. Dickens, of the Calcutta bar, who came out without a licence because he was born in India, and the President of the Board of Control held that he was entitled to do so.

877. Can you give the Committee the result of your experience respecting the settlement of Europeans in India?—If by settlement is meant the migration, either with or without Government aid, of large numbers of persons from this country to India, the idea, I should say, is not a practical one; but I think that something like colonies ought to be established for the retirement of our invalids, and other classes of British soldiers in India; and a well-constituted colony would, I think, attract a great many East Indians and Europeans; but I have no plan. With respect to Europeans generally, what they want is to have the country put into such a state as will permit of their penetrating it in all directions; for this purpose they want roads and railroads, and improved internal communications; and they require such an administration as would afford them tolerable security for their persons and property, if they settle; that is not the character of the present administration. It is surely not too much to enforce on the Indian Government such an administration; and if that were gained, the spirit of enterprise would carry Europeans through the length and breadth of the land; they would find out the places where their settlement would be advantageous to themselves, and must be so to the natives, because they must employ native labour, the value of which they raise wherever they go; they carry capital, extend trade, introduce new ideas amongst the people, and teach them how to improve.

878. Are you acquainted with the mineral parts of Bengal; where are they, and what are the minerals which they contain?—Yes; accidental circumstances brought the question of the mineral parts of Bengal very much under my consideration; it was from the circumstance of my being early a supporter of the project for railways in India; I therefore do know what are the mineral parts. There is coal in Beerbhoom; that is commonly called the Burdwan coal. There is coal in Palamow, a little further to the north-west; there is coal in Hazaarabagh, and also in Silhet. There is iron in Beerbhoom, contiguous with the coal, in very large quantities; probably an inexhaustible stock of iron, in large blocks, and of very great richness; and there is iron in Palamow. There is copper in Beerbhoom; also in Singbhoom, Hazaarabagh, and in various parts of the Himalayas; about the latter I know very little. There is silver in the Beerbhoom jungles, and there is lime-

stone

stone in Silhet, and limestone, I believe, in Palamow; and I fancy there is limestone in some other parts. I believe, if properly explored, it is a very rich mineral country.

879. The lime may be brought to bear upon the iron and coal by the railways?—The limestone is not contiguous to the iron; and I believe the opinion, according to the calculations of the cost, is that the Silhet limestone is too far off for the purpose of working the iron. But there is also limestone in Rottasgur, which is just across the Soane, on the Grand Trunk road, and I should think not above 160 miles from the iron, certainly; whether it can be brought near the iron, I do not know, but it is very rich ore. I was told by an Englishman, accustomed to smelting works, that there was at least 40 per cent. of iron. It is called, I think, the grey-stone iron, in England. You see it cropping out in the Grand Trunk road.

880. You have not mentioned the coal of Assam, I think?—I am not acquainted with the coal of Assam; there is coal in Assam, I know.

881. Is it not of a very good quality?—I believe it is a very good coal. The only coal good enough for sea-going steamers, I understand, is the Silhet coal; that is the most distant and the least accessible.

882. Is that like the Welsh or anthracite coal?—I believe it is; it is worked on a small scale, but it is too expensive to be brought to Calcutta without better modes of conveyance. I imagine that the Eastern Bengal Railway will open a trade in that coal; the coal is worked by Europeans.

883. What is the present state of the development of the mineral resources, and what are the mining concerns in the hands of the Europeans engaged in them?—At the Damoodah coalfield, the Burdwan coal, there are five or six collieries; and the coal of Hazaarabagh has been worked, but I think that the working of the colliery at Hazaarabagh was stopped for want of a road. I knew the parties who proposed to work the coal in Hazaarabagh; they represented the want of a road to the Government, and an engineer officer was put on to make a road, but it was not carried on. The Silhet coal is worked to the extent to which the demand for it at its high price goes. The Palamow coal is, I believe, not worked; I fancy there is a deficiency of carriage, which probably railways also will partially remove.

884. Have those mineral resources been developed by European settlers, and would they have been developed without the existence of European settlers?—In the Damoodah coalfield there is one native proprietor, but the coal there was discovered by a European. The natives were not aware of the wealth that they had in that great field. The first collieries were established by Europeans. Out of five or six collieries, there is one native proprietor. The Silhet coal is worked by Europeans, and the Hazaarabagh coal was worked by Europeans.

885. In fact, the capital and skill and science, we may suppose, are generally European, and without them those resources would not have been developed?—Certainly; the natives very willingly join Europeans in those speculations and operations, but they are not the managers in the first instance. With respect to copper, which is a most important mineral, the imports from Europe amount to something like 300,000*l.* a year. The copper has only been raised by rude means and in small quantities, by native copper workers. There is a very large consumption of copper in the country for drinking vessels, and other vessels. Of course the imported copper supplies that to a very great extent, but they do raise copper in Singhboom; I know that, because I have myself seen specimens, and samples of the regulus which were sent to Swansea to be tested, and the samples were very valuable; I think the best was 37*l.* a ton; there were four samples, and the most inferior one was worth 34*l.* a ton. The copper in Beerbhoom has not been worked at all, but I know a highly scientific gentleman acquainted with the existence of that copper, and he told me that he had been, as I understood him, in negotiation with the Government for working that copper, but that he could not get any terms that he thought sufficient. I do not put that forward as a reproach to the Government, because I do not know what the terms were, but that so I was told.

886. You have mentioned that there is only a small number of Europeans settled in the interior; how do you account for that fact?—I believe it is owing to a great variety of causes, some of which operate in one part, and some in another part, and some in all parts of India. The people who go to India are capitalists and of the middle classes, and they require to be tolerably secure in their persons and property. In some parts they cannot get a footing at all as capitalists, in consequence of the land revenue system in those parts; the land revenue system in other parts does not exclude them; but where, as in Lower Bengal, the land

W. Theobald, Esq.

22 April 1858.

revenue system is more favourable for capitalists, and where, consequently, Europeans have settled, their position is one of danger and difficulty; danger to their capital from many faults in the revenue system, which still admits of their settlement, and danger both to their persons and property in consequence of the bad state of the local administrations generally. Another cause is the want of proper laws, among others, a *lex loci*, for Europeans and East Indians; and I must add to those causes the constant apprehension in which, for many years past, they have been kept, of being put in a worse condition by the repeated proposal of measures, such as the late Affray Bill, such as the Black Acts, and such as many parts of Mr. Macaulay's Penal Code, which I think would be much reprobated by all classes in England; and our position is often made very disagreeable by the conduct of the ruling branch of the civil service towards us. And lastly, there is the want of inter-communications, such as roads, railroads, &c., and the want of improvements to facilitate travel and traffic. I should be very glad to be allowed to give an explanation of those causes in detail.

887. To what do you refer when you speak about the land tenure preventing Europeans from getting settlements in some parts of India?—I refer to the Ryotwarry Settlement, as it is called, a term very well known in this country; under that tenure the Government is the immediate landlord, and in its transactions with the ryots and cultivators is represented by an army of what I should call Revenue Police, who, I think, it sufficiently appears now by the Madras torture report, are men without any principle whatever. I am now referring to the Madras territory, and I believe that the same revenue settlement, that is the Ryotwarry Settlement, exists to a great extent in the Bombay Presidency; and where that is the state of things, that is, with the Government as the landlord, and being represented by such a revenue police as exists there, an army of something like 60,000, I apprehend, it is self-evident that, with a pauperised tenantry, the capitalist cannot possibly get a footing; and he cannot get a footing for another reason, that the settlement is an exclusive settlement, and does not involve any plan for introducing a class of landlords intermediate to the Government. I state that as the conclusion of my own mind as to that settlement.

888. Would your answer be represented by the opinion that the frequent interposition of the Government agents, between the producer and the consumer, is productive of much evil?—By the interposition of the existing class that is the case. The existing class is a revenue police; large numbers of them are very ill-paid, and from what we have lately known through official reports, they are a very unprincipled, rapacious class of men, who pauperise the population; and I think it is stated in Mr. Kay's book, that the Government are of opinion that they cannot extend cultivation any further (I do not know whether they admit, under that settlement); that no more land can be brought into cultivation, although there are large tracts at present uninhabited, and large numbers of persons are constantly migrating eastward from the Coromandel Coast, where this settlement prevails, for employment elsewhere.

889. Where do they go to?—When I was down in the Straits Settlements I found that there was a regular migration of certain classes, though not in large numbers, who came to better their condition; they were sometimes cultivators of mixed classes.

890. Do you ascribe that to the Revenue system?—That would be the conclusion in my own mind; it excludes the capitalist and prevents that expansion of prosperity which the introduction of capital always leads to.

891. What is the nature of the Revenue Settlement that you refer to in Lower Bengal, and what faults do you impute to it?—The settlement is known by the name of the Permanent Settlement. It is also called the Cornwallis Settlement, because it was established by Lord Cornwallis under the authority of an Act of Parliament, and with the full consent, and, after great consideration of the Court of Directors here, it was established by Lord Cornwallis. I mention that, because I have seen publications in which it appears to have been imputed to Lord Cornwallis as rather an arbitrary act, arising out of a prejudice of that nobleman for the institution of great landlords; but I believe that was the origin of the Permanent Settlement; it was Lord Cornwallis acting on the views of the first-class statesmen of that day; and it was called the Permanent Settlement, because the settlement already established had been only for 10 years; it was a settlement already existing, which was converted from a settlement for a term into a settlement for perpetuity. Then, with reference to the faults of that settlement,

ment, the Government imposed very strong terms on the zemindars for the purpose of realising its revenue, such as if there was any default in the payment of the revenue, what we should call in England a statutory execution might immediately issue; that is, the mere fact of default entitled the collector immediately to sell the zemindary. That was done, and it had the effect, I believe, of sweeping away the zemindars, who were the proprietors, and most of the great families, who were the zemindars when that settlement was established. I think that proves that it was, as respects the terms of the settlement and the amount of the payment of the revenue, not a particularly favourable settlement. Then the condition of the settlement to which I adverted, and to which I should refer as a fault in the settlement prejudicial to us, was this, that, whenever an estate had to be sold for default of the payment of revenue, all under-tenures created subsequently to the date of the original settlement, that is, all under-tenures created after 1793, were swept away by the fact of the forfeiture; and that affects us in this way: we take parts of a zemindary, perhaps on a lease or under some other tenure, such as a putnee tenure; we become perpetual leaseholders of a part of the zemindary, and that interest is forfeited by the mere fact of the estate being sold, free from that tenure, free from our lease; our lease is cancelled by the act of sale, and as the tenant or putnee holder has not necessarily, or had not originally notice of the forfeiture, his property is lost, without his being at all aware of it. Since I have been in India there has been an improvement in that respect.

892. Does that grievance exist now?—To a much less extent than it did formerly, but it is still a very great grievance, and it has been under the consideration of the Government of India.

893. The sub-renter is affected by the default of the superior landholder, without the privity of the sub-tenant to it?—Yes, he may have given 10,000 *l.* for a valuable lease, and also be under an engagement to pay a portion of the Government revenue accruing in respect of that lease, and that is swept away. By the simple act of the non-payment of the zemindar, the estate becomes liable to be sold; it is accordingly sold peremptorily. It is a forfeiture which cannot be appealed against. The zemindar is not allowed to become the purchaser. The zemindary is sold, and, by the terms of the Settlement, it is sold, to use the language of the Regulation or the law, "free from all encumbrances created subsequent to the date of the Settlement," all encumbrances created since 1793. And under that word "encumbrance" they include all kinds of leases, all kinds of subordinate interests created subsequently to 1793; and those interests include the interests which have been obtained by Europeans for valuable considerations, the consideration being sometimes a bonus, that is a premium; the consideration being sometimes also an enhanced rent, because the zemindar pays the rent, and the leaseholder pays what he engages as rent to the zemindar, and not to the Government. That is quite a recognised inconvenience; and Mr. John Peter Grant, a man of very distinguished ability undoubtedly, brought in a Bill for the purpose of removing this inconvenience, and altering the law. The Indigo Planters' Association entirely approved of the object of the law, but it was connected with practical inconveniences. The new law would have produced practical inconveniences which obliged the Europeans to oppose that form of the law, and as too often happens where we oppose partially, and on grounds so strong that the measure is postponed, we did not get the better measure which we ourselves suggested. We are, therefore, still under the old arrangement and the old law, and that is a law which ought to be altered. And although a reform of the law was undertaken by a member of the Government in consequence of our partial opposition, the matter appears to have been dropped. That is one of the inconveniences under which capitalists suffer.

894. Do Europeans seriously suffer under the existing state of the law?—Yes, I believe they do; it affects the value of their property as a security.

895. I understand you that the grievance is simply this, that the rights of the sub-renter are swept away, together with the proprietorship of the zemindar?—Yes; all new interests created since 1793.

896. Mr. *Lowe.*] What was Mr. Grant's proposition?—I cannot give the details of it. It was a plan for registration of sub-tenures and divisions of zemindaries; but the registration involved a large amount of preliminary inquiry which we thought would be almost as mischievous as the resumption operations were formerly; we suggested a plan which would have answered all the purpose;

W. Theobald, Esq.

22 April 1858.

Mr. Grant's Bill was very just as respects the principle, but objectionable as to the details.

897. *Chairman.*] Have you any idea that a new Bill was brought in?—None was brought in.

898. Will the necessity of the case urge it forward?—We have no information that the measure will ever be resumed, and it is in consequence of that and similar things, that we have been petitioning for the enlargement of the Legislative Council: our experience is, that when the Government, in consequence of any opposition on our part, is obliged to drop a measure, although we approve the principle, it is often indefinitely postponed.

899. Do you wish to have some representative of the interest of the commercial community in the Legislative Council?—In consequence of our observation that our interests do require something better than official protection, we have wished that, and petitioned for it.

900. Are not the European commercial and agricultural community now represented in the Legislative Council?—They are not at all represented in the Legislative Council. The Legislative Council is entirely official.

901. You said that the principal superior statesmen at the time of the passing of the Perpetual Settlement Act called Lord Cornwallis's Settlement, were cognizant of Lord Cornwallis's scheme; can you give us the names of those statesmen?—It was in the time, I think, of Burke, when India was very much the subject of party discussion; I will state whence I derive that opinion; it is from a native petition; when Mr. Grant's Bill was proposed, the natives were disposed to oppose it, on the ground that it was an interference with the permanent settlement; that is, it involved danger to the principle of the settlement; the settlement is very popular with the zemindars; they call it the great charter of Bengal, and most deservedly and properly so; and they traced in this petition what I call the pedigree of the permanent settlement, and showed that it had its root in the Act of Parliament, and the sanction of the Court of Directors; I have not made any original investigation upon that question, but that is the ground of my belief.

902. Was not it under Mr. Pitt's Government?—Yes, I think so; it was in 1793; the natives generally perfectly understand the value of that settlement, and it is invaluable to them and to us too, for it has saved Bengal from insurrection.

903. In what relation is the cultivator to the landholder under the permanent settlement?—The cultivator has no relation to the Government. The zemindar is the landlord. It is a question very much disputed what is the nature of the cultivator's interest in the soil; there are certain classes of cultivators who have vested and permanent rights by the law of the permanent settlement. Those classes of cultivators are recognised in the permanent settlement, and their rights are secured against the consequences of a forfeiture. They are the old cultivators who had a customary title or an ancient title; hereditary cultivators.

904. It is a kind of Ulster tenant right in Lower Bengal?—Yes, it is a tenant right, no doubt.

905. Which they still adhere to, and it is supposed to be a remnant of the old common law of the country?—Yes; but wherever an estate has been sold for Government revenue, all excepting those classes of cultivators are liable to have their rents enhanced, as I understand; and I apprehend that where a tenant is liable to have his rent enhanced, where the landlord has the power of enhancing the rent at pleasure, the cultivator must be considered a mere tenant at will; but the law of the rights of those ryots is I think very uncertain. I myself issued some questions to many parts of the country for the purpose of ascertaining what the rights of the cultivators were, and I could not obtain a uniform or consistent answer; consequently the law is unsettled. This was elicited, that there were two views. Some people thought that the cultivator had by the common law of India, which is adverted to by Mr. Mountstuart Elphinstone, the right of occupying wherever he paid his customary rent; and no doubt a large class have that right, but a very large proportion are mere tenants at will, I apprehend.

906. The majority of the ryots are mere tenants at will?—I cannot affirm that absolutely; but where the landlord has the power of enhancing the rent, I should call them tenants at will.

907. Does the landlord exercise that power which a landlord can exercise over tenants at will: are the tenants frequently turned out of the holdings if they do not pay their rent?—Yes, they are.

908. And,

908. And, therefore, the tenant right is not a universal protection to them?—No, it is not universal.

909. Can putneedars save their tenure from the effects of a sale for arrears of revenue by depositing their own rent with the collector?—I think not by merely depositing their own rent. I think they have to deposit also the rent of the zemindar. I know what happened once to myself, when for a certain purpose I was a putneedar; my interest was a third of a putnee estate which was subject to the Government revenue. I had not merely to deposit the rent to which my portion of that estate was liable, but also the portion to which the other co-sharers were liable. I had my remedy over against the others this way. The collector in those putnee districts collected the revenue from the tenants of the whole, and paid the defaulters share to me.

910. The ryot cannot pay directly to the Government; he must go through the intermediate agency of the zemindar; the zemindar being not only the landholder, but the collector?—Certainly.

911. How are the izarahdar's rights protected?—The izarahdar's rights are entirely unprotected.

912. What is an izarahdar?—A leaseholder.

913. Under whom?—Under the zemindar, the landholder.

914. The ryot is a tenant at will, and the izarahdar a leaseholder?—Yes; the izarahdar is a leaseholder.

915. A tenant for years?—Yes.

916. Can he be a tenant for life?—The term is immaterial; that is not the form of leases in India; it is for terms of years, or in perpetuity.

917. Are indigo planters generally holders of landed property?—Yes; they are holders of landed property, both as zemindars and as izarahdars and as as putneedars; every sort of interest in the land they acquire; it gives them a position of safety.

918. By a putneedar do you mean a tenant at will?—No; a putneedar is a permanent tenant; it is a peculiar tenure.

919. What do you mean by a permanent tenant?—He has a perpetual interest, but still it does not constitute him a zemindar; these are all leaseholders.

920. A putneedar is a leaseholder?—Yes.

921. For 999 years, perhaps?—It is an interest in perpetuity; we have nothing exactly like it England. The putneedar is absolute proprietor, but is swept away if the zemindar makes default in payment of the zemindary revenue.

922. Are the indigo planters generally landlords?—Yes, they acquire by purchase that interest; it gives them position in the country, and gives them influence in the territory, and enables them to carry on with more success their operations; I believe they do not become landholders generally, for the mere purpose of being receivers of rents, but that they may carry on their operations with more success; they want security against the zemindar; the zemindar is an influential prejudiced man; is jealous of the improvements which we introduce, and is jealous of our race in point of fact; and consequently we want that stability in the country which nothing but becoming landholders will give us, as I understand it.

923. The principal object of the indigo planter is, security in holding the land which produces the indigo?—Of course; that is his primary object, no doubt.

924. And that he has not got at present?—Not to the extent desirable. Of course everything that puts capital to hazard, even theoretically, diminishes the value of security. If you want to borrow money upon your interest, a lawyer looks at your title; and if he sees that it is dangerous, although the danger may be very small, yet, owing to the defect of the security, abstractedly it has a diminished value for the capitalist.

925. Before the time when an indigo planter could hold land, what security had he for his crop?—Before that time he had the security usually of an alliance. I am now speaking only of what I have heard.

926. You speak from the year 1837, from which date the proprietorship of the land by indigo planters commenced?—Yes.

927. Before that time what security had he?—I have heard it stated that he had the security, which must be considered of an irregular kind, of an alliance with Government officers and with capitalists connected with Government officers; and before we were admitted into the country, the chief capital of Europeans, I understand, was supplied by gentlemen in the services, and they took

W. Theobald, Esq.

22 April 1858.

care, by their local and official influence of the concerns which were carried on chiefly or partly for their benefit. I am told that that was the extent of our enterprise antecedently to the opening of the country.

928. He must have been a kind of second-hand proprietor?—Yes. In fact, the domestic history of the country has not been sufficiently investigated. I think it will be found that the root of independent British enterprise in Bengal is to be found in the civil service.

929. Are you speaking of a time antecedent to 1837?—Yes, long antecedent to 1837.

930. But they could always hold leases?—Europeans could not hold leases.

931. Could not they hold leases before 1837?—They could only go into the country by licence, and I am not aware that they could hold leases.

932. Then the Act for holding land applied to lessees as well as to the proprietors of the land?—Yes; the Act goes on to say, they may hold land for a term of years, or in perpetuity, to hold it in every variety of way.

933. You have spoken of the bad state of the local administrations as operating to the discouragement of European settlers; what do you mean by the local administrations?—I refer to the police, to the magistracy, both covenanted and uncovenanted, and to the administration of justice generally in courts of all descriptions.

934. Will you begin with the first point to which you desire to call our attention?—The police is entirely a native police, under the superintendence of only one principal European officer, who is a magistrate. I would refer, to save the necessity of detailed description, to a minute of Mr. Halliday, the Lieutenant-Governor of Bengal; Mr. Halliday's minute was brought very fully before the notice of the House of Commons last Session, by an Honourable Member whom I see here. Mr. Halliday, I believe, only repeated the official opinions which had been given 20 years before respecting the police, that they are either the perpetrators of crime, or are connected with the criminal population of the country; that is the state of the police confessed by Mr. Halliday, and that representation by Mr. Halliday came out only two years ago; but we have made representations to the same effect, both in our petitions to Parliament and to the local government, with a view of obtaining the necessary reform. If the Committee will allow me, I will quote what we have said about the police; here is our petition to Parliament in which we describe the police, the magistracy, and the courts: "Police, magistracy, and courts, are the means established and on which all regular communities rely for the preservation of the peace, the enforcement of civil and criminal responsibility, the defence of the rightful possession of property, and expulsion or dispossession of those who have no title to it. The connexion between these means and order and security is that of cause and effect in all civilised communities. In Bengal the means are established; there is a police force, a magistracy, and courts, criminal and civil, but it cannot be affirmed that there is anywhere order and security; the means, therefore, which succeed elsewhere, fail in Bengal; obviously, on this state of the case, a very grave suspicion (of incompetency) rests on the police magistracy and law courts of Bengal. As to the police, there is but one opinion of it throughout the mofussil (country). In its chief duty of affording protection to persons and property, it is nearly useless; as a sword, as a shield, for defence, for attack, it cannot be trusted; at the same time it is universally reproached with many corrupt habits and practices, among them extortion on all sorts of occasions and pretences, and great venality, and to these your now petitioners add the practice of torture. Such being the state of the police, the laws for the preservation of peace are not enforced; the authority of the police is much abused, the inhabitants have to rely on their own resources for the most common protection of themselves and their possessions, and are left free in their quarrels. The poor protect themselves as best they can by combinations and otherwise, and the propertied classes and persons engaged in traffic by the employment of large and costly establishments. In the opinion of this committee" (that is the gentlemen with whom this petition originated, and the representation to the local Government originated) "the state of the police is in a considerable degree a cause of affrays, and of all sorts of agrarian disputes and disorders." And Mr. Halliday, in his minute, quotes, I think, from a member of the council, who had said that the police were all thieves and robbers, or in league with thieves and robbers, and that probably the most effectual means of improving the state of the country would be to put them all in prison, or words to that effect.

effect. We have represented that to the local Government, we have represented it to Parliament, we have represented it to the authorities here, the Court of Directors and the Board of Control; and it is, I believe, as bad now as ever. In 1836 it was in the same state; in 1836 the Court of Directors seem to have been perfectly aware of that state of things, for, by a despatch in January 1836, they directed that no financial considerations should stand in the way of a reform so urgently required; so that the Court of Directors have shown their knowledge of the state of the police at that time, which was what it is now, and at the time Mr. Halliday wrote nothing was done, and nothing has been done to the present day. That is what I mean when I say that the police, as a part of the local administration, is in a state that makes life uncomfortable to us.

935. Does not the mischief, in the case of the police, as in many other cases of the administration, lie in the inferior moral character of the natives as administrators of the police?—Undoubtedly, in their extreme want of moral principle, and humane principle of every kind.

936. The material with which you work is bad?—They are the worst materials to be found in the country. They are said to be the sweepings of the gaols.*

937. Is it not desirable, therefore, that European agency should extend further downwards, among the natives, so as gradually to infuse and communicate a better moral character to the natives?—That is the one reform essential, and which has never been suggested in any despatches of the Court of Directors; that is the one reform, without which the police cannot be improved.

938. Would not such an infusion of European character among the natives be of great advantage to the natives themselves, as well as favourable to the employment of Europeans?—I think there cannot be a doubt of it. It is the opinion of all Europeans, and it would scarcely diminish the amount of native employment; there is a jealousy of the increased employment of Europeans, on the supposition that it involves a diminished employment of the natives. I do not consider that that ought to be conclusive upon the question of the right or expediency of adopting it, but I do not think that would be the effect of it. Just as the introduction of our arts improves the native arts, so the introduction of Europeans into the native police force would improve the natives; but whether it would improve them or not, our eye and our principles would be a protection to the population. At present the police are held in abhorrence and horror by the population, there is no doubt; and it is a curse upon the country which is discreditable to English humanity and statemanship and government.

939. An increased use of Europeans in such cases would be a point of amalgamation, at which the European and native character would meet and fuse themselves together?—Yes, no doubt; and the native would learn our better morality, and unlearn his own habits to a certain extent.

940. Can you judge whether such a policy would be popular among the better class of natives themselves; would they apprciate such a policy?—Everything which acted beneficially upon them, upon the whole, as soon as they found it out, would be acceptable to them, there is not the smallest doubt.

941. But if they did not appreciate such a policy as the infusion of Europeans at first, their own interest would gradually induce them to do so?—No doubt. I dare say it might be at first unwelcome, and especially to the zemindars.

942. You have complained of the magistracy; will you state the reasons for which you complain of them?—The magistracy is of two classes; one is the covenanted, composed of Europeans, what I should rather call the ruling class of magistracy, and the subordinate class of magistracy, which is chiefly composed of natives. Of course, my answer to that question is invidious towards a class of gentlemen for whom we must entertain a great deal of respect in many points of view; but it is a public question, and there are such evils connected with the defects, as we say, of that branch of the magistracy, that I hope the Committee will not impute to me any feeling towards the class if I state what is our view respecting the covenanted magistracy. But I might save that trouble by simply again referring to Mr. Halliday's minute. Mr. Halliday treats the magistracy, of course, not as having vices, but as utterly inefficient, and he ascribes that utter inefficiency to two causes (I should add some other causes), from their youth and want of experience; and, moreover, he says that no reform in the police would be possible without having a more efficient magistracy, by which he means the ruling branch of the magistracy; and Mr. Halliday shows how the deterioration has been going on for

* *See* this answer corrected in Question 1214.

W. Theobald, Esq.

22 April 1858.

the last 10 years, I think. Mr. Halliday says that formerly the magistrates were men of 10 years' standing; he then gives the progressive diminution of the average of their age, till at last he states that the average now is only about six years. The magistrate is the most important officer in the country; he is more important than the commissioner, or the judge, or the collector; he has a great province under him; he represents the Government in all those offices which in England are distributed among all sorts of different administrations; he is a judicial officer with very important judicial functions; he is the head of the native police of his district; this one magistrate, in a population of 1,000,000, with this debased police, is the superintendent of that police. Therefore the youth and inexperience of the magistracy is a very great evil; and I was going to remark that it is an evil, as Mr. Halliday predicts in his minute, which unfortunately must go on increasing for some time to come; and the prediction has come to pass. In this way I think the Committee will see at what rate it is increasing: viz., that in 1855 the number of students in Bengal, was 11; in 1856 the number was 25; in 1857 the number was 58. The Committee see that the increase of young men in the country has been going on, and consequently the average age of the magistracy, as Mr. Halliday says, must diminish, and diminish to a most alarming extent. There is now, I think, in one of the most important districts of Bengal a magistrate who has been less than two years in the country.

943. Mr. *Villiers.*] How does the increase of students diminish the efficiency of the magistrates?—The average number of young gentlemen who have gone out from Haileybury to Bengal was 25, and that produced in the college in 1855, I think, 11 students; in 1856, 25; and in 1857–58, in consequence of Haileybury being broken up, all the young men seem to have been at once transferred to India.

944. How is it that the increased number of these young men coming out tends necessarily to weaken the qualification for the magistracy?—To state it generally, I should state it thus, that the proportion of students or of writers to the whole service in Bengal was in the beginning of 1857 much greater than it ever had been in any former period. Suppose the proportion of young men introduced has been 25 to 100, if you raise the 25 to 50, and make the proportion in any one year 50 to 100, evidently you lower the average; your 100 men have been in the country six years, and you introduce 50 new men, who have no experience at all.

945. Do you mean that more magistrates are appointed in consequence?—No; but there is a greater proportion of very young men. Mr. Halliday states that the evil of youth and inexperience in the magistracy must go on increasing; that is, the average standing in the service of the men will be lower, and it must fall still lower. It has fallen from ten to six years, and it has fallen from six to five, and Mr. Halliday has said that the average age is still diminishing. Mr. Halliday has made this assertion, that the evil must go on increasing for a certain time, and on what does that depend? My object was to explain how Mr. Halliday's anticipation has been verified. I am sorry to state this, because it involves a certain amount of criticism, which I would have avoided; but when the Court of Directors had notice that its lease of patronage was to expire, it took advantage of the occasion, very naturally, to fill Haileybury, and having filled Haileybury, when Haileybury was broken up, it had to put those young men into India, and therefore had to send a much larger proportion of young men than it ever did before.

946. *Chairman.*] What you complain of is, the increased number of youthful and inexperienced men?—Yes, that is the point.

947. Are not Europeans exempt from the local criminal jurisdiction of the magistrates, and, therefore, how can they be affected by them?—Europeans are exempt to a certain extent from the local magistracy; they are exempt from certain punishments, that is, from the punishment of imprisonment. The magistracy consists of two branches, one branch of which I have already mentioned, without giving instances of the way in which we suffer; but there is another very important branch, the uncovenanted, the members of which are appointed by the local Government, and from, of course, the resources which the local Government has upon the spot; and that magistracy is composed of Hindoos and Mahomedans, and East Indians and Europeans, but a very small proportion indeed of Europeans.

Europeans. I believe the intention was that that branch of the service should be filled up in equal proportions by the three classes, but the inducements were not sufficient to lead Europeans to take the service, or if they did take the service, their number has declined, because it was disagreeable to them, consequently that branch is filled with Mahometans and Hindoos, and a few East Indians. We have a large experience of those men; they are very inefficient; they are magistrates in subdivisions, subordinate to the upper magistrates. They have only a divisional authority, in divisions often of very great importance, and with a great population. They are very inefficient, and often worse than inefficient. We suffer in all sorts of ways from their prejudices; their unfitness in point of fact, for the exercise of criminal jurisdiction. The Hindoos have their prejudices of caste, and we are of no caste, and they look upon us with an aversion which appears inherent in the race, and with a contempt and dislike which is inspired by the prejudices of caste; and the Mahomedan is worse than the Hindoo. I speak now of the existing class of deputy magistrates, who are very ignorant and prejudiced, and ought not to be employed by the British Government at this time of day in a magisterial capacity. Then as superintendents of the police, they are terribly inefficient, from apathy, inactivity, indifference to duty, and other personal qualities very common among nations, and important districts fall into the greatest disorder very often through their inefficiency as local superintendents of the police; I could give instances of that.

948. If I understand you rightly with regard to European magistrates, you have raised two objections, their small numbers in proportion to the population, and their inexperience, particularly in the languages of the country?—Certainly.

949. Does that inexperience in the language of the country make them dependent upon the native officials?—I think you will hear that stated by any number of gentlemen who may be examined before this Committee, who may come from the Mofussil, and who are in constant communication with them. They are to a very great extent in the hands of their Omlahs; but necessarily they must be guided by persons who are utterly untrustworthy as to what takes place at a distance; they do not understand the languages.

950. Are the Omlah very much objected to?—It is so stated. I can read extracts from correspondence, in which the Omlah are described as the most corrupt, and for their purposes, nevertheless, able and skilful men.

951. With regard to the uncovenanted service, I understand that the same reasons for which you would recommend an infusion of Europeans among the police would induce you also to recommend an increase of Englishmen among the uncovenanted service?—Yes, most certainly, and the employment, where natives are employed, of men of altogether a different class of character and qualifications. The Government has not done justice to the country in its selection of native servants.

952. This would be another point of contact at which you would bring the European and native service together, extending and combining them in the uncovenanted service?—Yes, undoubtedly.

953. Except that you would command the other to a certain extent?—Undoubtedly.

954. In that point, in regard to the infusion of Europeans in greater number into the uncovenanted service, do you agree with General Tremenheere, who was examined the first day?—Yes, I agree entirely with his proposition, that the first consideration is the good of the country; and if the best service can be obtained from Europeans, the natives have no claims; but I still think that Government has not done justice in its selection of native employés.

955. You think that there might be more care displayed in the selection of native employés also?—Yes; certainly the class who are employed are very improper; I could mention cases of grievous incapacity, and grounds which ought to have disqualified.

956. Are there not complaints of the want of proper laws, especially of a *lex loci*, and of proper courts for Europeans and East Indians; will you explain your virws on these points?—As respects the *lex loci*, there has been a report by the Indian Law Commissioners, which has established the great want in the country of a *lex loci*; and it arises in this way: Hindoo law is the law of the Hindoos, Mahomedan law is the law of the Mahomedans, and they are personal laws; they are also deficient for the purposes even of native laws. Then there are the East Indians, and others, to whom those laws are not properly applicable.

W. Theobald, Esq.

22 April 1858.

We, the Europeans, also want a *lex loci*. The courts of the East India Company having no authoritative body of law in the character of a *lex loci*, have to make the law *pro re nata*, and that they do with more or less success, according to their power of reasoning and their general information; and they are now, to the best of their ability, supplying that law which is wanted by constant reference to English law; it is the only general law to which the courts can have resort, but we want it to be established authoritatively. Our opinion of the want is not ours alone, but it has been declared authoritatively by the Indian Law Commissioners, and the Indian Law Commissioners are supported by two of the members of the English Law Commission in their view of what ought to be the *lex loci*. I think the Right Honourable Member for Kidderminster was one of the members who supported the view of the Indian Law Commissioners, and the other was Sir John Jervis, with modifications to be given by the courts. Then we want proper courts. We say we ought not to be tried to the extent to which we are now triable in the native courts; the fact is, the natives have courts which are suited to them, but those native courts are not suited to us, and therefore we do want better courts; but that raises a question of reform.

957. You wish the law to be raised superior to persons, and to be made a local law applicable to all persons equally?—No; we do not wish to interfere with the Hindoo and Mahomedan law, but there is no source from which the defects of those laws, which are ancient and religious laws, can be supplied, and for the purpose of supplementing those laws where they are defective there is a *lex loci* wanted; and for the purpose of creating a law for us in the courts of the East India Company and for East Indians, and other classes not Hindoos and Mahomedans, we want a body of law which the Commissioners have characterised as a *lex loci*. Put the two sets of Commissioners together, the Indian Law Commissioners and the Law Commissioners in England, the opinion of the majority of those gentlemen, all of great eminence, is in favour of the establishment of English law as a *lex loci*, and I do not know what objection there is to it.

958. It would be a general law for Europeans, and a supplemental law for Mahomedans and Hindoos?—Yes, in substance that would be it, and we want other proper laws; that is a very debateable question. We have transactions with the natives, and we think that there are laws which are desirable to regulate our transactions with natives, such as in the case of indigo contracts and advances. There was a law for instance relating to indigo contracts; it was repealed when the Indian Law Commissioners went out; it was established by Lord William Bentinck. The population is so depraved, and the lower classes are so deficient in good faith, corruption seems to be so much increasing under the influence I believe of our institutions, that we want something like a strong pressure of law and police upon them for the protection of our interests and capital. That is a question with which this Committee probably could hardly deal in detail, but that is our view; the laws are very defective.

959. Did the law exist in the time of Lord William Bentinck between the proprietor and the tenant?—The law I referred to was passed by Lord William Bentinck. Its importance arises in this way; almost the whole industry and cultivation of the country is carried on under a system of what is called advances. If you want anything to be done by a native, you must give him an advace, whether he is an artisan or a cultivator; that is the habit and custom of the country. We have large capitals advanced to the population, and Lord William Bentinck thought, having reference to the peculiar character of the native population, that we ought to have an effective law, such as exists, in point of fact, in many branches of industry and trade in this country,—a penal law for the enforcement of contracts, where the breach in point of fact involves fraud, as it very often does in the case of broken Indigo contracts; and Lord William Bentinck gave the planters a law that was effective, not by reason of being enforced, but by reason of being the law; it was a power over a very debased population; which had the effect of producing the consequences which were contemplated when Lord William Bentinck gave us that law; it was repealed, I think, in 1836, not upon any examination which could have influenced the opinion of the Council, but upon the general view in England, that a breach of contract was a mere question of damages, and not a question for enforcement by penal law. I merely advert to that as one of the proper laws which we want, but there are many others. We want an improvement of the revenue laws, and many others.

960. By

960. By what name is that law of Lord William Bentinck's known?—I think it was for the enforcement of indigo contracts. It was like a law which existed for the enforcement of contracts with respect to cattle and carriage, and for certain services, and for the growth of opium under advances. It was analogous to that class of laws; and in an Act passed only last year, in which the opium laws are consolidated, the Government has, for its own protection and security, passed a penal law to operate upon those who have taken advances for opium cultivation. We have nothing of the sort; we are merely left to sue in the civil courts; and we say that, having reference to the state of morality, we ought to have a different law. I merely mention that as one of the defects.

961. Have you gone on during this want of a proper law for contracts since the year 1837?—No law of contracts has been passed since the year 1836. It was repealed then, and we were sent to the civil courts. Now the justification of the old law, I apprehend was, that a breach of the contracts referred to was a case of fraud; and wherever that is the case, I cannot see the objection to making it the subject of a penal law. Lord William Bentinck's view evidently was, that those contracts were broken by fraud.

962. A contract is not necessarily broken by fraud; it must depend on the case?—No; but when a man engages to do a certain act, and breaks his engagement, with the full means of performing the act, with his eyes open, and does something by which he gets the same money a second time from another person which he got from us, that is a case of fraud. I am only suggesting the ground upon which Lord William Bentinck gave us this law.

963. The Government, then, is protected by a penal Act, and the planter is not protected?—The Government is protected by a penal Act as respects opium cultivation, and is not sent to the civil courts for a remedy, but the remedy is enforced by its opium agents.

964. That is the only case almost in which the Government can come into contact with individuals as a matter of commerce?—Yes.

965. You stated that Europeans had been kept for the last 20 years in a state of constant apprehension of their condition being made worse by the proposed legislation, and you mentioned the Affray Bill, the Black Acts, and parts of the Penal Code; will you shortly explain those?—The Affray Bill was proposed about four years ago, for the purpose, as the name of the Bill denotes, of putting down affrays which were very prevalent in Bengal; but the means by which the Government proposed to do that, we say, would have rendered it impossible for us to remain in the country. I have not a copy of that law, but it produced very great alarm, and, if the Committee will allow me, I will read a very short passage from the representation which was made respecting that proposed law. The Bill proceeded on the supposition that those affrays were the result of organised and deliberate violence; a habit of violence on the part of all classes within the operation of the law, and that servants were deliberately entertained for the purpose, in point of fact, of carrying out by violence the views of zemindars and planters in their quarrels; and the principle of this new Affray Bill was to prevent that, simply by depriving us of all the means of committing violence; and amongst other things, the law provided that a magistrate, without giving any reason, upon an apprehension of his own, the ground of which he need not declare, that there was to be any affray whatever, might order a proprietor or a master to dismiss any one or more of his servants. That was a part of the proposed Affray Bill. But our opposition was effectual, and I conceive that the opinion of the Government eventually arrived at, after a great deal of discussion and remonstrance, was, that it was a bad law: and that is what I wish to represent, that we were justified by the result in our remonstrances; we should have been placed by that law in the very greatest danger both from the zemindars and the police in the country, where our position is now one of great danger both from the police and zemindars. The law was abandoned. And in that case, as in the case of the improvement of the Revenue Sale Law, we suggested improvements of the law, and when the original Bill, in consequence of our opposition, was withdrawn, amended and better laws were proposed, and we petitioned that they might be passed, but they have been dropped just like the amended Sale Law. That is one of the things to which I refer when I say we are kept in a constant state of apprehension of being put into a worse condition by proposed laws. I may state now another of the laws to which we object. There is a law for taking recognizances to keep the peace; that law applies to natives and Europeans indiscriminately. Now that law may be put in force at the mere

W. Theobald, Esq.

22 April 1858.

arbitrary will and discretion of a magistrate, without his giving any explanation whatever of the grounds of his applying that law to any individual whatever; and he does put it in force by putting people under recognizances for very large and often oppressive amounts. When we made that a subject of representation, it was admitted that it was a bad law for the natives and for us, and it has been so far admitted that it was so, that an amended law, which would meet the requirements of justice, and of a proper administration, was actually brought into the Council. We petitioned for that law to be passed; it made the enforcement of securities to keep the peace a judicial proceeding, instead of an arbitrary proceeding; that is, a proceeding upon which the magistrate has recorded grounds for his proceeding, and carries out his proceeding upon evidence, and after hearing defence. No one could object to that law; but we have not got the law.

966. Mr. *Willoughby.*] Who brought in the amended Bill?—I think Mr. Peacock.

967. In what year?—It was about the year 1855. Those are not captious or factious objections, I apprehend, to the existing laws, and our opposition, I apprehend, to all those things was just and reasonable; they now can take those recognizances of us, and of natives too, without giving any reason whatever, and the consequence is, that a policeman, one of that corrupt body, goes to a magistrate and states his own personal apprehension, and, according to the confidence which the magistrate may repose in that man, he demands a recognizance or not. The man reports of a native; this recognizance is obtained from the native, or if it is not obtained, it is probably because the officer has received a bribe.

968. *Chairman.*] You referred to the Black Acts; have you anything to state to the Committee upon that subject?—Yes; it is a name which does not originate with me; I used the name as bringing to the recollection of the Committee what the Black Acts are. Those are the Acts by which it is proposed to bring us, indiscriminately with the natives of the country, under the local tribunals in all those serious cases in which at present we are under a court of English law; and I think the way in which we put our objection to that, as far as I have found in this country, since I have been here in making my representations against it, is thought to have been fair and reasonable. We base our objections to the courts on the character of the courts; on the unfitness of natives to try Europeans, especially those who are capitalists; and we are quite willing, if proper courts are established, to be brought under the local tribunals.

969. You mentioned the penal code?—Yes; we find that there must be a code, and, consequently, our objections are only to particular parts of the code, in which the code deviates most widely from what I should think are sound principles of jurisprudence, and would place us, and I think the natives also (but we are of course contending for our own case), in circumstances of great danger and difficulty; I have the penal code here, and I may read from it as to responsibility for wrong. The principle of English law is, that every person who exercises a power or an authority given by law, must exercise that power or authority according to law, and that is a universal principle; and then whether a breach of the law is to involve penalties or simply damages depends, I apprehend, by the principles of English law, merely on the character of the injury. If it is a general injury, or public injury, or injury of a serious character, then a breach of the law comes under our penal law; if it is a mere private matter which admits of compensation by damages, then it belongs to the civil law. Now here are the two first provisions of Mr. Macaulay's code—"Nothing is an offence which is done by a person who is or in good faith believes himself to be commanded by law to do it." Now that establishes an irresponsibility for what is done contrary to law; on what ground? Simply that the person who violates the law, in good faith believes he is acting according to law. It is monstrous; I think it does not require any comment. I only quote this as an example.

970. Have you any other objections to the proposed penal code?—The code has been brought into Council, and has been read, I believe, a second time, but it has undergone some alterations by Mr. Peacock. The popularity of this code in England rests, I believe, mainly on the authority and high name of Mr. Macaulay; but a code deviating from English law, and merely on the authority of a member of the Indian Council, would have no authority in this country, I apprehend. The second proposition in Mr. Macaulay's code is, "Nothing is an offence which is done by a person in the exercise, to the best of his judgment exerted in good faith, of any power given to him by law." I confess I do not

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quite see what is the operation of that distinct from the former exception, but it is a principle unknown to and utterly at variance with English law; it establishes an irresponsibility upon the part of all persons having powers of any kind given by law, and places them in a state of irresponsibility, notwithstanding a breach of the law; and that merely on the ground of supposing that they were doing right, and that there was no malice towards the persons whom they have injured. That is a monstrous principle; we who know the English law, and know how much of the security we enjoy in this country rests upon principles of an altogether different character, of course cannot believe that principles of that kind can bear anything but the worst fruits to us in India. I confess I went to India a very advanced law reformer, and was very much in favour of the penal code. But when I examined it, and, as an English lawyer, compared it with English law, I found these objections. I do not object to it in a scientific point of view as a form of law, but I object to those parts which widely deviate from English law. There is, for instance, the right of private defence. I apprehend the law of England on the right of private defence is a most satisfactory law; it certainly adequately secures the public against the violence of private individuals, and, on the other hand, secures individuals satisfactorily against wrong improperly attempted against them. The right of private defence is well defined by English law. The penal code is very different.

971. Mr. *Villiers.*] What do you mean by the right of private defence?—A man defending his person and his property by the inherent strength which every man possesses; I am using the term of the code. The right of private defence is literally taken away by the provisions of this code, and the only case in which the right of private defence is reserved is where a person defending himself or his property has reason to think there is danger to his life.

972. *Chairman.*] You mean that you wish the principles of English law to prevail as applicable to British subjects?—Yes, we say they ought. This code is to be a penal law for all India, and for all classes in India. Now we object to certain provisions of the code as great deviations from the principles of English law. We admit that a code is necessary. We no longer object to the form of a code; we no longer insist, as formerly we did, upon having the English criminal law as it exists at present; but we do object to those parts of the code which are so widely different from English law as the parts I am now adverting to. They are objections of detail; but we do also say, as I have submitted in a printed paper, that the code is of much too high, refined, intellectual and scientific a character for the existing judicial authorities in the country, and especially for the native magistracy and native judicial officers. We say that it is quite beyond their comprehension; put, for instance, that exception to responsibility into the hands of a native officer, and he would do just as he likes with us, and set up the plea that he was justified, because he really believed he was authorised. If you are to have Mahomedan and Hindoo magistrates, you must give them the advantage of the plea of acting in good faith, and you must make allowance for the ignorances and prejudices and peculiarities of those men. With respect to the penal code, what would be its very merits in the estimation of persons who wished to see a scientific expression of the law, would be very great faults in relation to the condition of a great many persons who would have to administer the law; but this code has been so long persisted in, that we no longer offer the opposition which we did in the first instance, but we say, only make it more conformable with English law.

973. You do not object to a code?—No; probably I am influenced by my own personal feelings in favour of a code, but my constituents have ceased to object to a code. I ought to state, that Mr. Macaulay's code has undergone very great alterations by Mr. Peacock. Those two sections which I have read are altered, but there is still a wide deviation from the English law, and I apprehend that the authority of that code in England rests upon the authority of Mr. Macaulay.

974. You want an approximation to English laws?—Yes.

975. That being done, you do not object to a code?—No.

976. You spoke of the conduct of the ruling powers to Europeans?—Yes. It is a constant matter of complaint that we seem to be the objects of prejudice on the part of the civil service; a prejudice which exhibits itself in all sorts of ways in administration, both of administrative and judicial functions. And I think it can

W. Theobald, Esq.

22 April 1858.

be very well understood how that happens, when you recollect the great youth and great inexperience of the magistrates; a young man who has only been two years in the country is earwigged by worthless natives, who may have a dislike or spite against an European, which cannot be traced to any rational or good origin, and that young man yields under that influence. The persuasive and argumentative powers of the native to insinuate his own views in the mind of a person who does not understand the native thoroughly, are very great; and I cannot conceive that Englishmen, except under influence of that sort, would feel prejudiced against their own countrymen, because I can say the planters are a very hearty, genial set of men, and generally educated in such a way as that they might be considered gentlemen.

977. You do not mean that there is any prejudice against them on the part of the Government?—On the part of the Government also the treatment is very cold; it is, in effect, repulsive. As respects the Government, that is, the authorities at the seat of Government, it depends very much on the Governor-General; and fortunately with most of our Governors-General, they have shown much consideration for the British inhabitants. The Governors-General have received our representations most readily, and paid what I may be permitted to call a polite attention to them generally; but our opinion and experience is, that so far as the influence of the upper part of the covenanted civil service is concerned, we are not treated handsomely. And I may say now, because I do not in the least impute it to Lord Canning, who came out without any knowledge of the country, and of the Europeans in it, that it appears to me that under influence which must have been from the Secretaries, the Government has abridged our right of representation, which is a very important thing, the right of representation, of the want of better protection, and better courts, and particular evils as they arise, of an important character.

978. You mean the right of remonstrance?—Yes; a right which ought rather to have been enlarged when the press was gagged, because, of course, now we cannot proclaim our complaints as we did formerly.

979. How has Lord Canning abridged the right of representation?—I do not say it is Lord Canning; I will give an instance: after the Santhal rebellion the Legislative Council passed an Act to constitute non-regulation districts, or to constitute, under a particular administration, the districts containing the Santhals; that was an Act establishing an exceptional administration in the districts where the Santhals were settled—a very right and proper measure of course. The Act, by a mere blunder, I apprehend, or by mere mistake, included certain parts of the country in which there were no Santhals at all, but in which there were European settlers; and when the Act was brought into force the administration of the law was taken out of the hands of the magistracy, and out of the range of the proper law of the country, and I think the magistrate who was appointed had been a railway surveyor; he was a man of great activity; just the person perhaps to administer a province which this barbarous tribe merely was inhabiting; but, by a mistake of course, we were very much injured, and the indigo planter's society made a representation to that effect, pointing out the mistake, and we considered it quite a public matter. My impression is, that under any former Governor-General that representation would have been received as a perfectly justifiable one on the part of all the Europeans connected with the Mofussil; but it happened, that through the change which was made, a particular planter had a grievance; and so, no doubt, that which you may call a private case, became complicated with the objection to the law; and this society, composed of the most respectable merchants and a great many planters, made a representation to that effect. Lord Canning treated it as the case of the particular planter, who complained of what had happened, and denied the right of the society to make that representation to him. I do not know whether that satisfies the Committee, but that is about what I mean. From the time of the establishment of the society up to the time Lord Canning came out, nothing of the sort ever happened. Lord Dalhousie complimented the society on its fairness, courtesy, and moderation, and admitted also that we were very persevering. Those were the terms on which Lord Dalhousie parted with the Europeans and with that association. Another case was that of a very great outrage perpetrated by the retainers and servants of a native rajah, which was nearly fatal to a European. The local authorities, in the opinion of the parties interested, were very deficient, and did not do their duty, and the society took it up as a matter of great importance to the Europeans

in

W. Theobald, Esq.
22 April 1858.

in the interior, and thought that such an outrage, committed by a man in such a position, was not merely an injury to the individual, but was dangerous to us in the country. We represented this to Lord Canning. I think our prayer was (this is since I have been away), that a special inquiry should be instituted into the circumstances of the case, and looking at the position of this great rajah, and looking at our dangerous position if things of that sort were not repressed, that was a reasonable application. Lord Canning's Government chose to regard that as a mere private matter, and reproved us for having addressed the Government. Another case happened of which I am not master of the details, but still it illustrates the principle; and it is not from one case, but from this succession of cases that I deduce this opinion. That case was between a Moonsiff and a European of the name of Warner. I cannot state the details, but the result was the same, a reproof on the part of the Government for this society. And there is another thing which happened to myself, that seems to me to illustrate the ill-will, certainly not of Lord Canning, but I say of the service which is permanently located in the country. I happened in a speech to speak of the "Friend of India" as the Government organ; it was the common mode of speaking of the "Friend of India;" there was nothing certainly disrespectful in it. My speech was reported, and it appeared in the course of the proceedings of this association. In order to secure the accuracy of the reports of our meetings I usually reported them myself, and signed my own name to them, but still it was a mere report of a meeting of a society, and signed with my name, in which I had spoken of the "Friend of India" as the Government organ, and for that the Governor-General of India in Council administered a most severe rebuke to me for having called the "Friend of India" the Government organ. Of course I accepted the rebuke, and made a most humble apology, and everybody, of course, was pleased with my having done that; I had made the *amende honorable*, but everybody thought that the Governor-General in Council had demeaned himself very much in taking notice of a thing which, after all, the public said, was true nevertheless. Then I say that since Lord Canning has been in India there appears to have been (I ascribe it entirely to the influence of the service over his Lordship) a disposition to limit the right of representation, and I refer that to the more general view that there is a disposition not to treat us handsomely. If you go to the interior the illustrations can be given without number.

980. Do you believe that is the general feeling of the planters whom you represent, that they think they are slighted by the Government?—Yes; that they are slighted very much by the authorities.

Martis, 27° *die Aprilis*, 1858.

MEMBERS PRESENT:

Mr. Campbell.	Mr. Mangles.
Mr. De Vere.	Mr. Danby Seymour.
Mr. William Ewart.	Mr. John Benjamin Smith.
Mr. Gregson.	Mr. William Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.

WILLIAM EWART, Esq., IN THE CHAIR.

William Theobald, Esq., called in; and further Examined.

W. Theobald, Esq.
27 April 1858.

981. *Chairman.*] YOU have complained of the difficulties arising from the want of roads, and means of travel and transport; will you explain the difficulties that exist with regard to roads?—I beg to observe that it is a mistake to suppose that roads are not as useful and necessary in India, as in all other countries. I heard the opinion given by General Tremenheere about the Upper Provinces, and I have heard the same from gentlemen who are members of the Court of Directors. But I know a young merchant who went to settle in Central India South of Jubbulpore,

W. Theobald, Esq.

27 April 1858.

Jubbulpore, and his investment in the first year I believe turned out a dead loss from the iujury which it received in transit to Mirzapore, and that was entirely owing to the want of roads and bridges; the fact is that the country, though a a plain, as General Tremenheere stated, and level enough for Sepoys to march over, is full of hollows and seams and dry channels in the hot season, and of torrents and gullies in the rainy weather, and requires roads and bridges at all times. It is the same in the Lower Provinces. I circulated questions about roads among the planters, and found that roads were just as useful there as anywhere; and I have marked passages in the answers sent to me from the planters, which I will take the liberty of handing in for the Appendix. There are no roads to connect even Calcutta with any of the great cities of the interior. No road to Moorshedabad; no road to Dacca; none to Patna; no such roads as parish roads in England to connect villages and market towns in the interior; consequently, in the rainy season, every town is isolated from its neighbours, and from all the rest of the country. Besides roads, bridges are wanted; there are hardly any bridges in the country; their place is partially supplied by ferries. The grand trunk road within the Lower Provinces is only partially bridged, and half the bridges I believe have been washed away from defects of construction.

982. Are tolls taken on any of the roads in India?—Yes. Act 8 of 1851 was passed to enable the local governments to levy tolls on public roads and bridges. I know one toll-bar placed on the grand trunk road, about 35 miles from Calcutta; and I see by the newspapers that others have been established on the grand trunk road, which used to be free.

983. Under what management are the roads?—The grand trunk road is under the management of engineer officers, who are military engineers, each having charge of a portion of the road two or three hundred miles. The district roads, such as they are, are under the magistrate, who until last year was assisted by a committee, called the Ferry Fund Committee, composed of planters and Europeans living in the district; but the Lieutenant-governor, Mr. Halliday, has dispensed with that committee, and given the magistrate, I am told, a surveyor instead. This is a change, in my opinion, for the worse. I think that a better plan would have been to have dispensed with the magistrate, increased the powers of the committee, and given the committee a surveyor. I know that the planters take great interest in the roads; it is of great importance to them, and they would be found very useful in promoting the establishment of roads in the interior.

984. You would make it more a matter of local management?—Yes, of unofficial management.

985. Would you have a committee of landholders?—Yes, of European landholders everywhere; and probably the respectable natives would unite with the Europeans, and even contribute largely in the way of donations, just as the Europeans have done.

986. What funds are there at the disposal of the magistrates for roads?—The profits of the public ferries, which are now paid in to one fund, and distributed annually by the Lieutenant-governor; and besides the profits of the ferries, which I believe were formerly the only funds applicable to those district roads, Lord Dalhousie gave the Lieutenant-governor of Bengal the surplus tolls of certain rivers, called the Nuddea Rivers, which surplus formerly went to the general revenue.

987. Do the landholders contribute a per-centage on their revenue assessment?—Not in the Lower Provinces; but I think they ought, or at least that the wealth and labour of the country ought to be put under contribution to make roads; and I think that both a per-centage and a requsition of labour should be resorted to, and that no tolls should be collected.

988. Can you state anything as to the transit by the rivers?—Yes. I can speak of the Ganges and the Nuddea Rivers; but respecting the Ganges, I would only say generally that it requires a better police and some engineering appliances to deepen its channel in many parts in the dry weather. In consequence of the want of police, there are very great losses of property, and a very great difficulty in the transit by river arises from the state of the channels in places.

989. You referred to the Nuddea Rivers; explain what you mean by the Nuddea Rivers?—At 120 or 130 miles from Calcutta, the Ganges, after coming a course of several hundred miles, turns off to the east and empties itself into the Bay of Bengal, 100 miles below Calcutta; but from the point where the Ganges turns off there is a network of rivers called the Nuddea Rivers, which comes down direct

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into the Calcutta River, called the Hooghly; those rivers save a circuit of about 500 miles, which is equal to several days downwards, and of course upwards very much longer. The Nuddea Rivers are supplied partly from the Ganges and partly from the drainage of the country. But as the Ganges falls, of course these rivers fall, and are all but dry. But the opinion on the spot of everybody acquainted with those rivers is, that one might be kept open for the country boats and for steamers all the year round, if proper engineering skill and mechanical arts were applied. The Indigo Planters' Association and the merchants have been pressing the Government for the application of proper appliances to keep one of the rivers open, but we can get nothing done; the Government refers to its engineer officer, and the last engineer officer reported, I believe, unfavourably; but whatever merits he might have in his department of the engineering service, I think he would hardly be an authority on the question of keeping these rivers open. He was a military engineer, and his skill was in architecture, and, of course, eminent in his branch; but the local superintendent of these rivers, who has been for years past an infantry officer, has recommended that he should be supplied with steam power for the purpose of keeping one of the rivers in a better state, and making the communication by the river better; but still he is not supplied even with the power he wishes, and it is a matter of contest between the mercantile and the planting classes and the Government whether one of the rivers could be kept open. In consequence of this state of the rivers, large boats and steamers are obliged to go round by the Ganges, when the river is low, and for smaller boats going by these rivers in the dry season there is immense obstruction and destruction of cargoes, all of which I could show by papers containing correspondence between myself, as secretary of the society, and the Government, which, with the permission of the Chairman, I will hand over.

989.* Are there any canals in the Lower Provinces of Bengal?—I know of only what are called the Calcutta canals, so called, because they enter the river Hooghly at Calcutta, and they are of the greatest importance to the trade and traffic from the eastern side of Bengal, as well as from the Upper Provinces. Like the Nuddea Rivers, they save a very long and even at certain times of the year a very dangerous circuit. The canals were made 30 or 40 years ago, and there have been no improvements so as to make them adequate to the vastly increased commerce. The consequence is, that although there is a tidal stream at each end, and they are only two or two-and-a-half miles long, it has taken, up to a very recent period, 9, 10, 11, 12, and 13 days to get through; and the boats, which it has been impossible to get through, have been subject to heavy demurrage tolls. The Bengal Chamber of Commerce, the Indigo Planters' Association, and the merchants generally, have complained of that, and the press has complained loudly and angrily ever since I have been in India; and at last the gentlemen who had charge of those canals told an indigo planter, whose boat had been kept 13 days in the canal, and who had applied for relief from the demurrage toll, that if he did not like the canal, he could take the circuitous route. That brought the matter to a crisis; the affair was taken up in good earnest by the Indigo Planters' Association, and some little change was made which has produced an improvement; and so sensible is the Government of the want of a larger canal, that it was determined to make a new cut, which probably would have made the canals adequate to the increasing commerce; it was begun; but since I have left India, I understand Lord Canning has stopped the progress of that canal, so that, with the exception that there is a little better management, and the boats are got through rather faster, those canals are in a state quite inadequate to the traffic, and perfectly disgraceful to the Government.

990. Do they go through the Upper Sunderbunds?—They join on another canal which goes through part of the Sunderbunds.

991. Have lands been conceded to European settlers in that part of the country?—Yes; there are many European grantees of lands in the Sunderbunds, and it is in direct communication with the Eastern part of Bengal, where European settlers are very numerous. A planter's boat, his servants, and I believe himself, had come up to this canal. At the head of the canal, only two miles from Calcutta, he got out, and came on to Calcutta, leaving his servants to get through the canal with the boat, and they were 13 days in getting through, and he went down every day to see that it was not the fault of his servants, and the boat was damaged. At that time, two or three years ago, there were very great extortions by the native police, and I understand that the only improvement that has been

W. Theobald, Esq.

27 April 1858.

made (the new canal having been abandoned), is, that the native establishment is superintended by an European, and he takes care that the illegal exactions of the natives have ceased.

992. Under what management are the canals?—They were formerly under an engineer officer who had an office in Calcutta; but that office was abolished, and then the superintendent was the collector of Calcutta, who took no care about the canal, but only about the collection of the tolls.

993. You have stated that your object in coming to England was to promote certain reforms; what are the reforms that you would suggest; first you mentioned the police?—Of course, I hope I have satisfied the Committee by referring to Mr. Halliday's minute, that the police is in a very bad state, and requires reform; and we regard one thing as essential; and I mention that because I believe it does not enter into any plan of the Government; it is the introduction of European superintendence, to a sufficient extent to curb the vices of the native police; and for this purpose I would suggest that there should be at least one European serjeant to every three or four darogahs, and one European superintendent to every three or four serjeants, and an European at the head of the whole, quite distinct from the magistrate. Now, in Upper India, there is a land frontier, on which a police is established for the purpose of preventing smuggling, and securing the revenue; and, according to the information which I have, the European element has been introduced into that police to a sufficient extent, for the purpose which I have indicated, that is, of curbing the vices of the native police. The Government has not trusted, where its revenue has been concerned, to a native police, and it ought not to trust to a native police without adequate European superintendence, where the object is the prevention and detection of crime, and the general protection of the population.

994. In this, and many other cases, the single remedy is the infusion into an Indian system of a greater amount of European character?—No doubt.

995. With regard to the reforms in the magistracy, which those whom you represent deem important, what are they?—Resting on Mr. Halliday's evidence, as to the youth and inexperience of the magistrates, we think that an immediate stop should be put to the employment of young and inexperienced men as magistrates, and that native deputy magistrates, from the experience which we have of them, should have only judicial duties, if duties at all of that character, and not at all the superintendence of the police; and then we think that magistrates and judicial officers of all classes should be put under a direct legal responsibility to the public for misfeasance and malfeasance, as they were up to 1850, when legal responsibility was in effect abolished by Act 18 of the Local Legislature, entitled, "An Act for the Protection of Judicial Officers." We also say that the Government ought to enforce responsibility to itself in the interest of the public in cases of magisterial misconduct, which it rarely does. I may mention the origin of the Act of 1850. Up to that time, the law of responsibility was the English law. An Armenian gentleman brought an action against a gentleman of the covenanted service for some extraordinary excess of jurisdiction, and recovered damages in the Supreme Court. The case was appealed to the Judical Committee of the Privy Council, and the Judicial Committee of the Privy Council affirmed the decision of the Court below; they held that the law of responsibility was substantially the same as in England. From that time the Government and the influential class of civilians were determined to get the law altered, and they did so by this Act 18 of 1850, by which they have, in effect, abolished all responsibility to the public. It would be a great benefit to place them under proper legal responsibility.

996. To what authority would you make them responsible?—The official classes are liable to be sued only in the Supreme Court. I am not quite sure that they might not also be sued in the Company's courts, but no one would sue a Company's civilian in a Company's court.

997. You would make them responsible to the Supreme Court?—Yes; as the law was from 1773 till 1850; the Supreme Court was, in point of fact, established to protect the natives from the services, the view at that time being that the natives were very much oppressed by the Government. Government has turned round, and says the oppression is by us.

998. Do you suggest any qualifications for admission to the judicial office?—Yes; we have asked that no one should be made a judge, or admitted into judicial employment, without having professional qualifications derived from practice as a barrister,

barrister, pleader, or attorney, or, as I should also add, a special legal education for judicial office. To carry out this principle, it would be necessary to make a separate branch for the judicial service, and in some way to open the so-called "civil service." Now a gentleman enters the service in one branch, and goes to another, and at last goes into, perhaps, the judicial service; and there are instances, I believe, of gentlemen being put into very high judicial office the first time, without having had any previous judicial practice; and into that service (that is, the judicial service, of which I would make a separate branch) barristers and pleaders in the Indian courts should be admissible, and then such only of the covenanted class should be admitted as had special educational qualifications. If Lord Macaulay's plan for a double examination had been carried out, I presume many young men would have paid attention to the legal part of education in preference, and we should have had gentlemen go out with a basis on which proper qualifications for judicial office, through a supplemental education, could have been engrafted.

999. Would not an Act of Parliament be requisite to carry those recommendations into effect?—I think not, because, by the 40th section of the Act of 1853, there is a power given to the Board of Control which would be sufficient. I think that section invests the Board of Control with power to open or modify the civil service by resolutions to be laid on the table of the Houses of Parliament.

1000. On what principle are the different kinds of judicial offices now distributed between the covenanted and the uncovenanted services?—I cannot discover any principle or rule in it; but the fact is, the highly paid offices are given to the covenanted, and generally those which are given to the uncovenanted are under paid. It amounts to a privilege of the covenanted of holding certain offices which may be best explained by an example which I will offer—the Lieutenant-governor, Mr. Halliday, lately appointed a principal sudder ameen (who is a judge of unlimited jurisdiction in civil matters) to act as a civil and sessions judge.

1001. Was he an European?—No, an East Indian. There being a vacancy in the office of civil and sessions judge, this principal sudder ameen who was uncovenanted, was appointed to act during the temporary absence of the judge of the district, that being an office which had been hitherto only held by the covenanted service. The Governor-general in Council refused to confirm the appointment, on the ground that the office of civil and sessions judge belonged to the covenanted service, and the principal sudder ameen, who had been selected by the local government, was removed. I call that the exclusion of a whole class exemplified in the case of an individual. And more recently the judges of the Sudder Dewanny Adawlut, which is the chief court of the Company in Bengal, were consulted by the Lieutenant-governor, and gave it as their opinion that the members of the covenanted service alone could be appointed to the offices now held by them. I do not know what the offices were, but they were certainly the offices of judge of the Sudder Dewanny Adawlut, of civil and sessions judge, and of magistrate. I beg to observe that the judicial offices held by the uncovenanted are to the public of quite as great importance as those held by the other branch of the service; therefore it is an arbitrary distribution of offices.

1002. Could that privilege be abolished by a resolution under the section which you refer to without an Act of Parliament?—I think it could be done by a resolution, and it ought to be done certainly.

1003. Had you in view any courts differing from those now existing, when you spoke of the want of proper courts?—Apart from a general reform of the judicial body, which we have suggested, and the general reform of the courts, I certainly think that there ought to be in all the great cities, like Moorshedabad, Patna, Dacca, Mirzapore, Cawnpore, Agra, Lahore, and commercial places of certain promise, like Rangoon, a court whose language should be English for all causes of a certain value, and with both civil and criminal jurisdiction; and in such places the English criminal law should be the law for natives as well as Europeans, as it is in Calcutta, and the judge should be a barrister. That is the principle; I have not developed it. And wherever there is a court of that kind, the only other court might be a small-cause court, such as we have in Calcutta, and a magistrate or magistrates like those in Calcutta; and those courts might have jurisdiction over Europeans; an English court, in fact.

1004. Would you adopt anything like the English county court?—The small-cause court much resembles an English county court; but I suggest also another

W. Theobald, Esq.

27 April 1858.

court, which should be thoroughly English in spirit, and in form as far as it was convenient.

1005. Do you mean that the small-cause courts which you suggest should have justice administered in them by English or native judges?—It would be essential, in small-cause courts, that there should be native judges; we have three judges in the small-cause court in Calcutta, the chief judge, who is a barrister of the Calcutta bar; and there are two gentlemen, one a native, and another a European, who is a perfect master of the native language. The native causes are insignificant to a great degree. And then there should be a court of greater legal and intellectual competency for important cases in those large towns.

1006. With regard to the *lex loci*, can you give the Committee some further information upon that subject?—The East Indians have asked for it, and they are much interested in it, as a large and respectable body of Christians; they have asked that the *lex loci* prepared by the Indian Law Commission, printed and read in Council, should be made the law. The only part of it which has been passed is the law of inheritance and toleration. Here is the draft Act which was read in Council, and sent home. The following clause embraces what we particularly wish for: "It is hereby enacted, that from and after," such a date, "the substantive law of the place in the territories subject to the government of the East India Company, without the local jurisdiction of Her Majesty's supreme courts aforesaid, shall be so much of the substantive law of England as is applicable to the situation of the people of the said territories, and as is not inconsistent with any regulation of the codes of Bengal, or Madras or Bombay, or with any Act passed by the Council of India, or with this Act; provided, and it is hereby enacted, that nothing in this Act contained shall apply, so far as regards marriage, divorce, or adoption, to any person professing in good faith any religion other than the Christian religion." That is what the East Indians want; and that is what the Europeans want in the courts of the East India Company, because it would be the authoritative establishment of English law. I believe the courts of the East India Company, where we are concerned, do, as well as they can, apply the English law to our cases; but I am not aware that that is authoritative upon them; but this would make it authoritative, and the English law would be the rule of their decisions. Twenty years ago the East Indians sent a representative to England, and one of the complaints was that no law was applicable to them, and their case was taken up by the Indian Law Commission, and this law was made mainly with regard to them, and here it is standing over still. They petitioned in 1853, and now, through me, petition again. They are a Christian body, and yet have not the advantages of Christians, but are mixed up with Hindoos and Mahomedans, and are altogether in a most unjust position.

1007. Is that the last edition of the *lex loci*?—This is the only edition of the Act which has appeared. There is a great weight of authority in support of it; putting the two sets of Commissioners together, that is, the Indian Law Commission and the late English Indian Law Commission; there is a majority of those gentlemen in favour of this Act; Mr. Cameron, I may say (I think I have his authority for saying it), wished that there should be a code prepared; but Mr. Cameron, seeing that even the penal code has not been passed, and that there is no constituted body qualified to prepare a civil code, is now in favour of passing this law as it is here, making English law the *lex loci*.

1008. The law would apply to all English, and to Mahomedans and Hindoos where the Mahomedan and the Hindoo law was silent?—Certainly, it would have that further advantage.

1009. And to Indo-Britons as well?—Yes.

1010. At present the Mahomedan and Hindoo law is (as it were) carried about with them by the natives personally?—Yes.

1011. That is the distinction which you draw between a local law and a personal law?—Yes; the Commissioners say that Hindoo law is the law of the Hindoos, and Mahomedan law is the law of the Mahomedans; those are not laws adapted for other classes than Hindoos and Mahomedans, and there is no other law; that was their opinion.

1012. Have those whom you represent made any demand for the reform of the Sudder Court?—Yes, they have; and the reform of the sudder formed part of the plan of the English Law Commissioners, but that plan has broken down not so much from our opposition as from the Council and the authorities on the other side having found that it was an impracticable plan; and that plan being abandoned, we still

still wish for the reform of the sudder; and our suggestion is, that, as it is admitted that what is wanted is the introduction of professional lawyers into the Sudder Court, you can best have that by increasing the number of Supreme Court judges. We say increase the number of the Supreme Court judges, and establish a rota amongst those judges to go and sit in the Sudder Court, whenever business is being transacted; and in the present state of the Sudder Court it would require three new judges, because, although there ought to be only about four sudder judges, there are now actually nine; so that the Sudder Court is sitting in divisions of three courts, and if you have the professional element in each court, you must have three English judges; and as the Supreme Court judges are overworked at present, double the number would be required. Instead, then, of having nine Company's judges, and not a professional lawyer among them, you would have six of one and three of the other class. If the number of Sudder Courts were diminished, the number of Supreme Court judges might be diminished.

1013. Have or not those whom you represent asked for any reform in the Legislative Council?—Yes, we have petitioned, and think it a matter of great importance, especially after the experience we have had of its working under its present constitution. It has the whole field of legislation before it, and it does not deal merely with questions of the constitution of the courts, and the constitution of the authorities, but it deals with questions affecting the mercantile interests and the social interests of the community, and we say that the council wants to be strengthened from without, and that the official element is not qualified to the full extent of its functions. And we can point out instances, we think, of failure from the want of that knowledge which could be supplied.

1014. Have you, or not, made any representations with regard to the recent Act for the restriction of the press?—Yes; we say it is essential to the safety and comfort of Europeans in India that those restrictions should be removed. We shall have no hope of any improvement till that is done. Our security depends upon the right of free discussion, and of representation to the Government of mal-administration of all kinds, and we can hope for no reform if the press is under the existing restrictions. The press law has been passed since I left.

1015. Do you think there should, or not, be an infusion of British commercial knowledge into the Legislative Council?—That is one of the things we desire.

1016. You think that indispensable?—Yes.

1017. Do you think that there should be an infusion into the Legislative Council of native knowledge?—We said in the petition that it should be left to the discretion of the Crown; that the Crown should have an unlimited discretion to appoint natives or Europeans; and we do not wish to hold natives disqualified.

1018. You think that the further introduction of the English language into India, by all proper means, is very desirable?—Certainly; its introduction into the courts is in every way desirable.

1019. Have you ever considered whether it might be desirable gradually to introduce, principally through European agency in the first instance, the system of free municipal government into India?—Yes, certainly, in the Presidency towns; and I think the municipal element has been employed with success in the Mofussil, in the Ferry Fund Committee; and after the great inundation, in 1855, it was determined to grant a large fund for the relief of the population, and that was employed in making roads for certain districts; it was placed, I believe, chiefly under the management of the Europeans of the district. I have asked many people in the country whether they could not relieve the magistrates of local duties in the nature of conservancy and duties of that kind which must be done; and they have always answered affirmatively that the element of self-government exists to a considerable extent, but it would require to be called out.

1020. Are there any vestiges of old municipal government traceable in the country in India?—Not in Lower Bengal so much as in the upper parts of India; the village communities are entirely, I fancy, broken up; I am not quite sure whether the rights of the villages and of zemindars to appoint chowkeedars is not a remnant of the old system of self-government.

1021. I think I gather from your evidence that we require in India an infusion of more locally distributed influence and power, and not centralization, to the extent to which it has hitherto existed?—I certainly think that a great deal of administration might be entrusted on the spot to unofficial persons, and without a constant reference to the supervising authority now given to the Government; the

W. Theobald, Esq.

27 April 1858.

Lieutenant-governor is employed about trumpery matters now, which, whether rightly managed or not, ought to be concluded on the spot.

1022. Have you ever considered the policy of the redeeming the land tax?—I would rather retain the land tax. I should be afraid that if the land tax was redeemed, the Government would spend the principal, and then want a substitute for the tax. The land tax saves us from a host of small taxes.

1023. That was recommended in a report by Mr. Thomas, an officer of the civil service, given in the Appendix to the Indian Cotton Committee Report?—I think it very unwise. The missionaries suggested it, and Mr. J. T. M'Kenzie has suggested it.

1024. You represent the planters here; do the planters pay attention to the education of the people about them; have they established any schools?—I do not know; I think they have in Kishnagur, but I am not quite sure. I know many of the planters are highly religious, and take a great interest in the welfare of the population.

1025. Do you think that probably they will hereafter pay attention to the establishment of schools and other means of enlightening the people?—Yes, I know there are amongst them patrons of everything of that kind.

1026. Mr. *Mangles.*] You say you think the climate of Bengal a good climate, and that if greater facilities existed of intercourse with England, people would have their children out earlier; have you any knowledge of cases in which children have been brought out earlier?—I certainly think it a very fair climate. I was not aware that I made the proposition of having the children out earlier; but I think that if the voyage was shorter, even that would happen. We send our children home much because the hill stations are not accessible, and because they get a better education; but the East Indians keep their children in the country, and give them a very good education; and if we were more numerous, probably we should find the means of keeping our children at the risk, perhaps, of impaired strength; but that risk is run by Europeans in all parts of the world.

1027. Did you ever know a European child trained up to maturity in Bengal?—I have seen several young persons who, I believe, were brought up in Upper India, the children of European parents; but I have seen none in Lower Bengal; and the only difference perceptible in them was, I think, the pure result of an inferior education. I could perceive no difference in strength and vigour. I apprehend we send our children home for the sake of a better education.

1028 Are you aware that it is said to be impossible to raise a second generation of Europeans in India?—Yes, I have heard that; but I am not at all aware on what evidence it rests. I suspect it is a mere matter of opinion, or founded upon the observation merely of official families; and I do not know that their position is the most favourable for health. I should doubt very much whether planters, and people who are living very active and have out-of-doors pursuits, would deteriorate and suffer the deterioration which is supposed.

1029. Do you think the climate of Bengal is favourable to out-of-door pursuits?—I know planters whose pursuits are entirely out of doors, are a healthy, hearty people. I know that it is desirable to avoid the sun; but I find that those people who are much out, and apparently run what would be thought very great risks, still go through them. And look at what the army has gone through now in this last rebellion. I have friends who have been greatly exposed to heat which would have been supposed to be fatal to Europeans; I have two brothers who have been out during the whole of the contest, and they have not suffered in health.

1030. Are you not aware that there has been a great mortality in the army owing to the weather?—I am not aware.

1031. Has there not always been on such occasions?—It may be so.

1032. Has not it always been found, that though the excitement may keep up a European during the campaign, there is a dreadful loss of life afterwards?—It depends upon the constitution; some people are very excitable, and some not, and some people can go through a great deal of exertion without much suffering. But the circumstances of the army in the field in India are exceptional. There can be no doubt that the climate is in a certain way unfavourable; but in a public point of view I regard it as of no importance at all on the question of colonization and settlement.

1033. Do you think what is called in common parlance colonization, as it exists in America and Australia, is practicable on the hills of India?—Certainly not; in

I do not think that has ever been affirmed by anybody, because there people go out in large masses, and speculate on finding a position; but in a thickly peopled country like India, that can never take place; but we could go in larger numbers, and with success, if we had proper local administrations. With respect to the hills, I cannot answer, without seeing some plan, whether it would be practicable.

1034. You stated that the settlement of Europeans must be advantageous to the natives, and at the same time you stated a strong opposition to what has been ordinarily called the Black Act; are you not aware that the Act of 1833 positively enjoins, that laws should be passed at the same time that it gives access to Europeans to India, that measures should be taken for the protection of the natives?—According to my recollection of that Act of 1833, it does not enjoin that the same law should be enacted for all classes, or that no discrimination should be made between different classes, because if that were the case, it would go to give Mahomedans and Hindoos and English the same law; but, according to my recollection of the Act of 1833, the Commissioners were to have instituted inquiries before they began to legislate, and they did not institute inquiries; for instance, into the character of the courts they did not inquire; if they had, I think they would have found that the objections which we take to the extension of the jurisdictions over us were justified in the character of those courts; but the Commissioners, especially Lord Macaulay (who was also Legislative Member), took it for granted that if we were put under the courts they would have been reformed, but we say reform your courts first; but Lord Macaulay chose to give the Government credit for making those alterations, which would have adapted the jurisdiction to us; and in answer to our objection, I think in a Minute of Council one reason alleged by Lord Macaulay for bringing us prematurely, as it were, under the local jurisdiction, was, that we were people who knew how to complain, and that our complaints would immediately lead to reforms that would adapt the courts to us. Now we have been complaining from that time to this, and the courts are not reformed, and still this measure of the Black Acts is threatened. I do not, however, apprehend that the proposition of those Acts is at all a proper consequence of the direction given in the Act of 1833.

1035. What, then, do you think was the meaning of the Legislature in 1833?—I cannot suppose the meaning to be, at least what has been proposed; without the Act of Parliament before me, I could not answer that question; but I have read it attentively, and I do not conceive that what has been proposed is a just performance of the intentions of that law; and I never understood that the Black Acts, as they were called, were pressed forward on that ground, because if the Act is imperative, why then *cadit quæstio*, and our attention would be directed to having the Act repealed or modified; but I apprehend that there was no such intention.

1036. What protection does the existing criminal law in India afford to a native who is maltreated, or wounded, or murdered by an Englishman at a distance from Calcutta?—All over Bengal there are magistrates who have the powers of justices of the peace, and those justices of the peace have an unlimited power of investigating as respects Europeans and all other classes; and where a case occurs which is beyond the jurisdiction of the local courts, that case can be tried by the Supreme Court in Calcutta.

1037. That is to say, that it is only in cases of a very aggravated character, in which the consequences are very important, such as involving transportation or imprisonment, that the jurisdiction of the Supreme Court is wanted, because the local tribunals have the power of fining heavily, and in anticipation or prevention of crime they have the power of putting persons under recognizances?—Yes.

1038. Do you think that is a sufficient protection to the native from the hazard of violence from an Englishman at a distance?—I think practically it is a protection, considering the small number of the class and their ordinary good habits; but I think a better protection is desirable by the institution of proper English courts, such as the East India Company has pertinaciously persisted in refusing.

1039. You are aware that the Supreme Government has to legislate, not only for Bengal, but for countries far more distant from the seat of government than any part of Bengal. Do you think it just that a native of Agra or Delhi, aggrieved criminally by an Englishman, should have no recourse but the Supreme Court?—I think it is not just, and we petitioned for better tribunals; the danger to the native ought not to exist, but then what is the remedy? not putting us

W. Theobald, Esq.

27 April 1858.

under corrupt native tribunals, but appointing proper courts. We say, Let us have rather the benefit of a court-martial, or try us by any means rather than by the native tribunals.

1040. Are the tribunals of the English judges, the covenanted servants in the country districts, corrupt?—They are not corrupt, but their omlahs are, and they have a corrupt population to deal with, and they are much open to influence, and we want protection, which those courts do not give us; certainly we do not impute corruption to the judges.

1041. Do you think if you had barristers located in the districts they would be free from corrupt native omlahs, if they be corrupt and a corrupt population around them, more than the covenanted officers are?—Yes, I think they would be, but I think the omlahs should be reformed as well as the judicial part of the court; it is one of the standing evils of the judicial system that the omlahs are thoroughly corrupt, and must be great impediments, under the best judges, to the administration of justice.

1042. Have the omlahs necessarily much to do, under a competent judge, in the administration of criminal justice?—Undoubtedly; in point of fact, they have much of everything to do; whether they ought to have so much to do is another question, and there are various grades of judges, not all equally open to influence. I fancy the sessions judge is a much older man, and is less open to influence, but he has less to do.

1043. Having less to do, he would be more at leisure to take up these things?—He applies his mind more effectually to the case; but if the question is, whether that would afford a satisfactory tribunal to us, I should say it would not be a satisfactory tribunal to us for many reasons, chiefly what may be termed the absence of all professional qualifications.

1044. Would a barrister coming out from England be competent to administer justice to the natives of India?—Not as he came raw from England, certainly. We have the advantage in the Supreme Court, of course, of having the proceedings taken down in English; and we should hope to preserve that privilege, if we were put under a reformed tribunal, in the Mofussil courts. I say we should expect the advantage of being tried by a jury in our own language, not under the sessions judge. You give the native that advantage, and why should we be deprived of it?

1045. Would that be practicable in every district?—Undoubtedly, because we are a small body of persons.

1046. Would it be possible without an enormous expense?—The expense ought to be no obstacle. I think there would be a considerable reduction of expense if the judicial offices of the highest kind were open to gentlemen not belonging to the covenanted service.

1047. Would a man knowing merely English law, and necessarily unacquainted at first with the language, and unacquainted for many years with the habits and manners of the people, be competent to administer justice merely from a knowledge of English law only?—I think in a month I would answer to get up the whole of the Regulations out of Mr. Marshman's Civil Guide.

1048. Do you think that a man is competent to administer justice in any country who has a knowledge only of the law, without a knowledge of the habits and manners and customs of the people, and of their modes of feeling and opinions?—Certainly I should think not; but I apprehend that that knowledge would be very easily obtained, supposing that he had a knowledge of the language, especially when he takes up an official duty with a conscientious wish to discharge it properly.

1049. You think the degree of knowledge of India attained by gentlemen of the civil service generally, after a service of from 10 to 15, 20, and 30 years, could be acquired sufficiently to enable a barrister from England to administer justice shortly after he arrived?—Yes; I apprehend that a barrister who had been 10 years in the country would have all the knowledge that a civilian has when he goes on the bench.

1050. Sir Thomas Munro held that no man was fit to be a judge in India who had not been a collector, because he would not be acquainted with the rural habits and agricultural pursuits, and the nature of the people. Would a man be qualified to be a judge in this country who did not know a field of wheat from a field of oats, or potatoes from beans?—I cannot accept Sir Thomas Munro as an authority, because I think that none of our public men ever made so many mistakes as

Sir

Sir Thomas Munro: apart from that, of course I think so. A minute knowledge of differences of crops is not necessary in a judge. We say that the advantages referred to in the question are possessed in a very inferior and inadequate degree by the class whom the question supposes to be highly qualified in those respects.

1051. Do you think that a man would be qualified to be a judge in this country who knew nothing but law, however deeply read in that, if not well acquainted with the habits, pursuits, callings, and trades of the country?—I should say no, as an abstract, general question; but if any practical inferences were intended to be drawn, I should require to qualify it.

1052. Is that to be acquired by any man going out late in life to India, and sitting at his desk?—No, certainly not. But barristers going out at 28, if office were open to them, and a proper salary attached, would soon acquire a sufficient knowledge of the people.

1053. You stated that very young men were appointed magistrates; are you aware that orders have gone out from the Court of Directors to place the magistracy in the hands of older men?—I did say that; but of course it is in the recollection of the Honourable Member that Mr. Halliday said it, and I rather brought forward his authority than my own. I am not aware that orders have gone out.

1054. Have not you seen the letter published and printed by order of the Court?—Not on that subject. I am aware that Mr. Halliday, taking a strong view of the inexpediency of employing young and inexperienced men, has recommended that the collectors should be made magistrates. The collectors are much older persons. I presume that is the only resource to which Mr. Halliday can go to obtain an older class of officers; but, without seeing the despatch and knowing what means the Honourable Court has suggested to carry out its own order, I should have no faith in that order; if it is merely in general terms, "Employ older men," it will not be carried out, I am quite sure.

1055. As this despatch has been laid before Parliament, and as you have taken up this subject so thoroughly, do not you think that it would have been wise as well as fair to have read a despatch published, which went to India, to reform the police and the magistracy?—I have endeavoured to make myself acquainted with every despatch at all relating to any of the objects of my mission; and I have seen most of the police despatches, but none of the character referred to in the question.

1056. You spoke of the magistrates being ignorant of the languages of the country; are you aware of the examinations to which all civil servants are now subjected in Bengal?—Yes, I am aware of the examinations to which civil servants are subjected, and I am aware that they are exceedingly ineffective; and that it is the general opinion, that they go into the performance of their duties with very inadequate knowledge of the language of the country. I think I can state in respect to two instances, two batches of young men; one certainly passed the examination by contrivance, by art, without the qualification which the examination was supposed to prove. That was reported to the local government, and by the local government it was reported to the Court of Directors, and the Court of Directors of course reprobated it as a most scandalous thing. I cannot quote the terms used by the Honourable Court, but they expressed just indignation at this batch of young civilians having passed by improper and disreputable means, and gave directions that if it happened again, the most serious consequences would be visited upon those young men. It did happen again, and the only consequence, I believe, was, not a reference again to the Court of Directors, but that those young men were sent into the country to be under senior members of the civil service, to learn the language.

1057. Was that an examination to pass out of the college in Calcutta?—Yes, both examinations; and there is a despatch of the Court of Directors relating to it.

1058. Are you aware what examinations a young civilian is subjected to now under the existing system?—I cannot describe them with proper precision and accuracy.

1059. Are there one, two, or three?—I do not know what they are now. I have no doubt they are framed so as to be complete, and if carried out properly, they would have the proper result of securing the best knowledge of the language obtainable.

W. Theobald, Esq.

27 April 1858.

1060. Are you aware that when a civilian gets out of college he is obliged to pass and show a certain knowledge of the native languages; that then, before he gets a single step in the service, he is obliged to pass a second examination, and before he takes a second step, a third?—I think it likely that there may be all those grades, but they fail to produce the results, as I hear from my friends in the Mofussil who come in contact with them, and see the effects.

1061. Are you aware that one of the tests applied in the second examination is to place in the hands of the young civilian a report written by a native officer of police or of revenue, which he has never seen before, and to require him to translate it then and there, without a dictionary or any book, and then and there sit down and write in the native language his own answer?—I have no doubt it may be the case.

1062. Could a man do that without a competent and sufficient knowledge of the native languages?—I should say, if it is *bonâ fide* carried through, it is a security for a proper knowledge of the language; but I have known young men distinguish themselves greatly upon an examination by cramming, who have really had very little practical command of the vernacular.

1063. Can a man be crammed to read a letter put into his hands in a foreign language for the first time?—I should say, certainly not. I understand the question is, whether he is entitled to promotion; he has necessarily acquired a certain knowledge of the language at that time, and I can conceive many young men fail in that test, and many young men succeed.

1064. Yet you said that the covenanted magistrates were ignorant of the native languages?—The magistrates, according to Mr. Halliday, are very young men, and I state upon the information which I have from persons in all parts of the Mofussil, that they do not know the languages.

1065. Do not those examinations take place considerably before they become magistrates?—A young man, now a magistrate in some district, has been in India under two years.

1066. Can a young man be a magistrate, under the rules of the service, till he has passed the three examinations?—By the rules of the service a young man ought not to be a magistrate till he has been 10 years in the service.

1067. You say that the uncovenanted magistrates, the Mahomedans and Hindoos, are bad men?—That is not the expression I used; it comes to that certainly, as respects fitness for office.

1068. The uncovenanted magistrates, Mahomedans and Hindoos, though bad men, are not chosen by Government?—The general opinion is that a very bad selection has been made for the very important office of deputy magistrates.

1069. Has not the Government a strong interest, as well as a duty, in the good administration of justice through the country?—No doubt it has an interest and a duty.

1070. Why should you suppose that intelligent rulers, like Mr. Halliday, for example, should voluntarily choose inefficient instruments of Government?—Because he is the creature of circumstances; he has only young men at his disposal.

1071. I am speaking of the natives?—The question, I understood, had reference to the selection of persons.

1072. The selection of natives?—The same observation applies. Mr. Halliday is the creature of circumstances; if he can only appoint a man at a very insufficient salary, he is obliged to take an inferior man; or if, for any reason whatever, he systematically abstains from employing natives educated in our colleges, he is necessarily driven by that circumstance to Hindoos and Mussulmans of inferior position; and consequently he and his predecessors have filled, undoubtedly, that important service of deputy magistracy with persons who are very improper to be in the deputy magistracy; there is no doubt about the fact.

1073. You said that there is danger to capital from the revenue system in Bengal; what is the danger?—In stating that proposition I referred, as a proof of it, to Mr. Grant's view on that question, and who, in consequence of the view which the Government has taken, brought in a Bill for the purpose of so amending the revenue system as to give proper security to capital.

1074. Do not Englishmen hold land now in Bengal as zemindars, or as under-tenants, with perfect practical security?—Yes, they hold every kind of interest in land; they have both zemindaries and putnees, and izara. Every sort of interest they have, and they owe the safety of their position to being men of capital and property; but nevertheless their property is not in a state of proper security.

1075. Do not the indigo planters of Nuddea and Jessore and other districts practically carry on their operations in perfect security?—I think, when they appear before the Committee, they will probably say there is a great deal of insecurity and danger from the absence of law and justice.

1076. You said that at Madras, in consequence of the ryotwary system, capitalists cannot get a footing?—Yes, that was the expression I used.

1077. A capitalist can buy land of the ryot at Madras, cannot he?—Yes, from a ryot, no doubt he can. I believe, now, the ryot has a saleable interest; but I should think it is a perfect impracticability for a capitalist to buy up a whole population, because it would come to that, and what is to become of the population when it is bought up. The question supposes a thing to be practicable, which is only theoretically possible.

1078. Are you not aware that many of the ryots of Madras have large holdings?—Yes, I think it is very likely. I am not aware whether they are numerous. I understood that the mass of the ryot population had very small holdings, and were in a very pauperised condition, something like the Irish peasantry until the exodus which followed the famine.

1079. Are you not aware that there are large holdings in Madras?—I am not acquainted with the details of the holdings, but I should think the large holdings are very few.

1080. You said that the people were emigrating to Tenasserim, and the Straits settlement, in consequence of the revenue system of Madras?—I stated, certainly, that there was an annual emigration, I understood, from the Coromandel coast, and by conjecture I imputed it to the impossibility of living on the spot. The native of India does not emigrate very willingly; but there is at present emigration going on, and I have heard it ascribed to the condition of the permanently settled population.

1081. Are you not aware that the wages of labour upon that coast are extremely high?—No, I have no information on that subject.

1082. Therefore having no information, you thought it best to ascribe it to the undue amount of the Government assessment?—My information led me to draw the conclusion that it was owing to the revenue system, and not merely to the amount of the assessment.

1083. You said that Lord Cornwallis was unjustly charged with having made the permanent settlement precipitately; are you aware that Sir John Shore, then the senior member of council, afterwards Lord Teignmouth, earnestly pressed upon Lord Cornwallis not to make the permanent settlement without more careful inquiry?—There was some difference of opinion in council I believe about it, but Lord Cornwallis was supported by all the most eminent men of the East India Company's service, by the court of directors, and I presume also by the Parliamentary statesmen, and that that was the case I think is also corroborated by this circumstance, that the next settlement was in the northern Circars; and although that was only a settlement for a term of years, it was made professedly with the object, and under a sort of promise to the parties concerned in that settlement, that it should be a permanent settlement; but it was a mere question of time as between Lord Cornwallis and any of the council when it should be made permanent, and I have no doubt Lord Cornwallis took a wise resolution, and that the settlement was a wise one the result has shown.

1084. Do not you think it was precipitately made?—Approving of the measure, I think it was not precipitate.

1085. Do not you think that there was a great sacrifice of all subordinate rights to the zemindar?—No, I think it was the salvation of the country, for if the permanent settlement had not been established, we should have been under the influence of those opinions which led to the Ryotwary settlement, and then Bengal would have been under the Ryotwary settlement.

1086. Did not the 30 years' settlement in the North Western Provinces result in very beneficial effects?—Not such beneficial effects as the permanent settlement; and I rather think that the civil rebellion which has supervened upon the military rebellion is very much to be ascribed to the effects of that revenue settlement. The old talookdars were displaced by that settlement; they were the persons analogous to the zemindars in Lower Bengal; and they are now returning to their lands, having the affections and respect of the people, and are resuming the place which they had before we took possession of those provinces.

1087. You stated that before 1837, that is, before Europeans and Englishmen were

W. Theobald, Esq.

27 April 1858.

were allowed free tenure of land in India, the indigo planters formed an alliance with the Government officers, who found capital, and so managed that they should get the kind of land they wanted?—That is rather a matter of reproach, and justly so, which I do not wish to dwell upon, because it conveys a reflection upon gentlemen of former days; but I state that from the information which I have received.

1088. You do not intend to justify that statement?—I do not withdraw it, because I believe it to be true; but I cannot justify it by a knowledge of the facts.

1089. Then your general opinion of the state of the police and of the magistracy is founded on Mr. Halliday's minute?—No, it is not; it is founded on my knowledge of and communications with the whole of the planting community of Lower Bengal; but I put Mr. Halliday's minute forth as a basis of opinion which the Committee is likely to accept at once.

1090. Have you or have you not read the letter which has been laid before Parliament containing the orders which the Court of Directors sent to India, with regard to the reform of the police and the magistracy of Bengal?—I have read that despatch.

1091. Are you not aware that part of the orders there given related to the separation of the magistrate from the superintendence of the police?—I do not think that has been carried out; the magistrate has the superintendence of police still, according to the information which I have.

1092. Were those the orders?—Those may have been the orders; I think they were; but I think also they have been the subject of discussion, and that the Council are not agreed with the Court of Directors upon the subject of that despatch. They were not peremptory orders.

1093. Has there been time, in the state of India since that event, to carry those orders into execution?—Yes, I think there has been; but I do not think any orders will be carried out without a special agency, if they are to go to the extent of a thorough reform, such as is needed. And moreover I may refer to the memorandum of the East India Company in defence of its administration: there is a short paragraph about the police, from which it appears that that despatch is not to be carried out. The memorandum is headed, "East India (Improvement in Administration)," and this passage is as follows:—"This plan has undergone careful deliberations from the Government of India. The various members of that Government and the Lieutenant-governor of Bengal have individually recorded their sentiments in minutes characterised by a frank recognition of existing defects, an earnest desire of improvement, a remarkable amount of knowledge and understanding of the subject, and a great ability in the statement and discussions of the merits and defects of the various plans advocated. For the present, so far as regards the Bengal Presidency (including the North-western Provinces), the recommendations of the Government of India are limited to a better choice and ampler remuneration of the native police, and to the aiding and strengthening them in certain localities by police corps of a semi-military character. These measures have been sanctioned, and until their effect has been tried, the Court of Directors have consented to put in abeyance the more fundamental changes which they had recommended." I say that puts an end to the despatch.

1094. Mr. *Gregson.*] In answer to question 857, you state that Europeans in the interior, connected with agriculture, have not increased, but are vastly declining in numbers; can you briefly account for this, while during late years the productions and the exports to Europe have considerably increased?—The operations of the Europeans are to a much larger extent; they would have a larger business each if their numbers are not increased.

1095. You further state that the proprietors of large concerns in the interior experience increasing difficulty in obtaining European assistance; to what cause do you attribute that difficulty?—To the state of the local administrations and to the several causes which I have enumerated in answer to a question that was put to me; I include in the local administrations the state of the police and the magistracy.

1096. *Chairman.*] Do you mean that those causes deter Europeans from going there?—Yes.

1097. Mr. *W. Vansittart.*] Are you of opinion that the abolition of the Supreme Court of Calcutta would be prejudicial to the interests of the Europeans generally?—Certainly; they sent me here to oppose that as ruinous to them.

1098. Would

1098. Would not the amalgamation of the Supreme Court of Calcutta with the Sudder Deewanny and Nizamut Adawlut answer every purpose?—No, certainly not, on the plan proposed, because that involves the abolition of the Supreme Court. The Commissioners themselves say that it does. We wish to preserve the Supreme Court distinctively as a court of English law.

1099. In point of fact you would keep the Supreme Court, and the Sudder Deewanny and Nizamut Adawlut entirely separate, as they are at present?—No, not exactly; for we have a plan for reforming the Sudder Court, which would bring the two courts very much together. We would establish a rota of Supreme Court Judges to sit constantly in the sudder, but the courts would be no doubt separate still.

1100. The indigo planters have been accused of keeping a body of lateeals or bludgeon-men, to protect them and coerce the zemindars; is that the case?—No doubt there is an absence of protection, which obliges the planters to employ their establishments in protecting themselves. An indigo concern spreads over a great extent of country. Their capital is out in small and large advances to a very large number of persons, and in a great variety of places, and they have to employ large establishments to look after their agricultural interests, their indigo and other interests in the various stages of growth. Those are what are called the latteeals, and no doubt they are capable of being combined for the purpose of forming a large body of men, but they are a large body of men distributed over the country, and they are not kept in the sense in which the question was put, as a body of men for the purpose of violence.

1101. Do you think that the indigo planters generally are prepared to give their local knowledge, and assist the local magistrates, in the apprehension of offenders?—I am quite sure of it. The Lieutenant-governor has lately appointed a considerable number of indigo planters as honorary assistant magistrates, and I believe it answers exceedingly well. I only wish that that system of employing Europeans and natives too, may be extended.

1102. You do not think that the zemindars and ryots view with any jealousy the appointment of indigo planters as deputy magistrates?—As honorary magistrates. I am not aware; certainly not the ryots. The indigo planters are largely employed now in judicial functions; their jurisdiction, of course, is a voluntary one entirely.

1103. Do you think that it is desirable to appoint indigo planters as deputy magistrates in the locale where their factories are?—The locale of their factories may be very extensive, and I think there is no objection to it, if they are prohibited from acting as magistrates in cases in which they are at all interested, directly or indirectly; but I cannot say to what extent their jurisdiction goes; whether it is merely inquisitorial, and with a power of police, or also judicial; no doubt limits should be put upon a jurisdiction of that kind.

1104. You do not think that their mercantile pursuits are incompatible with their duties as magistrates?—Certainly not, any more than the appointment of tradesmen and merchants as magistrates in England is incompatible with their interests. Their interests are to keep the country in order, and their power to do so is very much greater than that of the official classes.

1105. You speak of the bad administration of justice in our courts; do you allude to courts presided over by members of the civil service or to the courts of the Sudder Ameen and the moonsiffs?—To all the courts; not merely on account of the European judge, but on account of the atmosphere in which he acts.

1106. You do not allow that every civil servant is under the influence of his omlah, do you?—I have already stated that the civil and sessions judge is less under the influence of his omlah than the magistrate; but the magistrate is under influence in proportion to his experience, and knowledge, and ability: there are good magistrates and there are bad.

1107. Mr. *De Vere.*] You have recommended requisitions for labour in maintaining the roads; will you explain a little more clearly what you mean by that?—I have no detailed operation in view, but to put forward this proposition, that roads are so beneficial to the country, that the resources of the country should be applied to making them; and one resource of course is the supply of money from the wealthy classes and supply of labour from the agricultural classes. Having regard to the constitution of villages and of a native society, I rather think that they would supply labour: I put that as a general principle.

1108. You propose that it should be a compulsory requisition for labour?—If necessary;

W. Theobald, Esq.

27 April 1858.

necessary; but I think that the population would soon understand the benefit to be derived, and that no compulsion would be necessary.

1109. Do you propose that the labour should be paid for?—That goes not quite to the point. If a district chooses to employ its population in performing labour, that would be a performance of the obligation; if it chose to make a money payment, that would be equally a performance of the obligation.

1110. Mr. *Danby Seymour.*] Forced labour has been given up generally through India now, has not it?—Yes it has.

1111. And there has never been a dearth of free labour since that has been done, I believe?—No; what I contemplate would resemble statute labour in this country.

1112. Do you wish permanently to see one law for the natives and another law for the Europeans?—Yes, I do wish permanently to see one law for the natives and another law for the Europeans. The natives have always had one law, and we cannot have their law. There is the Hindoo law for the Hindoos, and the Mahomedan law for the Mahomedans; I do not see why we should not have the Christian law for the Christians.

1113. The natives in the other Presidency towns are quite content with the Supreme Court, are they not?—Yes, certainly, so far as I know.

1114. Then it is on principle that you object to the propositions of the Indian Law Commissioners?—The question is so very comprehensive that I cannot answer it.

1115. As a general principle, you would not wish to see any one law for the whole of India?—No; I conceive that there cannot be one law for the whole of India. India is a world in miniature, and one law for all India is like one law for all the world; so the proposition occurs to my mind.

1116. In the interior there are great defects, are there not, in the administration of justice?—Certainly.

1117. How do you propose to remedy those defects?—I have not gone into a detailed examination or statement of any plan.

1118. You would not attempt to form a law for the whole country?—I think it is a mistake to legislate for all India at once.

1119. Or even for one Presidency?—I think that one criminal law would do for pretty nearly all Bengal, and I should prefer the English law, and we do object to the Penal Code, chiefly as it deviates from the English law, and substitutes some law not so good as English law.

1120. Do you think that, as long as you have the great diversity of law which exists at present, you can improve the administration of justice?—Yes, most certainly.

1121. In what way would you do that?—By putting more qualified men into judicial office.

1122. How would you get better qualified men?—I think that the civil service should be opened for judicial office to persons professionally qualified.

1123. What do you mean by professionally qualified?—The practice of the law is one qualification, and, by the scientific study of the law, I conceive that there may be a legal education which qualifies for even judicial office; but you cannot give a young man the qualification by any education.

1124. Supposing you had to draw out a practical scheme for the improvement of those who had to administer justice in the Company's Courts, would you take English lawyers, or whom?—I would take English lawyers; and I would take from the civilians every person available. I mentioned the forming a judicial service.

1125. Would not that be separate from the civil service?—Yes; it would be a separte branch, variously composed.

1126. Would you appoint any one acquainted with law, or would you oblige anybody placed in the position of judge to have practised in court?—You send out a body of young men, who immediately after they have acquired a sufficient knowledge of the language, go into all the offices in the various departments of the government, and in their turn they become judicial officers; and being judicial officers, then they go into the revenue. I would change that in this way: after a young man had attained those qualifications which fit him for office, consisting of a knowledge of the people and of the languages, I would give him an opportunity, if the civil service is to be maintained as a separate body, of having separate qualifications for the judicial office, by studies which might be carried on either in India or at home, but he should have an opportunity of choosing the

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judicial office, and of superadding to his qualifications the legal education which I think desirable.

1127. Would you make him choose the judicial line as soon as he went out to India?—No; I think that the whole civil service is on an erroneous constitution, but I take it as I find it. My proposal being to have a judicial service, here being the raw material of the civil service to form a portion of the judicial service, I would give these young men who have a taste for the judicial service an opportunity of acquiring special qualifications.

1128. How would you fill their places up; would you keep the judicial service entirely separate?—Certainly.

1129. How would you draft them into the judicial service?—After a young man has been three or four years in any service he should be drafted in.

1130. Still he should be a civilian?—Yes.

1131. Do not you think that some practice in courts of justice is necessary to make a good judge?—Certainly, and I accept the civilian class merely as one that is existing, and of which you must avail yourself, because, with all the resources to which you could revert, you would still find a difficulty in getting the proper number of judges, magistrates, and judicial officers specially qualified.

1132. If you chose barristers who had been in practice in Calcutta to fill the judicial situations, do you think that that would answer?—Most certainly it would.

1133. The character of the bar would probably improve?—Yes, it might be so; I do not quite understand the question.

1134. Civilians are obliged to pass in two languages now, in nine months, are they not?—I was not aware that it was in so short a time; it is made stricter than it used to be.

1135. And within three years are they not placed in magisterial positions very often?—Yes, in less than three years, unfortunately.

1136. If a barrister of three or four years' standing went out to India, and passed in the native languages in the same time as the civilians, he would be fitter for magisterial duties than a young civilian who had no judicial training?—Yes, inasmuch as he would have seen the administration of justice, and know something about it practically.

1137. With regard to the Black Act, are you aware that there was lately a murder committed by a railway engineer in the Presidency of Madras, in the interior of the country?—I will assume the fact.

1138. To try that man, you would be obliged to bring both him and all the witnesses in the case to Madras, would you not?—Yes, under the present system.

1139. If such a case took place on the railway which is now making in the Punjaub, you would have to bring all the persons down to Calcutta?—Yes.

1140. That is a very great inconvenience and expense, is it not?—Yes; but if we were liable to be tried by the local tribunals, there is not a European in the country that would not be charged with murder.

1141. But still the present system gives impunity to Europeans, does not it?—No; if it does, it is a very great reproach to the Government; I do not believe that it does at all. But that can be ascertained by a return of the number of persons who have been brought before the magistrates for inquiry, for there is nothing to prevent the magistrates recording a charge.

1142. With regard to young magistrates, is it not useless to send out an order about taking older men, when there are no older men to be had?—Supposing that to be the case it would be useless.

1143. Are you aware that the Lieutenant-governor has represented that there is a great dearth of servants, and that he wished to remedy the youth of the magistrates in another manner, by taking uncovenanted persons better suited to the post?—Yes.

1144. Are you aware that in that way he appointed Mr. Reilly?—Yes, to the office of civil and sessions judge.

1145. That was a still further step?—Yes.

1146. That received the sanction of Lord Dalhousie, did not it?—No; I think it was disallowed by the Governor-general in Council. Mr. Reilly was removed from the appointment, and another put in.

1147. But it was disallowed also by the Court of Directors, was not it?—That I am not aware of. It may have been that the disallowance was by the Court, and not by Lord Dalhousie in the first instance.

W. Theobald, Esq.

27 April 1858.

1148. Did Lord Dalhousie, generally, when there was a dearth of civil servants, wish to appoint uncovenanted servants?—I am not aware of that.

1149. Are you aware of the case of a postmaster in Bombay whom he put into office, and whom he was obliged to change, by order of the Court of Directors?—No; I know that four were appointed, and two were of the uncovenanted service, the one in Bengal and the other in Bombay, and why either of the uncovenanted ones should have been removed I do not know, but the fact may be so.

1150. You are not aware that it was because all those posts were considered to belong to the covenanted service?—No; and I should not have supposed that, because the postmaster of Bengal is uncovenanted to the present day.

1151. You are not aware that Lord Dalhousie proposed to repeal that clause, which was supposed to reserve all the great offices to the civil service?—No; I was not aware that it rested on an Act of Parliament; and I do not think that it does; it rests on custom.

1152. You are not aware that the Court of Directors consider that there is a clause in the Act of the old charter of George the Third, which reserves posts to the civil service, and that it is contrary to law to place uncovenanted servants in those posts?—I was not aware that that opinion was entertained.

1153. With a great extension of territory must you not either increase your civil service considerably, or place the uncovenanted servants in many posts to which they are not admitted at present?—Undoubtedly.

1154. The great expense of the civil service prevents its increase, does it not, looking at the finances of India?—Yes.

1155. The uncovenanted servants cost about from one-half to two-thirds of what the others cost, do not they?—Yes, less than half; many of their officers are much underpaid, and the others overpaid.

1156. You would be in favour of a greater extension of the uncovenanted service?—Yes; but I think it is an odious distinction in the judicial service that should not exist, and that is the only service that I have thought much about. I would not take a judicial office to be snubbed as uncovenanted, and no man with the high qualities of head and heart, which a judge ought to have, should do so. I have known uncovenanted officers of very great merit leave the service because that distinction exists, and I believe it is much owing to that that the uncovenanted service is of the lower stamp, which it is; they are not only underpaid, but there is a social degradation attaching to them.

1157. If the civil service were abolished, do you think that the whole tone of the service would be improved?—I will not say that, because that assumes that the civil service should be abolished, and I rather think that the civil service should not be abolished, but it should be recast, and the scope of its duties reduced.

1158. With regard to the police; you are aware of that despatch sent out by the Court of Directors for the reform of the police?—Yes.

1159. Is not the general fault that you have to find that the intentions are very good, but that there is a delay in carrying them out?—Yes; but there is a radical deficiency in that despatch. The defect of that despatch is, that it does not at all provide for the increase of European superintendence.

1160. Are you aware that that despatch provides for an European head in every district in the Presidency, and that that is not the case now?—Yes; it makes a European head—one head—I observed that there was that superintendence.

1161. In each district?—Yes; but what is a district—it is a zillah containing, perhaps, 9,000 square miles. It does provide for that superintendence which does not now exist.

1162. Does not that despatch provide that there should be an officer over each district, whose sole duty it should be to pursue thieves and have the superintendence of the police?—I think it does; it amounts to nothing.

1163. Are you aware that that system has been tried in Bombay and has been found to answer?—I have heard that the police has been much improved there.

1164. And that that is the system which has been adopted in Bombay?—I think it very probable.

1165. With regard to the increase of European superintendence, are you aware that some years ago the heads of the police in Calcutta were English serjeants?—Yes, and they are now. I recollect that reform being made, and a very beneficial one it was.

1166. Do you not remember that on one occasion they were all found to be as corrupt as the natives?—No, I do not believe that that has been discovered, and I should like to know the evidence of it. There was some such case before the Calcutta police was put on its present footing.

1167. Are you aware that in Bombay, some years ago, the European superintendents were tried with a bribe, and as far as it went they took it and were dismissed?—I am not aware of that.

1168. Are you aware that the police of Bombay were found to be radically bad, although there was a large European superintendence?—No; I am not aware of that.

1169. Mr. *Villiers*.] We understand that these grievances which you bring before the Committee apply strictly to Europeans, and have no reference to natives?—I have applied them to Europeans, but I apprehend that they equally affect the natives. The native population is very much and grievously oppressed by all the things from which we suffer.

1170. In all the particular instances which you have enumerated, you consider that the natives are as much aggrieved as the European settlers?—Yes, certainly, by the police and the courts. I refer to the whole of the honest part of the population.

1171. You seem to refer to several matters which require reform, and of which you say people have to complain; amongst those are the land revenue system, the state of the communications, and the administration of public justice regarded judicially, and also in its execution, and in the constitution of the Legislative Council?—Yes, I complain of all those matters.

1172. You adhere to your position that they have not been remedied?—Yes, I do.

1173. You have been asked about despatches which have lately been sent having reference to those evils, but you contend that they are still unreformed?—Certainly.

1174. Can you inform the Committee whether there has been any sanction given to, or an admission made of the evils of which you complain by persons in authority?—I refer to Mr. Halliday's minute as a complete sanction to a very great extent as regards the police and the covenanted branch of the magistracy, but not as regards the uncovenanted branch of the magistracy, because he is silent as to that.

1175. Looking at Mr. Halliday's minute or report, and at the despatches that have been sent out or prepared, do you consider that they do in the main recognise the existence of the evils in question?—Yes, I should say they do, as respects the police, the magistracy, and the land tenures. It is rare that you can quote an official admission of the state of things that I have described; but I have an official admission of Mr. Halliday as to the police and covenanted magistracy, and of Mr. John Peter Grant, as to the insecurity of the land tenures.

1176. And you mention all those evils as really, in your opinion, from your experience, operating seriously in deterring Europeans from taking capital there and from settling?—Yes, decidedly.

1177. Do you apply that also to the influence upon the Asiatics in deterring them, as far as they are so disposed to develop the resources of the country?—It has that effect, no doubt; but the native does not improve, he wants an example.

1178. Are you prepared to say that, looking at the character of the police and the inefficiency of the magistrate, there is insecurity to person and property in consequence?—To a great and grievous extent. It is distressing to every one who cares about the welfare of the country.

1179. Do you say that Europeans have no certainty of justice, and do they complain that they do not get justice in consequence of the inefficiency of the magistrates?—They complain greatly of those things as far as the jurisdiction extends over them.

1180. When you recommend a reform of the Legislative Council, has that reference to the complaint that remonstrances are not attended to, and that the interests of the Europeans are not sufficiently understood in the Legislative Council?—Partly on that ground, but not merely on that ground. Even matters with which they do deal fairly, according to the best of their judgment, they still deal with in an unsatisfactory manner.

1181. You speak of the want of communications in the country, and of the great neglect in keeping the rivers clear, and the want of other great public improvements;

W. Theobald, Esq.

27 April 1858.

improvements; do I understand that remonstrances have been made on this account to the Legislative Council, and that they have been disregarded?—No; those things which I have particularly mentioned belong to the Executive Government.

1182. Do you mean that decision upon effecting a great public work belongs to the Executive Government?—Yes, entirely; the Legislative Council has nothing whatever to do with that.

1183. Do not you require Acts of Council or Legislative Acts for that purpose?—That was the case in one instance, and I think the Legislative Council made default in its duty. We said that those demurrage tolls assessed on boats for delay, which they could not help, and which in point of fact was a grievance to them, were taken under an Act which had been unfairly construed to have that bearing, and we petitioned the Legislative Council to have that Act amended. Mr. Peacock either brought in a Bill, or asked for leave to bring in a Bill for the purpose, and some member of the Council I think objected to it merely on this ground, that it was a reproach to the Executive Government to suppose that after this abuse had been pointed out it would be allowed to continue, and it was assumed that it would be remedied, and, therefore, a law was unnecessary.

1184. I presume that you have some wider grounds to go on than those you mention when you reflect upon the constitution of the Council?—I spoke of the Council as deficient of knowledge and information. I do not put it reproachfully upon the Council, as far as their information and judgment go.

1185. Do you object to the constitution of the Council?—Yes, it is composed only of official persons; and we have prayed for the appointment to this Council, by Her Majesty or otherwise, of persons selected from the Indian communities without distinction of race or creed, but having an acquaintance with the country, and being connected with its business, commerce, professions, and agriculture.

1186. *Chairman.*] I understand your complaint to be the inadequacy of the representation in the Council of interests which ought to be represented?—Yes, no doubt.

1187. Mr. *Villiers.*] Do you believe that it would be at all prejudicial to the natives if Europeans were to settle more freely, and the distinction between covenanted and uncovenanted servants was removed?—It would be highly beneficial to the natives, and to all classes; and if you go into the indigo districts, where the planters are numerous, you will find the district a garden compared to those parts of the country where there are no planters. Where there are no Europeans there are no improvements. The zemindars are of the same character in every respect that they were a century ago.

1188. You have not a doubt that it would be to the advantage of the natives if Europeans were to settle there?—Greatly to their advantage.

1189. Mr. *Willoughby.*] I understand you to state that you have resided principally at Calcutta; with what other parts of India are you acquainted?—I am only acquainted with Lower Bengal.

1190. Where have you resided?—I have resided merely in Calcutta.

1191. Then all your information is derived from others?—Yes; as the secretary of a great society.

1192. With regard to the question of holding land, has not an Act been passed by the Government of India, namely, Act 4 of 1857, removing all restrictions?—I am not aware of the Act of 1857. The Act I am acquainted with is of 1837.

1193. Have not the Supreme Court at Calcutta recently decided that sections 81 and 82 of the Indian Act of 1833, which prohibited the settlement of Europeans in the provinces acquired during the present century, except by licence, were repealed by the subsequent Act of 1853?—The case of Ouseley *v.* Plowden has been decided since I left India, but I think that that must be the effect of that decision.

1194. Are you aware, when the licence system existed, of any licence being refused improperly and capriciously by the Court of Directors?—That is anterior to my information.

1195. You stated that officers in the civil employment are prohibited from holding lands in the district in which they exercise authority, and from holding farms and other obligations; do you object to that?—I think it is a question of policy which deserves to be reconsidered.

1196. Is not the object of the rule to prevent abuse, and to prevent the attention

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of those officers being directed from their public duties?—No doubt that is the object of it.

1197. You have alluded in strong terms of objection to the Riotwarry system as prevailing in Madras, and also, but more partially, in Bombay; are you prepared to suggest any remedy for that system?—I am afraid it is irremediable; the country is covered with a pauper population, and I do not see how it is to be remedied.

1198. You have stated also, upon the authority of Mr. Kaye, that the Government considered that an increase of cultivation was impossible under that system; are you aware that a new system of survey and assessment has been in operation for many years, and that wherever it has been completed it has been followed by a very rapid increase of cultivation?—I am not aware of that.

1199. Do not the evils resulting from the Ryotwarry system result as much from the Hindoo law of inheritance or from the system itself?—No; I should say certainly not.

1200. I refer particularly to the matter of equal partition?—No; I think it results from annual settlements, coupled with the necessity of employing a very large native agency which could not possibly be controlled. The native agency uncontrolled is the bane of the population.

1201. The number of holdings has increased by the Hindoo law of inheritance?—It may have led to a great subdivision, but if people in other respects are in prosperous circumstances, as in France, I apprehend there are social checks upon the increase of subdivisions to an inconveniently minute degree for the interests of each family, especially where, as in India, there is plenty of unoccupied land to be had.

1202. You referred to the great number of agencies required to collect the Government revenue under the ryotwarry system; how do the great zemindars of Lower Bengal collect their revenue?—They must have large native establishments, but they have not the same authority by law, and they are responsible to the law, whereas the native police are invested with the law and are beyond control.

1203. Do you think that the ryot fares better at the hands of the agents of the zemindar than at the hands of the agents of the Government?—Yes; and I have no doubt that the population of Bengal is in a much better state than the population of Madras.

1204. *Chairman.*] Is it in a good state?—It varies in different parts of the country; the difference is patent even to travellers in the country.

1205. Mr. *Willoughby.*] With regard to the law of sales, you stated that an amended law to remedy a great evil, that is, the cancelling of all sub-tenures, was proposed by Mr. Grant, and objected to by the Indigo Planters' Association; what was the ground of their objection?—I think I rather overstated their objection in my former evidence; I have since referred to the petition which they sent in, and I find that it was only a strong suggestion of the practical defects of the law; it did not amount to an opposition.

1206. The law itself was a good law, was it not?—Yes; it was an admirable principle.

1207. Did not the proposed law provide that the lessee, on satisfying the collector that a fair amount of revenue sufficient to satisfy the demands of the Government was reserved, might have his lease registered, in which case the effect of a sale for arrears would be, not to cancel the lease, but to transfer the obligations of payment to the Government, instead of to the zemindar?—Yes; that question of the sufficiency of the rent reserved on the under tenures.

1208. And yet the Indigo Planters Association were not willing to accept that as the law?—The objections were of various kinds; the chief was, that the benefit of the Act could not be obtained without inquiries which opened the door to disputes and litigation. Notices had to be given by parties claiming the benefit of the Act; and on those notices parties might come in to dispute titles and question boundaries; and the Association thought that the principle of the law might have been very beneficially carried out without that practical objection. There was a difference of opinion among the planters; some wished that the law should be passed.

1209. Do you think that a law of that kind could be carried on without some precautions of the nature to which you refer?—According to the plan which we proposed, the law might have been passed without danger to the revenue.

W. Theobald, Esq.

27 April 1858.

1210. Can you state the extent of the European population in Lower Bengal?—I do not think there are any authentic returns upon that subject; I have heard it variously computed.

1211. Can you account for the increasing difficulty, as stated by you in answer to Question 857, of getting first-class Europeans for employment in the country; and how do you reconcile that decrease with the increase referred to in the first part of your answer?—Public opinion, and private opinion, and the apprehension of circumstances in which individuals may be placed, influence emigration and travel, and everything. The country is in bad repute, and our discontent affects settlement.

1212. In one instance you referred to an increase, and yet there is an increasing difficulty in obtaining European superintendence?—I said that they had increased because enterprises, such as the employment of steam, which require European management; and railroads have increased, but the class who are settled on the soil, the planters, and persons engaged in local business, have not increased.

1213. Will you state more particularly what you mean by the want of a *lex loci* for Europeans; are they not, throughout India, subject to English law?—They have English law; I would put it on the authority of the Indian Law Commissioners, that a *lex loci* is wanted. There is the investigation of the Indian Law Commissioners, and the report establishing that.

1214. With reference to your answer to Question No. 936, do you mean seriously to say that the police paid by the Government are the sweepings of the gaols?—That is the prevailing opinion of them; that is what Mr. Halliday has said in effect; I might better say sweepings of the population.

1215. You have recommended that serjeants from the army should be employed in police duties; that is, one serjeant to several darogahs?—Yes; I take that name rather as a name than as meaning that they should be military men; I think you would get East Indians and persons who have never been in the army, but the army would supply a certain proportion.

1216. What salary would you recommend?—I am not a judge of that.

1217. The salary must be high, in order to secure the services of such persons?—The same salary that secures their services on the land frontier would, I presume, secure their services in the police.

1218. Are you aware that the experiment was tried in Bombay, and that the whole number of serjeants who were employed were detected in bribery and corruption, and were summarily dismissed?—I am not aware of that; if it be so, it would not be conclusive in my mind against trying the experiment.

1219. Are you aware that the employment of planters and other European residents has recently been proposed to the association of landowners in Calcutta?—Yes, I can conceive that that may be so.

1220. That shows the desire on the part of the Government to make use of that respectable class of Europeans?—Yes, and very wisely.

1221. To what period did you refer when you stated that the Court of Directors had notice that its lease was to expire, and it took advantage, very naturally, to fill Haileybury with writers?—About 1853, when it was known that Haileybury was going to be abolished, an inordinate number of young men, as I understand, were put into Haileybury; at all events an unusual number came out of Haileybury, and went to India when Haileybury was closed.

1222. Haileybury was not abolished till very lately?—There were 58 students in one year in Bengal, which I fancy must have been more than double the proper number; but I ascribe it to Haileybury having been emptied.

1223. Does not the number of young men whom the Court of Directors can annually appoint to the civil service in India, depend entirely upon the annual requisitions of the local Government?—I am not aware that it does; I am told that the expense of the service is a limit upon the number.

1224. The Court of Directors have no power, nor is it their custom, summarily to increase the number of writers sent out to India?—They certainly were increased at that time.

1225. There was an Act in 1834–5 permitting, as an exception to the rule, writers to be sent out to India without passing through Haileybury, do you refer to that?—I am aware of that, and I am aware that some of the most eminent men of the service went out under that privilege.

1226. You do not refer to that when you say that the Court of Directors, seeing their

their lease was up, sent out a number of men?—No; I failed to explain satisfactorily how the increased number of young students lowered the average of age, and I added what Mr. Halliday had stated, that the evil would go on increasing for the next two or three years; and I said that this appeared to have been verified, for I found so and so; that last year 58 young men were students; then I said it must have happened in this way.

1227. Then it was a conjecture of your's?—Yes, but I believe it be perfectly true.

1228. To what extent are Europeans amenable to the jurisdiction of the local magistracy?—That is a very comprehensive question; I cannot answer it in a few words. They are subject, for the purpose of inquiry into their conduct, to the general jurisdiction of all magistrates who are justices of the peace, and only those who are justices of the peace; and the Government constitutes for that purpose whatever number it chooses as justices of the peace; but they are liable to be punished for "petty trespasses," which is a very elastic term. Then they are liable to be put under very heavy recognizances, without judicial investigation, as a precaution against wrong.

1229. In the complaints they have to make against others, should they not always apply themselves to the magistrates of this district?—Yes, no doubt.

1230. What effect would the introduction of the English law, as a *lex loci*, in India have upon the natives as to their employment in the judicial branch of the service?—I think that the native is very apt at learning anything; and I dare say that the native, if he knew the English language, would learn as quickly as the civilian.

1231. You think that it would have no injurious effect upon their prospects?—No, none. I think that the Government ought to use some subsidiary means for diffusing an acquaintance with the law.

1232. Are not the affrays in Lower Bengal very often the result of organised and deliberate violence?—I do not know as to that; they are very common, and very serious in number.

1233. What were the particular objections of the planters to a Bill, the object of which was to repress such affrays?—The extraordinary character of the Bill. The Act consisted of 16 clauses, each of which had a different operation. I mention one as characteristic of the Bill empowering the magistrate of the district to dismiss the servants of a planter. If a man was obnoxious, the magistrate could order him to be dismissed; and that was a power which was intolerable. Then it placed us entirely under the power of the local police, as we said, for all the purposes of mischief and wickedness which that police could possibly devise.

1234. What has been the effect of a law which authorises the magistrates to take recognizances to keep the peace; have the Europeans suffered under it?—Yes, they have.

1235. The effect has not been favourable to the peace of the country?—I would not say it has not been favourable to the peace of the country, but it has been accomplished at a monstrous injustice.

1236. How do you think the natives would view an approximation to the English criminal law?—We know the opinion of the natives of Calcutta as to that, and it is entirely favourable; they do not wish any new law.

1237. You have advocated the introduction of barristers and pleaders into high judicial office throughout India; what qualification would you exact from them?—A knowledge of the languages; and if they practised in the country they would have a knowledge of the people, and of the institutions and customs of the people.

1238. Do you think that barristers and pleaders who have never been out of the presidency towns would be able to acquire that knowledge of the manner and customs of the people in the interior?—Yes, I think they would very soon, after being there a short time.

1239. That presupposes that they are to be appointed, and then acquire the knowledge?—My answer presupposes that; I have not proposed any plan; I do not admit that they are without the qualifications; it would be desirable that they should have those qualifications to a greater degree.

1240. I think you stated that you had objections to the plan of redeeming the land tax in India?—Yes, upon grounds of political economy and finance I would retain the land tax, and pay off the debt in some other manner.

W. Theobald, Esq.

27 April 1858.

1241. You were regarding the interests of the Government?—Yes, it was regarding the interests of the State.

1242. Mr. *Lowe.*] What are those grounds of political economy?—First of all, if the land tax were redeemed, the Government would be in the position of having a large amount at command which it would probably expend, and it would then have to meet its annual expenditure, and would have to resort to modes of taxation exceedingly objectionable.

1243. If the Government were to sell land yielding 100 rupees a year, and were to extinguish by that means 100 rupees of debt, would the Government be a loser or a gainer by the transaction?—It might be a question which. Inasmuch as the annual revenue is a permanent source of income, I think it should be preserved in the shape of revenue, and the debt be paid off in some other manner.

1244. Is not the cutting off a permanent source of expenditure just as advantageous as the retaining a permanent source of revenue to the same amount?—It would seem in that general form of question that it might be, but I think that there are other resources for paying off the debt of India.

1245. Would not the Government be a gainer in the first instance, by saving the expense of collecting the revenue?—That must be very small under the permanent settlement.

1246. Would not the Government be the gainer in the second instance by the greater inducement that persons would have to invest capital in land?—The Government would not be directly a gainer in that. No doubt it is a favourite scheme with many capitalists; on the other hand, many capitalists, who look not merely at the interests of capital, but at the long interests of the State, are much of my opinion.

1247. Is not the Government a gainer by anything which enables people to put capital in a fixed state, instead of carrying it about their persons in a tangible shape?—Yes.

1248. Do you claim that Europeans should be tried by a different set of courts from the natives?—It is not my claim; it has been made for the last 20 years.

1249. That is the claim?—Yes, that is the claim put forth.

1250. As a permanency, or only depending upon the present state of the courts?—Depending upon the present state of the courts.

1251. Under what condition should that claim cease?—When courts qualified in every way as the Supreme Court is, to do justice to them, are established.

1252. The claim comes to this, that the Europeans are to enjoy immunity from all jurisdiction, except the jurisdiction of the Supreme Court, till the Europeans themselves are satisfied with the jurisdiction substituted for it?—It does not strike me that that is an absurdity at all. The alternative is, that they will leave the country.

1253. What I ask is, whether that is the claim?—If I put the claim in my own words, I should not put it in that way, and I submit that I should not be compelled to make an admission.

1254. Do you claim that the Europeans resident in the Mofussil should continue to be subject to the jurisdiction of the Supreme Court alone, until a system of courts can be devised in the Mofussil with which those Europeans are satisfied?—I would modify the latter part of the question, with which "those Europeans are satisfied," to "with which Europeans may reasonably be satisfied."

1255. Who is to be the judge of the reason?—The Supreme Government; I mean Parliament. We hope that we have sufficiently succeeded in giving good reasons to depend upon Parliament as our protection.

1256. If the Supreme Government be of opinion that the present judicial system, however defective, is such as that the Europeans, who go into the Mofussil, ought to be satisfied with it, they are content?—By the Supreme Government, I mean the Parliament of England, not the local government, for since the recent outbreak, Lord Canning is reputed to be still in favour of putting us under the county courts.

1257. You do not think that the Europeans should themselves be the judges?—We should be very content; but of course it is a question of imperial policy, on which we must submit to the wisdom of Parliament; but we hope that nothing less than a decision of Parliament will deprive us of the privileges that we possess.

1258. What position do you contemplate for the Europeans resident in India; is it that of equality, or that of a dominant class?—Not that of a dominant class, certainly;

certainly; we are not a dominant class; we are exempted from what has prostrated the whole of the native population, and we are anxious to preserve our privilege as necessary for our own preservation.

1259. Do you think that the offences which natives may commit upon Europeans ought to be tried by tribunals which should not be able to try the offences which Europeans may commit upon natives?—No, I think they ought not; I think that the tribunals ought to be reformed for the sake of the natives; and if reformed to the standard at which I would place them, I should not object to be tried by them.

1260. But in the meanwhile you do think that which I have stated?—I think that they are a sort of pestilence till they are reformed.

1261. Until they are reformed you think that the Europeans should have the power of invoking their agency against the native, but that the native should not have the power of invoking their agency against the European; is that your opinion?—Undoubtedly, under the circumstances, and for the reasons I have stated.

1262. That the courts should only act against the natives, and not against the Europeans?—Yes, as I stated before.

1263. What is your opinion as to the position of the European in India; is he to regard himself as a person of a dominant caste, or as equal before the law with the native?—We do not put our claim to exemption on the ground of the dominance of the race; one man is as good as another in the sight of God, and ought to be so in the sight of the law; but here is a state of things which operates cruelly upon the whole native population, which by circumstances we are exempt from, and we wish to retain our exemption. It is an anomaly, I admit. We do not defend it as an institution.

1264. Have Europeans difficulty in obtaining land in the Mofussil?—There are no legal difficulties in the way. They are purchasers in the market, and of course it depends on the quantity of land in the market. They purchase in all sorts of ways.

1265. Can a zemindary be sold without the consent of the Government?—Yes.

1266. Can you buy part of a zemindary?—Yes.

1267. What is the tenure, then?—It still remains under the settlement of the whole zemindary.

1268. Do you become, or the person who purchases part, responsible to the Government, or are you a feudatory of the zemindary?—It requires a little definition. The interest purchased might be what would be called here a joint tenancy, or a tenancy in common; it might be part geographically distinct from the rest, but still as respects the liability to revenue, there would be no alteration.

1269. There is no apportionment of a zemindary?—No, except by a regular partition suit; that was one of the objects of Mr. Grant's Bill, to divide zemindaries, and apportion the revenue among the different co-sharers. The case of under-leases was distinct.

1270. Is not that a difficulty in the way of obtaining land, that your land is liable for a larger portion of the revenue than its fair share?—No doubt.

1271. Can you suggest any remedy for that?—I think Mr. John Peter Grant's Bill offered a perfect remedy. It was only the adjuncts to the principle of his Bill that made it unacceptable. It involved a survey and an ascertainment of the boundaries, and opened questions of title, and we thought that that was quite unnecessary.

1272. Have you known an individual case of a European being deterred from settling in the mofussil by the land regulation, or the police, or the judicial system, or by the union of them altogether?—I have heard people say, "I will not go into that vile mofussil, where there are such and such difficulties," but only in that way; but undoubtedly it is the case that no one will leave Calcutta to settle in the mofussil who can possibly keep there, and the native landholders settle in Calcutta for the personal security they enjoy there.

1273. Mr. *Campbell.*] You are of opinion that colonization, or English settlement in India, has been impeded by the laws existing; that the mode in which those laws have been administered is inefficient; that there is a venal police, and that there are difficulties of communication and transit?—Undoubtedly.

1274. As regards the first of those impediments, the administration of the laws, revenue and judicial, might not a remedy exist in a more practical training

W. Theobald, Esq.

27 April 1858.

and selection of the revenue or judicial service of the State confining, after such selection, the law officers to their department and the revenue officers to theirs, and at the same time utilising the local knowledge which they may acquire in the district they are first appointed to, by confining their advancement in employment as much as possible to those districts?—Undoubtedly.

1275. Is not local knowledge in a country where false evidence is so general, as necessary as a knowledge of the revenue or judicial laws; and will not the possession of it by a magistrate, judge, or collector materially reduce crime, false suits, and false evidence, by curtailing the power of the corrupt native officials, and the general tendency to litigation in the people?—Certainly, I think so.

1276. Is it not the fact that the security to life and property, in any district, is measured to a great extent by the efficiency or otherwise of the judge, magistrate, or collector?—Certainly; the difference between a good magistrate, and a bad one, makes all the difference between order and the greatest anarchy.

1277. Would you advise throwing the service open, and having deputy collectors, deputy magistrates, and sudder ameens, taken from competent Englishmen in India, and as an incentive to increased efficiency and exertion, owing to such higher grades in the existing civil service?—I would open the service, certainly; and I affirm the rest of the question.

1278. Do not you think the facilities that have hitherto existed, of overland communication, for civil officers visiting their native country, has diminished that necessary class of civil servants that, previously to the introduction of the overland route, existed; that is to say, the overland facilities reduce the available number of officers for the duties of the State?—Very much so, no doubt.

1279. At present there is generally a greater number absent than before the introduction of steam?—Yes, I think so.

1280. And that would naturally call for an increase of that service?—Yes.

1281. Is not the number that can be absent on furlough at any given time in one Presidency limited by regulation?—I suppose it is so.

1282. Admitting that it is limited, does not the facility of coming home encourage a greater number to come home than did come home round the Cape, having a six months' voyage staring them in the face?—Yes, no doubt.

1283. So that, practically, the regulation alluded to has not that bearing that it might otherwise have?—I think that the new regulation of the Government, permitting furlough at the end of seven years, has operated very mischievously in a public point of view; a young man no sooner gets located than he comes home; and there is less feeling of settlement in the country than under the old system, when they had to stay 10 years.

1284. How are the native officials generally regarded by their countrymen, either in the administration of the laws or the discharge of other duties, with comparative distrust?—Of course it is a matter of opinion; I think there is an amount of distrust; but I think that is a point upon which I would rather not pledge myself as to the opinions of the natives of their own countrymen.

1285. Until the moral code of the Mussulman and the Hindoo is higher, are you of opinion that in the interests of India and its people they should not, unless in exceptional cases, be employed in responsible positions?—Certainly, I think the creed of caste and the creed of the Mussulman is a bad creed for persons entrusted with the administration of justice; a man who looks upon another man as not of the same human kind as himself is not fit to administer justice to that man.

1286. As regards the police, do not you think that distinct and responsible officers should be accountable for the efficiency of that department; that it should, to some extent, have a military organization, as in the Punjaub; that respectable Europeans should fill the place of darogah, and that even in subordinate positions to those the steady intelligent European would fill the places well?—Yes, I think that is much like the opinion I have already expressed.

1287. With such a police, life and property would be more secure and litigation materially abridged?—Yes.

1288. As regards the facilities of communication and transit, they have hitherto been prohibitory, almost; you are aware that the roads of the Ganges and the Jumna to Upper India are most tedious, hazardous, and costly, and that the time occupied from Calcutta to Meerut, on the Ganges, and Delhi, on the Jumna, is usually six months for a distance of only 1,000 to 1,100 miles, and at a cost of four times that by railway?—Yes.

1289. You are of opinion that the extension of roads and railways will remedy those

those difficulties, and make general settlement profitable and possible?—Certainly.

1290. I suppose you are aware of the general respect and estimation that Sir Charles, afterwards Lord Metcalfe, enjoyed in India?—Yes.

1291. Are you aware of the opinions which he expressed upon the subject of colonization as early as in 1814, and the confirmation those opinions had at his hands when Lord Metcalfe, in 1836?—Yes; I will read what he says. On the question of colonization, Lord Metcalfe writes thus: "It is impracticable, perhaps, to suggest a remedy for the general disaffection of our Indian subjects. Colonization seems to be the only system which could give us a chance of having any part of the population attached to our Government from a sense of common interests. Colonization may have its attendant evils; but with reference to the consideration above stated, it would promise to give us a hold in the country which we do not at present possess. We might now be swept away in a single whirlwind. We are without root. The best affected natives would think of a change of government with indifference, and in the North Western Provinces there is hardly a man who would not hope for benefit from a change. This disaffection, however, will most probably not break out as long as we possess a predominant power; and it has only been alluded to as one source of weakness, and a necessary object of attention in the consideration of our situation." Then, again, he says, "The Europeans settled in India, and not in the Company's service, and to these might be added generally the East Indians of mixed breed, wil, never be satisfied with the Company's government; well or ill-founded, they will always attach to it the notion of monopoly and exclusion; they will consider themselves comparatively discountenanced and unfavoured, and will always look with desire to the substitution of Crown government; for the contentment of this class, which for the benefit of India and the security of our Indian empire ought greatly to increase in numbers and importance, the introduction of Crown government is undoubtedly desirable."

1292. Is the commercial or agricultural interest in India at all represented in the Legislative Council by members of those bodies?—No, they are all official persons in the Legislative Council.

1293. Are the agricultural interests themselves represented?—No, they are not represented.

1294. You observed that the planters generally were a very healthy class?—Certainly.

1295. Are they a more healthy class than the general body of Europeans not engaged in open air planting avocations?—Yes, I think they are.

1296. Is it not a common remark, on their annual visit to Calcutta with indigo, that they are pictures of health compared with the residents of Calcutta, whose avocations are sedentary and in-doors?—Yes; but I do not think we are a very ill-looking set of people, nor objects of compassion.

1297. In reference to a question put to you by Mr. Willoughby, as to the objections by the planters to the boundary surveys, had those objections reference to the exactions and impositions which native officials generally enforce against the planters and others, in discharge of any such delegated duty?—With reference to Mr. Grant's Bill, the objection was, that it was impracticable; that the territorial inquiries and divisions necessary in every case would indefinitely postpone the operation of the Act, because there would be thousands of estates to be divided, and all sorts of objections made.

1298. You stated in your evidence that it was the survey that rendered it impossible?—Yes; surveys and measurements, and valuations and questions of title, which would open the door to endless dispute.

1299. Mr. *Willoughby.*] In answer to a question by the Honourable Member, Mr. Campbell, you stated that the transit from Calcutta to Delhi was four to six months; have not steam navigation companies been formed for the River Ganges?—Yes, there are steam boats; the observation does not apply to those.

1300. There is a speedier transit than prevailed in former years?—Yes.

1301. Mr. *Campbell.*] My question had reference to the general staple commodities of the country. A steamer is a mere conveyance for light and valuable commodities and passengers, but I referred to grain and everything that the country is dependent upon?—Yes.

1302. Do not the steamers only go as far as Allahabad, which is only half the distance?—Yes.

W. Theobald, Esq.

27 April 1858.

1303. Mr. *Lowe.*] Is it easy to form joint-stock companies in India on account of the law?—Yes.

1304. How do you form joint-stock companies in India?—Under an Act of the local Legislature.

1305. Is that attended with expense?—No; and since that Act, an Act for limited liability has been passed, I think.

1306. Do you know whether it has been used?—I am not quite sure whether the Act for limited liability has; it has been passed since I left. There are plans for the formation of limited liability companies.

1307. Mr. *Villiers.*] Is there anything now to distinguish the dependencies of India from any other dependencies of the Crown in the facilities offered to any Englishman in settling and domiciling himself there?—No, I am not aware that there are any distinctions; there are no legal obstacles.

1308. Mr. *Danby Seymour.*] In some parts Europeans are not allowed to settle without a licence?—I apprehend that has been repealed by Act 4 of 1837. (*The Witness delivered in the following Papers.*)

Vide Appendix.

Jovis, 29° die Aprilis, 1858.

MEMBERS PRESENT.

Mr. Baillie.	Mr. Lygon.
Mr. Campbell.	Mr. Mangles.
Mr. William Ewart.	Mr. Danby Seymour.
Mr. Gregson.	Mr. J. B. Smith.
Mr. Kinnaird.	Mr. William Vansittart.
Mr. Knight.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. *Stewart Jolly Auld*, was called in; and Examined.

Mr. *S. J. Auld.*

29 April 1858.

1309. *Committee.*] BE so good as state what is your business?—I am an Indigo Planter, and a manager of an estate.

1310. Have you recently returned from Lower Bengal?—I have been only two months in England.

1311. How long have you been manager of an estate in India?—Sixteen years.

1312. In what part of India?—I was 11 years in Midnapore, and the rest of the time in Rajshaie.

1313–14. They are both in Lower Bengal?—Yes.

1315. The Committee have been informed that the Lieutenant-governor recently appointed several honorary magistrates, of which you were one?—Yes, I was, for a short time.

1316. Had you given your opinion previously to the Lieutenant-governor as to the expediency of those appointments?—Yes, I had.

1317. What are the duties of an honorary magistrate?—He has principally to assist the magistrate; he is an assistant magistrate without being a covenanted one; he is an uncovenanted assistant magistrate.

1318. And unpaid?—Yes, and unpaid. In fact, he is a justice of the peace, neither more nor less. With the permission of the Committee, I will read a letter which I wrote to Mr. Jackson, the officiating sessions judge at Rajshaie, in answer to a letter which I had from him, requesting my opinion upon the scheme under the consideration of the Lieutenant-governor: "Sir, I have the honour to acknowledge the receipt of your letter of the 29th ult., calling upon me for my opinion as to the scheme under the consideration of his Honour the Lieutenant-governor for investing some of the Europeans in the Mofussil with certain magisterial powers, and particularly directing my attention to the following points; viz., the probable effects of such a measure, the willingness of planters to accept such functions, &c.

My

My opinion is, that it would be beneficial to all parties: to the Government, to the ryots, and to the planter; and, in stating my reasons, I need hardly revert to the oft-told tale of the inefficiency of the Mofussil police; it is well known, and cannot be disguised, that, much as Government has done and is doing for the better regulation of that branch of the service, they are corrupt, and often in the case of a robbery the natives would rather put up with the first loss than call in the aid of the police; for, in many instances, they have to pay in fees to the inferior officers as much, and sometimes more, than the value of the property stolen. Now, the immediate tenants of a European landlord or agent do naturally come to the sahib for redress in all their grievances; but in the case of robbery, &c., he has at present no power to award the punishment that such acts deserve, and can only tell the sufferers to go to the police. Taking this view of the case, and I think a just one, I say that not only would the effects of such a measure as is now proposed be beneficial to the natives in general, but that there are few planters who would not only conscientiously accept of the functions, but discharge them, for the benefit of the natives, and for the suppression of crime. I have," &c.

1319. Was your opinion also taken by the Lieutenant-governor as to the powers with which European magistrates should be invested?—Yes; the powers were not defined when I left India; with the permission of the Committee, I will read what I said: "We have voluntarily taken the office of assistant magistrates for the purpose of assisting Government, and that can only be done by assisting the magistrate in whose elakah we exercise our powers, and I consider that it should be left in a great measure to our own discretion, as to what cases we take up" (I meant judicially). "Entire supervision of the proceedings of the police is indispensable. Darogahs should send all original reports to the magistrate, and the schedule of them to the honorary assistant magistrate; I say this, because the magistrate or covenanted assistant magistrate, in whose elakah we exercise our powers, is a paid Government servant, and, as such, responsible for all that happens within his jurisdiction; we are not. As I said before, we assist the magistrate to the best of our abilities, without interfering too much with our own immediate avocations. On receiving the daily reports from the darogah, if it should appear that any case mentioned therein could be better decided by the honorary assistant magistrate on the spot, the same ought to be intimated to the darogah; of course in all heavy cases, such as murder, dacoitee, &c., the honorary assistant magistrate would consider it his duty to go at once to the spot, and report, &c. As to the judicial department, that should be left much to his own discretion; if he can assist the magistrate by taking up cases, he will do so."

1320. How long were you employed as assistant magistrate?—Only three months before leaving India.

1321. What assistance and service did you render?—We tried petty cases, and we were of some assistance to the magistrates in cases of dacoitee and murder; I have a letter from the magistrate thanking me for my assistance.

1322. Do you think such appointments of very great use in order to preserve the peace of the country?—I think so.

1323. On your return to India shall you be willing to accept the appointment again?—Quite.

1324. Your opinion is, that such appointments are of great use in preserving the order of the country?—I think so.

1325. Do the ryots acquiesce in the appointment of such honorary magistrates?—They do.

1326. Do they consider it a benefit or an evil?—I think that the ryots think it good, for this reason, that they have not, in most instances, to go so far for justice.

1327. Do they voluntarily refer their difficulties to the arbitration of a European settler?—Always.

1328. Then this is only giving effect in a more formal way to the proved necessities of the country?—Nothing more nor less.

1329. Mr. *Mangles.*] Do you believe that there is any hostility on the part of the Government to the settlement of Europeans in India?—I did not come prepared to answer those questions. I never personally found hostility; it would only be the state of the laws and the police that one could construe into hostility on the part of the Government.

1330. Do you think that the Government manifests by its acts any wish to injure or impede the action of Englishmen in carrying on industrial occupations

Mr. *S. J. Auld.*

29 April 1858.

in India?—I should say not. As I said before, the state of the laws and the state of the police would deter many Englishmen from settling; it is very easy to find fault, but very difficult to name a remedy.

1331. You think that there was no desire on the part of the Government to prevent settlement?—Decidedly not.

1332. Do you think, on the contrary, that there was a desire on the part of the Government to make the laws, and the administration of those laws, as good as the materials at their command enable them to do?—I think that we have had bad tools to work with; and what is to be done? the natives that we have to work with are the worst possible in the world.

1333. That is not the fault of the Government?—That is not the fault of the Government, certainly; you cannot change the nature of the people.

1334. It has been said by a very able man, writing upon Bengal, that the attempt to administer that country by means of native agency, is like carving upon rotten wood; do you think that that is correct?—I think that that is a true representation; the people are bad and corrupt.

1335. Do you think that the Government have made the best and the most honest use of the materials which they possess?—They have made an honest use of them, decidedly.

1336. It has been stated that bad men, in the sense of being bad instruments, have been appointed as deputy magistrates by the Government; do you believe that?—Yes, I have heard of instances of that.

1337. Do you not believe that the Government have appointed honestly and conscientiously the best men that they could find?—Yes, so far as they have been aware of it.

1338. Have you found any hostility in the districts where you have been settled on the part of the covenanted officers?—I have not personally, never.

1339. On the contrary, have you found cordial assistance?—Always.

1340. Have you, or have you not, found any overbearing conduct on the part of the functionaries?—Not personally.

1341. Have you known any instances in which good and peaceable British settlers, who conducted themselves honestly and fairly towards those around them, have been interfered with or wronged in any way by the local authorities?—I cannot at present call to mind any. As I said before I did not come prepared to answer such questions. It was only yesterday, in fact, that I got the summons from the Committee.

1342. You say that you were the manager of an estate?—Yes, belonging to Messrs. R. Watson & Co.

1343. Had you any impediments thrown in your way by the local authorities in the management of those estates?—No, excepting in a general way, with regard to the working of the police; that has always been an impediment.

1344. Perhaps you will describe to the Committee in what way the police are practically an impediment to the management of estates of Europeans?—Principally because they are so open to bribery.

1345. Are the omlah very corrupt?—They are.

1346. Do not you believe that, practically, a great many of the bribes which are believed by planters and other Englishmen to be given to the omlah, go no further, in fact, than the hands of their own mokhtars, or agents; do not you believe that it practically happens that an agent tells you he must bribe this or that officer, and he gets the money, and keeps it himself?—He takes a percentage, not the whole.

1347. Do not you think that very often he keeps it all?—He may.

1848. Is not that done?—I have no doubt that it is done in some instances.

1849. In spite of the impediments which you have mentioned, were the Messrs. Watson able to carry on business in a profitable manner under your management?—Yes.

1350. Do you believe that any other Englishman managing in the same way, and conducting his business with equal skill, could also have carried on a profitable business in any of the districts where you have been settled?—Yes; I was not in a disturbed district.

1351. Generally speaking, till this last mutiny broke out, were there any disturbed districts in Bengal?—No; perhaps I was wrong in making use of that expression.

1352. What

1352. What did you mean by the use of the term "disturbed"?—That where I have been we have always been quiet, and there has been very little litigation.

1353. Do you know of any instances where well-conducted British settlers, conforming to the laws, and behaving themselves justly and properly, have met with any impediments?—I cannot call to mind any instance now, not being prepared, as I said before.

1354. Mr. *Villiers.*] I understand that you are only speaking of a particular district; you have not moved about much?—I was 11 years in Midnapore, and five in Rajshaie; I can speak most of Midnapore.

1355. You acted as assistant magistrate only three months?—Yes; the appointments were only made three months before I left India. I left India in December.

1356. Had the appointments of those assistant magistrates reference to the inefficiency of the magistrate or to the amount of business?—To the amount of business.

1357. You do not speak as to the character for efficiency of the magistrates that are usually appointed?—No.

1358. If there were more highly qualified persons appointed as magistrates, they cannot dispense with the assistance that the honorary magistrates are to them?—No; they require more assistance.

1359. Is there anything like the omlah in our administration of justice; is he a sort of clerk to the magistrates?—Omlah means officers of the court.

1360. What are the duties of omlah?—They have various duties: one has to read the petition, another to write the evidence, another is in the collector's office, and there are various offices.

1361. I am talking of the judicial office; what are the duties of the omlah there?—There are three or four of them.

1362. Do any of them write the evidence?—Yes, they do.

1363. And it depends upon their accuracy what is received as evidence?—Yes.

1364. We have heard some reflections upon those officers; it is very important that they should be thoroughly honest?—Yes.

1365. What have you heard about the character of those persons generally?—I think that few of them are honest.

1366. How far is the judge dependent upon them; does he take down the evidence in the native language?—He makes memoranda in his own book as to the evidence, but the evidence of the witnesses is taken in the native language.

1367. Is the evidence taken *vivâ voce*, or upon deposition?—Upon deposition.

1368. And it is produced in court upon the trial?—Yes.

1369. Have you ever known an instance of omlah being suspected of taking bribes?—I have known them; I dare say that men have been discharged for that fault, but I cannot recal to mind any particular instances now.

1370. Is there any general distrust in consequence of the bad character of those officers of the courts themselves?—Yes, there is.

1371. Do you think that the distrust which there is of the judicial officers amounts to anything like a sense of insecurity among settlers or persons who have gone out?—It must be so in a certain measure.

1372. *Chairman.*] Therefore it is injurious to settlement?—Yes, it must be so.

1373. Mr. *Villiers.*] You have spoken very decidedly about the police; you think that they are generally recognised to be as you describe?—Yes; at the present time I think they are.

1374. Looking at the character of the police and the character of the officers of the court, and regarding their importance, you think they offer a fair ground of complaint on the part of settlers, and might operate to deter Europeans from settling and employing their capital in many of those districts?—I think it might.

1375. Those are your observations in a particularly quiet district?—Yes.

1376. I think you do not state any opinion with respect to other districts?—I do not. I have heard of them, but I do not like to state anything about them.

1377. You say that there is notoriety with respect to the character of the police and of the courts generally in the other districts?—Yes.

1378. Have you any commission to act as magistrate?—I hold my appointment from Government.

Mr. *S. J. Auld.*

29 April 1858.

1379. Is it from the idea that you could prevent any of the evils in question that you attach so much importance to the appointment of those assistant magistrates?—Yes; I think that for the repression of crime they are of great assistance, or will be eventually; the system has hardly worked long enough for me to form an opinion upon it.

1380. Are you better able to judge of the credit of witnesses from local acquaintance with a district?—Much so from being on the spot.

1381. Are people exposed there to having false charges made against them?—Yes.

1382. Is that used as a means of extortion?—That may be one cause, and pique and enmity another.

1383. Do you believe that the Government is perfectly well aware of the state of the courts and of the character of the police?—They must be aware of it now, as it has been brought to their notice so frequently.

1384. What is the expectation of settlers generally; is it that there are going to be great improvements in that respect?—Yes.

1385. But they have not begun yet?—No.

1386. Have no reforms in the police been carried out yet, so far as you are aware?—I do not know that you would call it a reform, but there has been a raising of the pay of the darogahs, and putting in better educated men.

1387. Do you consider that the police are underpaid?—Yes.

1388. I believe you are going to return to India?—Yes, at the end of this year.

1389. You have no objection to state so much as you know in consequence of that, have you?—No, not at all.

1390. Mr. *W. Vansittart.*] You say that in your opinion the greater part of the omlah are corrupt; what agency do you think could be substituted for them?—That is a very difficult question to answer.

1391. If Europeans were employed as magistrates, they would be obliged to have omlah?—They must do so.

1392. Would not they be of exactly of the same character and stamp as those who are now employed in our courts?—Yes, the tools must be the same.

1393. Do not you think that the Asiatic character, generally, is in such a degraded state that it is very difficult to get a better system than that which exists at present as regards native omlah?—As I said before, it is very difficult to find a remedy; the employment of more European superintendents would be one great remedy.

1394. Mr. *Gregson.*] At what distance from Calcutta did you reside?—One hundred and thirty miles.

1395. Mr. *Danby Seymour.*] Do not you think your evidence that the police of India are not worse than the police in European countries, contradicts Mr. Halliday's opinion about the police?—I merely said that the police were corrupt, but I have no doubt that you would find them corrupt in most other countries. I did not intend to say that the police in other countries were as corrupt as they.

1396. Can you tell the Committee the names of the various officers of the court who are directly under the magistrate?—The first is a sherishtedar.

1397. Do you know how much the sherishtedar is paid?—Fifty rupees a month, I think.

1398. Who is under the sherishtedar?—The peshkar.

1399. How much is the peshkar paid?—Thirty rupees a month.

1400. Is there any officer under him?—Yes, the nazir.

1401. What is his pay?—I think it is the same.

1402. Is it not notorious that all those officers live far above their salaries?—It is.

1403. Have you known planters regularly keep omlah in their pay?—I have not known any instance of that kind.

1404. We have read in evidence of planters having 200 or 300 decrees lying by which they have not been able to get executed; can you inform the Committee what those decrees are about?—That depends upon the nature of the decree: a decree may be for rent, or anything else.

1405. Is it the fact that planters sometimes have a great many decrees unexecuted?—Very often.

1406. Why are they not executed?—It is sometimes the fault of the omlah.

1407. What

1407. What is the object of getting those decrees if they are not executed?—I must know the nature of the decree before I can tell the object.

1408. What are those decrees obtained for generally; are they for debts?—You may have a decree for debt, or for rents, or for anything else.

1409. What use are those unexecuted decrees put to?—You may get a decree against a man, and hold it until you find an opportunity, or it is worth your while to execute it.

1410. Do you hold it as a screw upon him in future under a threat?—Unless you get a decree within a certain time it would be worthless.

1411. You mean unless the decree is executed within a certain time?—Unless it is executed within a certain time.

1412. Have you known instances of planters having 200 or 300 decrees unexecuted?—I have heard of such instances.

1413. Mr. *Baillie.*] You do not know it of your personal knowledge?—No.

1414. *Chairman.*] But do you believe it?—I believe that many decrees have been unexecuted.

1415. Mr. *Danby Seymour.*] If the omlah were paid better salaries, would you get more efficient and more honest men?—No.

1416. If you got a higher class of natives, would you get more honest men?—No, for I think you have got the highest class of natives that you can get.

1417. Do you agree with what was stated in the evidence in 1852, that there is a much greater amount of perjury in the provinces that have been longest settled, than in those which we have recently taken?—I am not prepared to answer that question.

1418. Mr. *Villiers.*] Can you devise any check to the dishonesty of the omlah?—Nothing, but European superintendence.

1419. Mr. *Willoughby.*] You stated that the evidence is taken by deposition; are not the witnesses also examined *vivâ voce*?—They are in some instances.

1420. What powers were vested in you as magistrate, with regard to your jurisdiction?—It was not settled when I left India, what should be the exact powers that we should hold; but we only had the powers of an assistant magistrate to take up petty cases of assault where no bones were broken, and cases of theft not exceeding in value 50 rupees. All the heavier cases were sent to the magistrate.

1421. What extent of punishment were you empowered to inflict?—Twenty-five rupees fine and a fortnight's imprisonment.

1422. What number of European settlers were there in Rajshaie?—Say 100.

1423. Were they employed in the same way as you were?—Yes, some of them, and some of them in silk factories.

1424. Was the measure of appointing gentlemen of your class honorary magistrates petitioned against by anybody?—No, I am not certain that it was.

1425. Was it petitioned against by the Indigo Planters' Association?—No, decidedly not.

1426. Did not the Government of Bengal appoint yourself and others as honorary magistrates in a cordial spirit, and with the intention of giving you every confidence and support?—Yes, I believe that was the case.

1427. According to your experience, were the covenanted officers with whom you were acquainted efficient or inefficient, hard-working and diligent or otherwise, and acquainted or unacquainted with the languages?—I have found some efficient and some inefficient, some acquainted with the languages and some of them ignorant of the languages.

1428. Could the Government get better native officers than they have at present?—I do not think they could.

1429. Mr. *Lowe.*] Have you ever known any gentleman prevented from settling in the Mofussil by the badness of the police, or from the effects of the courts, or from any cause connected with the Government of the country?—I cannot call to mind any particular instance.

1430. Have you ever known any one driven out of the Mofussil by those causes?—I cannot call to mind any particular instance.

1431. Does the tenure of the land in the part of the country with which you are acquainted present any difficulties to the settlement of Europeans?—No; in the part of the country where I have been, so far as my own knowledge goes.

1432. Are you an occupier of land?—No; I only manage for others.

Mr. *S. J. Auld.*

29 April 1858.

1433. What is the tenure of the land of those for whom you manage?—They are zemindars.

1434. Have they the whole property in the land, or is there any one under them?—In some instances they hold from the Government, and in some instances they hold under native zemindars.

1435. Do they hold part of the zemindary or the whole?—A part of the zemindary.

1436. Do they hold that for a term of years, or in perpetuity?—For a term of years.

1437. In the case of a person holding from the Government, is there any other person under him with a title not derived from him?—He must have his title derived from the zemindar.

1438. Could the zemindar sell the land absolutely, so as to give a complete title, subject to the payment of a rent to the Government, or is there any other native underneath who would have a claim?—I do not quite understand the questions.

1439. Mr. *Baillie.*] Is there any practical difficulty in the way of an Englishman acquiring land, either as a landholder or as a tenant?—No, I know of none.

1440. Mr. *Campbell.*] You are and have been in the management of the Messrs. Watson's concerns in India?—Yes.

1441. They are very large planters and zemindars?—Yes.

1442-8. And very powerful men?—They are.

1449. Was not your appointment as deputy magistrate more connected with the late mutiny than from a desire to improve the law before the mutiny began; were you appointed before or since the mutiny?—Since.

1450. Did you see any attempt made, on the part of Government, to create honorary magistrates before the mutiny?—I think not.

1451-4. Do you think it was a necessary step in the state of feeling in the country at the time?—Yes.

1455. *Chairman.*] You have said that the natives are almost universally corrupt; is that corruptness of the natives a reason why you think the superintendence of Europeans more necessary?—It is.

Mr. *John Freeman*, called in; and Examined.

Mr. *J. Freeman.*

1456. *Chairman.*] YOU are a proprietor in various parts of Bengal, are you not?—I am.

1457. In fact you are an English zemindar?—I am, and have been for a great many years.

1458. How many years have you resided in Bengal?—Deducting the time that I have been in Europe, I should say 25 or 26 years.

1459. You have, I believe, resided in various districts in Bengal?—I have, in most of them.

1460. You are not only a landowner and zemindar, but also an indigo planter?—I am, and always have been.

1461. In what districts of Bengal have you been?—I was first in Radshaie and Pubna; I was afterwards in Jessore and Furriedpore. I was not proprietor in either of those districts at the commencement of my business, but I have been a resident proprietor, both as zemindar and planter, in Nuddea or Kishnagur, and Burdwan and Bhaugulpore, Purnea and Monghyr; and of late years in Benares, Juanpore, Azimghur, on the frontiers of Oude; and I also lately invested a large sum of money in land in the district of Hooghly, close to Calcutta.

1462. Do you consider that the land tenures in general are secure in those parts of India?—No.

1463. Will you state the reason why?—From reasons which have been already stated by witnesses who have preceded me: the unsatisfactory state of the administration of justice, the state of the police, and in some parts on account of the great Sale Law, which affects all the permanently settled districts of Lower Bengal, and also, of course, to the inefficient state of the administration of justice, which applies to the incapacity of the civil service in general. Perhaps I may say one word in explanation of the evidence which I am about to give, so that it may not be misunderstood. I would wish to observe, that, with my long experience in India, I have no personal complaint to make against any

of

Mr. *J. Freeman.*

29 April 1858.

of the civil service as gentlemen, excepting in one instance, which was a matter of exception; and therefore I have no kind of ill-will nor animosity, nor any passion against any of them. What I blame, and have always found fault with, is the system that prevails, and not so much the individuals who administer the system.

1464. What is the state of the police in the parts of India with which you have been acquainted?—I may state a case in illustration, which occurred when I was in Radshaie, in the early part of my career in 1826; that was a case of a false accusation of murder against a gentleman who was an assistant in another gentleman's factory, owing to which he had to undergo the greatest indignity and suffering, and it was clearly proved to be a false accusation altogether. It was more particularly owing to the darogah's performance and those employed under him, and also to a state of animosity and a proneness to revenge on the part of a native zemindar, to gratify a feeling of enmity or dissatisfaction.

1465. Was it a European against whom the charge of murder was brought?—Yes; he was an Englishman It involved great suffering on his part, and very considerable loss to the proprietor of that extensive concern; for it took place during the manufacturing season, when the rivers were rising, and several of the factories being stopped, the crops went under water, and what did not go under water was plundered; immense boats loaded with it were taken up the stream to the opponents' factory.

1466. By whom was the charge brought?—By a native zemindar, in consequence of the refusal of the proprietor to make him a loan of 10,000 rupees.

1467. Was the man who made the charge prosecuted for perjury?—No, he was not.

1468. Before what authority was the charge made, tried, and disposed of?—It was at first made before the darogah; this was at a distance of 40 to 45 miles from the civil station. There had been a regular conspiracy got up beforehand, and I afterwards became aware what the darogah had received. Two days afterwards I saw this gentleman in a hut in the bazaar; I took food to him. The darogah was bribed to a very considerable extent, and this conspiracy was got up. This gentleman had commenced manufacturing owing, to the rise of the river, somewhere about 10 days before. A dead body was being taken to the Ganges, either to be burnt or thrown into the water, and this body was stopped by the zemindar's people, and they took it into a field of indigo, I should say about 300 yards from this gentleman's factory; they had a kid, and they cut its throat. They then inflicted *post mortem* wounds on the body, and poured the blood over the body; they then marched away with the corpse to the tannah, which is about a mile and a quarter distant. They there presented a petition against this gentleman, and all the servants in his factory, from the highest to the lowest, stating that this gentleman created this affray in the indigo field, and that the dead body was the consequence of the affray; thereupon the darogah, it being a thing that he had agreed to do, forcibly entered the factory of Mr. B., of which he had charge. The daroga entered the premises, and seized the gentleman in his bungalow, and subjected him to great abuse and ill-treatment, as he himself told me afterwards. He was then marched away to a tannah, in a small bazaar: in all those small bazaars there are prostitutes, and here happened to be two prostitutes living in the same hut; they were turned out, and this gentleman put into the hut, where I saw him. Not satisfied with that, to show the animosity which the natives have when they do get Europeans into their power, I may mention that they actually made those women do over him what I will refrain from mentioning, and there he lay between four or five days. I went nearly every day to see him. I was residing with Mr. C., whose head factory was managed by Mr. B., near the Ganges, and about 12 miles from ———. There was another factory between those, superintended by a country-born gentleman. Mr. C. got intelligence of this affair, and he went immediately to that other person's factory, but he had run away, from fear of being treated in the same way. Mr. C. arrived there, and did not find him; he had gone down to Calcutta. Then he wrote to me, begging me to come and give him what assistance I could; when I saw him, he asked me if I would venture down to B.'s factory, for B. had been seized by the police. I volunteered my services, and went there; I went into the bungalow, but not a servant was present. There was the indigo, some of it fermented, and some in the boiler, and indigo plant spoilt and strewed about. I saw boats passing by, going up to the native factory with Mr. C.'s plant. Of course Mr. C. was very much excited; the two factories were completely

Mr. *J. Freeman.*

29 April 1858.

stopped, because it is an invariable custom, when these false complaints are made, to include all the servants and men in the service of the planter, either as a zemindar or an indigo planter. I went down there. Mr. C. then started for the sudder station, where the authorities reside, about 45 miles off; he was in a dreadful state; he brought his case before the magistrate. He was sending me frequent messengers on horseback to let me know what was doing, and also messengers went from me to let him know what was going on. I wrote to tell him that it was the intention of the darogah to make Mr. B. walk up to the station in irons; this was in the month of July. Upon that intelligence reaching him, the magistrate interfered, and sent a special order to the darogah, that Mr. B. should be accompanied up to the station, but should have the use of a palanquin; he went in that way; part of his little finger was cut off during the first ill-treatment he was subjected to on his arrest; and finally it was proved to be a complete case of invention and forgery.

1469. How was part of his finger cut off?—In pulling him about, and striking and beating him, which invariably happen when the natives get a European into their power. Even in Calcutta you may see the police, when they get a European into their power, poke their sticks in his ribs, and treat him in a cruel way.

1470. Was the charge proved to be an unjust charge?—Completely so; it was a perfect invention.

1471. How was that proved?—By the inquiries of the magistrates, and the darogah was dismissed the service. Inquiry was made, and this case was proved to be completely unfounded. Mr. B., of course, was released. In the meantime, while these proceedings were going on, in the course of about a week I began to get the servants and the people together, and managed to get plant cut and to save what we could. From investigation, the case was proved to be unfounded. Mr. B. did not return to the factories. Mr. C.'s factory got to work; the darogah was dismissed the service: I believe there was some fine also in the matter.

1472. Mr. *Baillie.*] Did Mr. B. ever apply to have justice done against his accusers?—Not that I am aware of. I left that part of the country shortly afterwards.

1473. *Chairman.*] You give this only as an instance of what occurs?—Of what occurred at that time; but since then, of very late years, I have had, in consequence of my purchasing an extensive estate close to Calcutta, false charges made against me, and to such an extent that I left the place, and put in a manager at 500 rupees a month. I would not subject myself to having false charges brought against me, arising from the fact of my purchasing this zemindary, for which I paid down 20,000 *l.* cash.

1474. Where is that estate situated?—In the Hooghly district. I purchased it in 1849–50.

1475. What were the reasons for which you gave up the management of that property?—I purchased the estate, and a few days afterwards entered into possession, when a dispute took place in consequence of some of the under-tenants claiming to hold certain villages which they said they held under a lease; that was a Mussulman family. Then another family, a Hindoo family, claimed to hold a great extent of land rent-free; of which lands they had from time to time dispossessed the poorer ryots, and seeing me come there, they were apprehensive that inquiries would be made into these things, and of course it was with a jealous eye that they saw me come; there had been no resident proprietor, native or otherwise, upon that estate for upwards of 40 years, and in consequence, great abuses had crept into the estate. A few days afterwards they got up a case, falsely accusing me of going out with 150 or 200 armed people; every servant, from the highest to the lowest, in my employ, was put down in the petition. They stated that I had gone out, and seized their nets, beaten and thrashed them, and prevented their fishing in a large fishpond which formed part of the estate; and got a number of false witnesses against me. I was hauled up by the magistrate to appear and answer these complaints within three days. I was going to make complaints against them, but I was met with the statement that they had an hour before filed false charges against me in the court. This case was supported, on the one hand, by the ignorance of the magistrate who presided in the court, and, on the other hand, by the bribery of the police and of the native omlah. The orders which the magistrate passed were such, that I was actually dispossessed, while I had to pay to Government about 400 *l.* per month for revenue of several villages, besides the expense of the administration of the estate; and I could not

get

get in a penny of my rents from the people, who had been incited by these men to withhold their rents. I went down and applied to a high authority in Calcutta, and brought the case before him, and said, "This is what is going on; I am being ruined, not only in money, but in my own person." And my wife and family being in Calcutta, I was apprehensive of danger; at last, I quitted the estate, and put a gentleman in charge, who received 500 rupees a month as salary.

1476. You complain generally of the want of security in your property?—Yes.

1477. To what cause do you attribute the want of security?—In the first instance to the bad interpretation of the laws, and the incapacity in many instances of the civil servants in the Mofussil courts to interpret the laws, such as they exist; and in the next place to the corrupt state of the omlah, and also of the police; the prevalence of false charges and false witnesses. They are the grand causes of insecurity; for in no country can property be secure where such a system and practices exist as those I have described.

1478. What became of those charges?—Fortunately the gentleman to whom I applied had been a very experienced revenue officer, and was then superintendent of the police in Bengal; he told me, "If you will put the case in the shape of a petition before me, with a copy of the orders of the magistrate as passed, though I cannot interfere in a direct way, still, as all magistrates are under my power, I will write the magistrate in correspondence with me, and tell him how wrong he is acting, and that he will get himself into a scrape." He added, "You had better go back, and I have no doubt but that the gentleman will pay some attention to my remonstrances." I did go back, and had to appear as a defendant. I was the plaintiff on the one hand, and the defendant on the other. I put this very clause of the Sale Act, clause 26, Act I, of 1845, before him; it is impossible to see anything more positive and clear, that an estate being sold for arrears of revenue, the purchaser gets the estate free from all incumbrance since the decennial settlement, with five single exceptions. I said, "I only purchased this estate the other day; here is my certificate, and how can you listen to these people saying that this man is entitled to hold these two villages; this man is entitled to hold this land free from rent, and the other to go and cast nets into the fishery? You can refer it only to the civil court. I, as purchaser, have come and paid up the arrears of Government revenue, but you place me in a false position. That is dead against the Government regulations." The consequence was, that, owing to his ignorance on the one hand, and the bribery of the omlah on the other, instead of being a guide to him, the omlah led him quite astray.

1479. As a resident and landowner there, you complain of the corruptness of the natives, and of the incompetency of the magistrates?—I do complain, generally speaking, of the incompetency, which I apply more to a want of knowlege of the language of the country, and to ignorance of the regulations, and of bad application of them.

1480. What had the magistrate to say?—When the witnesses were called, some of them brought in forged leases, others brought in other leases, cancelled *de facto* by the act of sale, and of course the magistrate referred the parties to the civil court, which it would have been his duty to do in the first instance; they were so referred, and then I went back, and got my rents.

1481. That case was decided in your favour?—Yes; after a great deal of unnecessary expense, and very great anxiety and inconvenience to me, besides the fear of getting myself into a scrape; I was afraid to put my foot out of the house.

1482. Is there any case in which you consider wrong to have been done to you which was not decided in your favour?—Ultimately I have generally managed to get redress, either by a memorial to the Governor-general in Council, or through the superior authorities in Calcutta, but after a vast deal of trouble and expense, and a great deal of demoralization; that was the case at Bhaugulpore; I had to memorialise the Governor-general in Council against the decisions of all the civil servants of that station, and after great suffering and loss, I got redress, minus heavy expenses.

1483. You have heard the Sale Law complained of by a former witness; have you in your experience as a landowner felt the mischief of it?—Yes, certainly; nobody can be interested in land in Bengal in any way but what he will feel dissatisfied with the state of that law; it affects everybody, whether European or a native landholder.

1484. What is the point in the sale law of which you specifically complain, or

Mr. *J. Freeman.*

29 April 1858.

rather the law attempted to be amended by Mr. Grant's Sale Law?—The principal item is that *bonâ fide* leases, such as putnees, izarahs, or farms, from three to nine years, all acquired at considerable expense, are cancelled by the Act of Sale, as well as leases for extensive plantations of date trees for sugar, &c. &c.; they are the greatest grievances; that a man may purchase a putnee, we will say, consisting of seven or eight villages, in an estate composed of 20 villages. The zemindar gives him a perpetual lease, and the man who takes the putnee pays him a certain sum in cash, and agrees to a certain annual rental in perpetuity. Then if the zemindar of the estate, of which this forms a portion only, thinks proper to keep back wilfully, or otherwise, a trifle of the Government revenue of the whole estate, the consequence is that the estate is sold, and that gentleman's money, whether it was 20,000 rupees or 50,000 rupees, which he has paid down in the first instance for a lease of that property, is lost *in toto*.

1485. You confirm the statement made by Mr. Theobald on that subject?—Of course I do. I have given putnee leases myself. I have an estate paying me 1,000 *l.* a year in perpetuity upon a putnee lease. I prefer giving a putnee lease, and would prefer taking a putnee lease to taking a farm for a limited period, for a variety of reasons.

1486. What is a putnee lease?—A perpetual lease, under certain conditions. These were introduced about 1812. I do not see any regulations in reference to that tenure before that period. The whole estate of the Rajah of Burdwan is divided into putnee leases; they are perpetual leases. So long as the putneedar continues to pay his rent at stated times, the zemindar cannot increase it, or interfere in any way with that portion of the estate. On the putneedar making default to pay the rent regularly, then these regulations enable the zemindar to apply by petition to the collector, praying that the right and title of the party to that portion of the estate should be sold by public auction; and then it is optional with the original holder of the estate to bid for that right and title which he sold for the sum of money which he received in the first instance.

1487. Mr. *Villiers.*] Does he take all the interest which the former leaseholder had?—The purchaser takes all the interest and all the rights which the putneedar had.

1488. Does the purchaser take all the right which the original leaseholder had?—Yes, he enters into his shoes.

1489. Then it is not a forfeiture of the lease?—Yes; the leaseholder forfeits his money and tenure in consequence of default of the zemindar in the one case, and also by his own act of default to the zemindar in the other. The putneedar pays down a certain amount in the first instance, and an annual rent for ever subsequently.

1490. Mr. *Campbell.*] You mention that in reference to the remedy of the zemindar against the putneedar?—Yes.

1491. But the putneedar has no remedy against the zemindar for default; but his putnee may be forfeited unless he pays the rent?—Yes; the regulation reserves to any under-tenant a power of going and paying up the Government revenue, provided he has knowledge that default is contemplated by the zemindar.

1492. *Chairman.*] The zemindar being in arrear, the putneedar's tenure is sold?—In the case of a zemindar making default, the whole estate, including putnees and other farms, &c. is put up for sale by the Government. There is one way of preventing that from being done; that is to say, the different owners of under-tenures and others, or the part owners of the estate, have power by law to pay up that Government revenue, if it is done before sunset on the particular day. But I have known instances where it has been contrived that they should not get any intelligence that the zemindar was going to make default, and when sunset came there were parties who would have paid the revenue had they suspected the fraud; but it was a stratagem used to oust them out of their property.

1493. Whose fault is that?—It is owing to the immorality and dishonesty of the native character, and the inefficiency of the present law to prevent such evils, which persons of practical knowledge could easily provide against.

1494. You do not complain of the judicial system upon that ground?—No; this is a matter of revenue law; but the law requires great modifications to make it safe for under-tenures. Take the case of a man holding for 10 years; his lease is done away with by the fact of the sale of the zemindary by the Government; any interest that he has is sacrificed and gone. Then he comes, despoiled of his lease,

lease, to the new proprietor, and gets into the same position that he was in before, if he can, after agreeing to pay a second time.

1495. Mr. *Villiers.*] Do you consider that what you have just now stated follows from the state of the law?—Of course it does, and from nothing else; but there are many other very great defects in this Sale Law.

1496. Mr. *Campbell.*] Take the case of a zemindary at an annual rental of 100,000 rupees. You may hold a putnee for which you have given 30,000 or 40,000 rupees, and the zemindary is put up for arrears of Government revenue; your putnee is forfeited when the zemindary is sold?—Yes.

1497. All that you gave for it is gone?—Yes; that is one of the great hardships.

1498. *Chairman.*] Has any amendment of the law been proposed to meet this point?—From having had a very great deal of experience in this matter, and hearing great complaints in Calcutta against the Sale Law during a moment of sickness, I devoted my time to making suggestions and draughting modifications of this law; and owing to my leaving India just at that time, I handed them over to Mr. Grant, member of Council, and told him that I had not time to bring the matter forward before the Government myself, but that I would venture to put it into his hands.

1499. What did Mr. Grant say?—He said that he would see to it, and about eight or ten months after I left I heard that a new law had been introduced into the Legislative Council, and a discussion took place upon it, providing for a reform of the Sale Law.

1500. Has such law been carried into effect?—I am not aware that it has.

1501. Is such law under the consideration of the Legislative Council?—I believe there is.

1502. Mr. *Willoughby.*] Was not it in consequence of the objections made to the amended draught by the Indigo Planters' Association that that law has not been passed?—I am not aware. I cannot speak to that. I left India in 1855.

1503. Mr. *Danby Seymour.*] What was the general principle of the draft sale law?—I can only judge by the public papers, in which I have seen long discussions, and from those discussions I am justified in believing that Mr. Grant has adopted many of the suggestions which I took the liberty of recommending; but many sad consequences also to the purchasers of estates, under present circumstances, at a Government sale are owing to the preliminary steps to be taken by the authorities being improperly carried out: in fact, you may say in general that where a sale, after having taken place, is disallowed by the Government authorities (I should say in nine cases out of 10), it is owing to the formalities not having been carried out by the revenue authorities; the collector principally, free from all blame on part of purchasers. That has been the case with me. I have purchased several estates, and wherever the purchase has been disallowed, it has been owing to ignorance or neglect of his duties on the part of the collector. I suggested that the preliminary inquiries should take place before the property was put up for sale, to obviate the ruin which is sometimes inflicted upon a purchaser coming forward to pay the Government revenue. He is brought into the net, and after having become the purchaser of the estate, and having had possession of it for two or three years, his possession and purchase may be upset; the alleged proprietors or late defaulters get up a case called a wassilut; they draw up an account of the gross collections of the estate, and instead of being satisfied with filing their claim for a fair amount, or something below, it almost always turns out that their claim amounts to more than double or treble what it was possible for the estate ever to collect. The consequence is, that by a civil suit the possession of the estate may be disallowed after two or three years, and your money is returned to you with interest at the rate of 5 per cent., or whatever the Government securities may be worth at the time; and that money cost me, perhaps, 18 or 20 per cent. in the first instance; and I may be made to pay large sums for rents falsely alleged to have been collected.

1504. *Chairman.*] What is your specific complaint, in the case which you have been describing?—I complain of the inefficiency and defects of the Sale Law in not calling upon the defaulter to state all his reasons why his estate should not be sold before the sale takes place; in fact, the principle admitted in publishing the banns of intended marriages.

1505. I understand you to have complained, in the course of your evidence,

Mr. *J. Freeman.*

29 April 1858.

of the corruptness of the police, of the incompetency of the administrators of justice; also of the laws themselves, and of the incompetency of the European civil officers?—Yes, with respect to the tenure of lands more particularly.

1506. Mr. *Danby Seymour.*] I understood you to say that your objection was, that the tenure was incomplete when you bought at a Government sale?—No; on the contrary, you get then the best title that you can have.

1507. You complain that when you have simply bought at an auction, then your tenure is not completed?—You may not know of what you will get then.

1508. When the collector has ratified your sale, then it is complete?—No, it has to be confirmed by the Commissioner of Revenue, and in some cases it may be upset by the Board of Revenue.

1509. *Chairman.*] Are you of opinion that the adoption of the English language in the courts of law, which has been advocated by some witnesses, would be a benefit both to the European and ultimately to the Indian population?—I do not think that it would be of greater benefit to the Europeans than to the natives, but I think that it would be the greatest beneficial reform that could be introduced into India.

1510. Do you confirm the opinion of those who have stated that the want of good roads, of water-carriage, and of general means of communication, has been of great detriment to English settlers in India?—I think that it has operated very much against settlers, but not more so than against the welfare of the country in general, natives as well as Europeans.

1511. Do you think that it has been detrimental to the settlement of Europeans?—Decidedly.

1512. From your experience, can you speak of the influence which has been produced by the settlement of the British in the large towns and in those parts of India where they are more numerous, and where their capital is applied?—Yes; I may first of all take Calcutta, where the European residents within my recollection have more than doubled; whereas in the Mofussil I do not believe that there are 30 Europeans more, if there are so many more, than there were 35 years ago.

1513. To what do you attribute that?—I attribute that to the want of security in the Mofussil.

1514. Do you attribute it to the mischiefs which you have already laid before the Committee, namely, the bad administration of justice, the inefficiency of the police, and to the other cases which you have mentioned?—Yes, principally.

1515. To what other cause do you attribute it?—The capitalist in Calcutta feels so insecure, that although he is ready to advance money to you upon mortgage, upon securities within the Queen's jurisdiction, to any extent, at 5 and 6 per cent., yet whenever money is required for an indigo planter, or silk grower, or to develop the resources of the interior of the country, you cannot get it at less than 15 per cent., and very often more than that; that is a clear proof of the distinction which exists between the Queen's jurisdiction and the Company's jurisdiction.

1516. Do you attribute that to the different administration of the law in the Queen's courts and the Mofussil courts?—Yes, I attribute it to that and to the insecurity of the land. Then as to the influence of the great number of Europeans, I must beg to refer to the advancement of education and intelligence, to the improvement in the habits, and the intercourse and influence in a commercial point of view existing in Calcutta, and the extent of the use of the English language. The Government and merchants' offices are filled with natives, writing and reading for the purposes of the English, just the same as English clerks are employed in England; all these combined have great influences upon the state of the people there. I see natives there reading English books, whereas in the Mofussil I never saw a native read any book at all; but in Calcutta young men study English, and take to reading English books in their leisure hours, and acquire information. I never saw anything of that kind during my whole residence in India in the Mofussil. That has been done by the greater intercourse and friction between the European and native communities and facilities afforded to acquire the English language. A native merchant in Calcutta comes to me, and talks and writes English better than I do myself; but you never see anything of that kind in the Mofussil. If a native goes to pay his respects to a civil servant in the Mofussil, he asks how he does, and after the few set phrases of civilities, &c., have passed, there the matter ends.

1517. That

Mr. *J. Freeman.*

29 April 1858.

1517. That greater intercourse proceeds from the greater number of Europeans in Calcutta, and that greater number of Europeans proceeds from the administration of English law and the security of property?—Yes; from the fact of their being a European community, there is a greater protection; every man feels secure; he has the benefit of English law administered by trained and professional officers, and of many of the institutions which exist in England.

1518. Do you contemplate, from your past and present experience, in the event of a considerable increase of the English there, and the employment of English capital, that a very much greater degree of prosperity will take place?—Undoubtedly; it is that which is wanted so much for India.

1519. You have had great experience of the capabilities of India, in the production of various agricultural articles, have you not?—Yes, I have.

1520. Do you attribute the limited extension of the production of those articles to the absence of the means of transit down to the seaports from the interior?—Certainly I do, both as regards the produce of the country, and more particularly the produce of Europe, English manufactures and such like.

1521. Has your attention been called to the evil of the great difference in the price of salt in the different provinces of India?—That is one of the greatest hardships in Bengal; it is one of the greatest and most oppresive taxes that bears upon the poor; I refer more particularly to the distant parts of Bengal; I know that the salt used to cost them, up in the northern part of Bhaugulpore district, 10 rupees a maund. In Calcutta it used to be sold by the Company by auction, and bring four rupees a maund, sold in large quantities. That, of course, is a very exorbitant price in the first instance, but, owing to the system of the natives of putting in 50 per cent. adulteration, in three or four instances, before it reaches a distant part, there is a great enhancement of the price added to the expense of the conveyance; but that is a trifle compared with the adulteration, and I do not think that the Government have taken the proper course to remedy those evils.

1522. What has been, within the places where you have been, your experience of the introduction of many European articles of cultivation?—I do not know of the introduction of any European articles of cultivation, except more particularly European vegetables; that has been wonderful. When I arrived in India, you could not get a carrot bigger than your little finger, or a lettuce fit to be put upon your table; and I appeal to any gentleman acquainted with India now, whether the exhibition of vegetables in Calcutta is not equal to any exhibition in Covent Garden, also the successful introduction of some European fruits, apples, grapes, strawberries, and others.

1523. To what do you attribute that superior cultivation?—To the introduction of good seed, and changing it every year, and improved method of cultivation.

1524. To what do you attribute that?—To the introduction of Europeans; those things never would have been in existence without them.

1525. Have you ever been in Ceylon?—I have been there five or six times, but not as a resident.

1526. What has been the effect of the introduction of Europeans and European capital in Ceylon?—The introduction of European capital has had the same effect wherever it has extended. Coffee was introduced there by Europeans. I know many gentlemen in Calcutta who went down to Ceylon, and had large estates there; in fact, I was on the point of investing a large sum of money in an estate there myself. The cultivation of coffee has succeeded to a wonderful extent.

1527. What has been the reason of the difference between European capitalists going to Ceylon and European capitalists going to India?—They go to Ceylon with a perfect security, owing to the administration of the country; while in the other case they are deterred from a great number of causes.

1528. Have you turned your attention to the probability of any advantages resulting from small colonies of Europeans being established in the hilly parts of India?—As far as the influence of climate goes, I do not see why people of small means, soldiers and other persons, should not be induced to follow something like the system pursued by the French in Algeria, to colonise on or to settle the hills.

1529. Do you know anything of the colonization of the French in Algeria?—I do; I have a connexion of mine who is managing superintendent of the Setiff Company's grant in Algeria.

1530. Do you think that a great improvement in the habits, morality, and comforts of the European community will be produced in India by the much greater

Mr. *J. Freeman.*

29 April 1858.

approximation to the mother country; by the facilities afforded by steam and the employment of British capital?—The bringing India near to the mother country has created a complete revolution in India within the period of the last 18 or 20 years, compared with what the state of things was when I first went out to India, whether you take the habits or morality of the Christians, or the progress of the natives who have been within its influences.

1531. Have the native merchants of late years been engaged in shipping products of various kinds to England?—Yes; some to a considerable extent. I know many natives in Calcutta who are large shippers of country produce to England, and who send out orders direct to England; nothing of that sort existed 20 years ago.

1532. You think that this great advantage of the extended commerce of the natives may be traced to the employment of British capital?—It gave the example, but the natives employ their own capital.

1533. But for the English, they never would have employed capital to the same extent?—Certainly not; they follow our lead; they do not take the initiative in anything in the shape of improving what already exists, or in introducing anything new.

1534. You want European superintendence to direct the labours of the people of India?—Yes; the same as a schoolmaster is necessary to teach young children.

1535. Have you ever been in any other parts of India besides Bengal?—Yes; I travelled from Bombay to Calcutta by dawk some years ago; I was 22 days and nights on the road; and being given to make observations, I made certain observations during that journey.

1536. Mr. *Campbell.*] What is the distance from Bombay to Calcutta?—About 1,000 miles, and may be more, on account of the great semicircle one is compelled to make.

1537. At what rate per hour did you travel?—It depended upon the roads; where there were good roads, we went about four miles an hour.

1538. *Chairman.*] The railway in that direction will make a complete revolution in the travelling system in India?—Yes, as between Bombay and Calcutta.

1539. What will be the cost of going across India by railway as compared with going across by dawk?—The dawk would be more expensive; it comes to eight annas a mile, and in Hyderabad it is a rupee a mile; you are carried on men's shoulders and upon men's heads when there is no road, and you have to be carried over the water; I had to be carried on men's heads in my palankeen, and they let me down frequently.

1540. Mr. *Willoughby.*] How did you go to Poonah?—By dawk. That was in 1841 or 1842; it is only lately that Europeans have established carriage by horses.

1541. *Chairman.*] Are there any articles of great consequence to the natives of India which have been principally discovered, worked or introduced by Europeans?—Yes; the British settlers were the first to establish direct steam communication between Calcatta and Suez, and I had the gratification of being one of the passengers that proceeded by the first experimental steamer which crowned their efforts, the first pioneering enterprise before the existence of the Peninsular and Oriental Company's steamers appeared to the east of the Cape of Good Hope. It was through the untiring exertions of the British settler, that, after years of research, coal-beds were discovered and extensively worked, and have for results the present prosperous and useful Bengal Coal Company, paying about 2,000*l.* per month to the railway, for the transit of their coal from Raneegunge to Calcutta. There are other companies of minor importance, and individuals, including natives, also engaged in working coal-mines. What would the Indian Government have done during the late rebellion without these coals, and without the fleets of inland steamers belonging to the Indian General Steam Navigation Company and to the Ganges Company, that were of such vital service in conveying the British troops, the Naval Brigade, and the ammunition and stores for the army? Yet, how much greater services might they have rendered had there been a canal to Rajmehal, or had one of the Nuddea rivers been kept open from Nuddea to the Ganges. The British settlers first introduced, and have steadily persevered in increasing the number of sea-going tugs, for facilitating the intricate and dangerous navigation between the pilot station at sea up to Calcutta, and thence back. This was considered so important a guarantee against accidents, that for many years the insurance offices spontaneously paid the hire of the steam tugs up and down. The wet docks and shipbuilding yards were all erected by the settlers;

settlers; the Government established none, but were happy some years ago to purchase that vast establishment of Mr. Kidd. A great source of benefit has been conferred upon England, as well as upon India, by the perseverance of the settlers in overcoming many obstacles, after repeated failures. They succeeded in the cultivation of good tea, even before it was discovered to be indigenous in so many places in the hills. I see, by a report, that the imports into England in 1856 amounted to 700,000 lbs.; and should the flames of rebellion have spared that part of Assam, I have no doubt but that the imports of 1857 will have far exceeded that quantity. It is but through the initiative and exertion of the Europeans that the valuable iron and copper ores lately discovered will ever be brought into the market. The British settlers established the inland transit, by means of small carriages drawn by horses; by means of which, Sir Colin Campbell and some hundreds of officers and soldiers were conveyed from Calcutta to the seat of war. Through the instrumentality of the British settlers it was that the transit through Egypt was finally brought into existence, and that the first steamer was placed on the Nile. That is as to resources and matters in which the Europeans have taken the initiative, and have prospered to a very extraordinary extent. I am interested in many of those undertakings, both in the coal-mines and in the tugs, and we receive very large dividends.

1542. Do you think that there is likely to be great improvement in the production of wool in India?—I see nothing adverse to it.

1543. Has the production of it increased much of late years?—No; there is no wool in India, properly speaking; it is a kind of hair; it may be turned into very good wool, by crossing with English or merinos sheep.

1544. What sort of hair is it?—It is a coarse wool; the people call it wool.

1545. It is imported as wool, is not it?—The term is used. The wool is used for manufacturing coarse blankets, and all those sorts of things; but improvement in cattle is a very desirable object, and easy to effect.

1546. Does the indigo which is made by the natives sell at a lower price than that which is produced by Europeans?—Of course it does.

1547. To what reason do you ascribe that?—First of all, wilful fraud is extensively practised by the former; no gentleman will go and purchase native indigo with that implicit faith that he will purchase of Europeans.

1548. Is that attributable to the superior skill and to the capital of the Europeans?—To skill, care, attention, and honesty.

1549. Is the native indigo mixed?—Yes; the inferior quality is mixed up with the good quality; the chest is packed with good cakes and colour, down the sides and on the tops and bottoms, but the middle is bad, sometimes far from being dry, &c.; there are, of course, exceptions.

1550. You think that the higher price is a proof of the superiority of English capital and skill?—Yes.

1551. It also proves the inferior character of the natives, both as manufacturers and also as respects their want of honesty as dealers?—There is that *nonchalance* and indifferent kind of feeling, that they do not take so much interest, zeal and good faith in the matter.

1552. Do you find that your health has suffered very much during your residence in India?—I never took a dose of medicine for 16 years on one stay, and never knew what a doctor was; I think it a most healthy country, so far as my knowledge goes.

1553. From your acquaintance with the other planters in your part of India, can you state that they are healthy men?—Yes.

1554. Do not you think that the stories which we have heard of the unhealthiness of the country are somewhat exaggerated?—Very greatly. People who live in an artificial state must expect it, but the people in the Mofussil are destined by nature to lead a life more natural, or more harmonising with the requirements of a healthy state. Their employments are out of doors, and they are exposed to the air and other elements, and to other beneficial influences, and to these I attribute their better health.

1555. To what do you attribute the want of health amongst the soldiers in India?—To a great extent to the laxity of discipline. And to illustrate that, I may mention, that Fort William, in Calcutta, where the European soldiers are garrisoned, is about three-fourths of a mile from the Government House, and there is a beautiful plain between the two; to go to the town, the soldiers pass it; and I have seen there three or four British soldiers at a time sprawling on their

Mr. *J. Freeman.*

29 April 1858.

backs, filled with liquor, fermenting in the sun, and foaming at the mouth; they are taken into the Fort; they fall sick, and many die; and that is attributed to the climate. If in a warm climate such things as these are tolerated by those who ought to keep men in order, what body can resist? I say none. The same applies to sailors, as well as to soldiers.

1556. Has the attention of the gentlemen who, like yourself, reside in the Mofussil, been called, as that of an English gentleman would be, to the amelioration of the people, by the foundation of schools, and other means of instructing them?—Not that I am aware of; no more tha that in every village there is a native school.

1557. The Europeans do not seem hitherto to have devoted much attention to that subject?—The occupations of the British settlers are so constant that they have not done it. In some of the civil stations I have heard discussions on the subject, and many planters have co-operated with persons more particularly engaged therein, and many others have subscribed liberally for building churches in the stations.

1558. Is there not a school at Jessore?—I believe there is; I do not speak positively.

1559. Have you any observations to make upon a subject that has formed a portion of the evidence given to the Committee with regard to the Black Act?—Yes. I have here Sir Arthur Buller's speech in a discussion in the Legislative Council in February 1857. Sir Arthur Buller has been one of the Queen's judges for 14 years. He says, "Then who are they who thus come forward with this language of remonstrance?" (This refers to the British settlers.) "Are they some ignorant or insignificant or worthless section of our community? Far from it; they represent the life, the vigour, the best hopes of our Indian possessions. To the industry, the skill, the indomitable energy of the British speculator in the Mofussil it is no little that we already owe; and it will be the height of impolicy as well as of ingratitude heedlessly to discourage so valuable a subject in the onward course of improvement, along which it is his mission to lead the destinies of his country." I will only read one other passage. "But, sir, while I instance without any horror these deviations from the principle of equality in the scheme of the Commissioners" (that is, the Law Commissioners), "there is one other such deviation to which I cannot help drawing your attention, and on which I confess I look with very different feelings; I refer to that most extraordinary provision by which an exclusive right to be tried before the sessions court is reserved to certain four classes of public servants; namely, to judges of every description, to all members of the covenanted civil service, to all officers of the Queen's and Company's army, and to all officers of the Company's navy. Sir, I could hardly believe my eyes when I first saw this provision in the Blue Book. I could hardly believe that, at the very time its authors were professing to abolish on principle all distinctions between natives and Europeans (distinctions which, merely as distinctions, the natives cared very little about), they should have gone out of their way to invent this new distinction between different classes of British subjects; and that they should have selected, as the objects of exclusion, precisely those who have always been most clamorous for the maintenance of their ancient privilege, and who would be so sure, not only to resist such an attempt on principle, but to resent, with all the bitterness of insulted pride, an act of favouritism so offensive, so uncalled for, and so palpably unjust"

1560. Mr. *Campbell.*] Have you watched the increase of the exports of commerce from Calcutta since the period that Europeans were allowed to hold land in their own names, and compared the period between 1832 and 1838, and the period between 1851 and 1856?—Yes.

1561. By a tabular statement which I hold in my hand, I find that in the first period 52 crores represented the exports when Europeans were not allowed to hold lands in their own names, and in the latter period they have increased to 124 crores; in other words, they have increased to 237 per cent., after Europeans were allowed to hold land in their own names; are you aware of that?—I am aware of that, in consequence of this: Mr. G. Brown, who is the managing partner of one, if not of the most considerable commercial firms in Calcutta, Jardine, Skinner & Co.'s firm, went very deeply into these things; and I have here his address upon these matters; and he being a commercial man, I consider his observations are of some value. He states that in examining the commercial returns he has gone back as far as 1824–25; from that year to the year 1831–32, a period of eight years, the exports and imports of this country amounted to

59 crores

59 crores and 85 lakhs. From the year 1832–33 to 1837–38, the exports and imports amounted to 52 crores and 36 lakhs, which period of six years thus shows an increase of upwards of 11 per cent., as compared with the former period of eight years. That was a small increase, but it was an increase effected at a time when the country was just being freed from the monopoly which the East India Company previously enjoyed. "Observe," he says, "the increase of trade during the year following 1837–38; and, from that, judge what a serious thing it would be to interfere with the judicial administration of this country in the manner that is proposed." I have divided the space of time intervening between 1838–39 and 1855–56 into three periods. From 1838–39 to 1843–44, the total amount of the trade of this country, in exports and imports, was 80 crores and 74 lakhs; from 1844–45 to 1849–50, it was 98 crores and 537 lakhs; and from 1850–51 to 1855–56, it was 124 crores and eight lakhs, being an increase upon the years 1832–33 to 1855–56 of upwards of 237 per cent.

1562. Do you attribute that to the fact of Europeans being allowed to hold land in their own name, or to the course of trade?—No; it is certainly not my opinion that it all arises from the facilities of Europeans being allowed to hold lands in the Mofussil, but it is owing to the increased introduction of British capital, and the great increase of Europeans in Calcutta, who have agents in the interior of the country for purchasing produce, and giving facilities for capital at such places as Cawnpore, Mirzapore, Patna, Benares, Dacca, Sherajgunge, Commerceilly, Moorshedabad, and the like. This caused the produce to be more known and exported. I may mention linseed; I was the first man who sent linseed down to Calcutta; I recollect the first invoice to England; and it has risen now to that extent that in 1856 Bengal exported upwards of 60,000 tons of it; and the same may be said of all other seeds, and of hemp and jupe, for example. I may mention that India supplied, including tallow, and vast quantities of hides of all kinds, during the Crimean war, what Russia was unable to supply, owing to the blockade.

1563. You alluded to the inefficiency of the present examinations and acquirements of the magisterial officers; can you suggest any remedy for that?—Of course if a man is intended to preside on a bench of justice, whether as a magistrate or as a civil judge, we think that he requires a certain apprenticeship and a certain training; a special education, for a certain period. These would cause a great improvement; but what I consider would lead to greater improvement is through the means of the English language being introduced into the courts of justice throughout the country, the same as in Calcutta. In that case, though the magistrate might not be more efficient in professional knowledge, we should have the advantage of his common sense, which he cannot exercise at present. He does not understand at present the witness, and he cannot make himself understood; this applies also to the written petitions or plaints, as well as to written answers and written depositions; therefore, he is in a kind of shivering, anxious, and hesitating state; whereas if he had the privilege of speaking his own language, and having an interpreter, instead of the omlah, he would understand and make himself understood, and would feel a much greater satisfaction in his own conscience as to his responsibility, and in his deciding according to the merits of the case, which he would thoroughly understand; and that would be a greater means of improving the administration of justice in every sense.

1564. What remedy do you suggest for the defects of the police?—It has been my impression for many years that the only means of effecting an improvement in that direction is by the further introduction of the European element into every district.

1565. You alluded to the hardships that the indigo planters underwent when false charges were brought against them, more especially during the period of the manufacture; perhaps from your own practical experience you can state what those losses are, if a planter, at the commencement of his indigo operations, is simply incarcerated, in the case of a property yielding 1,000 maunds of indigo per annum; if the managing planter were removed from the active scene of operations during the two months that he might be manufacturing, what would be the effect upon the property of such removal and degradation to him?—Very extensive indeed. It might involve a loss to the extent of one-half to two-thirds of his whole outlay for a year, and have for effect very considerably to depreciate the value of his factories.

1566. And the outlay for a year of a planter realising 1,000 maunds of indigo might

Mr. *J. Freeman.*

29 April 1858.

might be how much?—My concern averages from 1,000 to 1,400 maunds, and my outlay is, in cash, about a lac and 15,000 rupees, 12,000*l.* actual cash outlay, independent of block, interest, and charges. Down in Jessore and Kishnagur, where the planter is on the ryotwarry system, in such a case as you mention, the losses would be very considerable.

1567. What effect do you think the transfer of the Government from the Company to the Crown will have on colonization or British settlement?—Colonization as applied to India in the present circumstances would have a very great effect I have no doubt; because the change in the form of Government from the company to the Queen leads one to expect ulterior reforms more closely connected with India itself; and therefore as there is such a vast call for reforming in every branch of the service in India, we naturally suppose that a great portion of those reforms will result in consequence of this change in the system of the Government in England, where independent men having a knowledge of India will be allowed to take a part in any Council or Indian Board formed there. But the great demand of the community, both native and European in India, is the opening of the Legislative Council in Calcutta; and we look upon that as much more important than the change of Government here. The Legislative Council do not possess the necessary knowledge of the practical working of the laws they enact; and so long as light and practical knowledge are kept out of the Council, its members must continue to grope in the dark, or abstain altogether from proposing acts so urgently called for by the extension of commerce, &c.; if you will not open the window to let in light, they legislate in darkness.

1568. Are the agricultural interests of India at present represented in the Council?—Not at all.

1569. There is no member of the agricultural interests in India in the Council to represent those interests in any way?—None whatever.

1570. Are the commercial interests represented?—No.

1571. Would you recommend their representation in India?—Certainly.

1572. Have the members of the existing Council in India competent knowledge of agriculture and its interests, and of commerce and its interests?—They have none whatever, to the best of my belief; how can they have?

1573. Then you think that agriculture and commerce in India at present suffer from not being represented in those councils?—They most urgently require to be represented; they suffer very much from not being represented; we feel the want of it ourselves, having our capital invested in the Mofussil.

1574. Mr. *J. B. Smith.*] You stated that you went from Calcutta to Bombay by dawk, and that it took you 22 days and nights to be carried on men's shoulders a distance of about 1,000 miles?—Yes.

1575. Are you aware that in the United States of America you can travel that distance in two or three days?—Yes, I believe so.

1576. In the course of that long journey did you travel through any of the native states?—Yes; you have to go down from Bombay to Hyderabad, and then up again; and you go through the whole Hyderabad territory.

1577. What was the state of the roads in the native states; were they as good as those in the English territory, or better?—The only good road is from Bombay to Poonah, and a short way thence on to Shulapore; there was a track, rather than a road, for some short distance; but beyond Shulapore we could scarcely see any road at all.

1578. Did you find the roads in the native states better or worse than those in the English territory?—I had greater facility in going through the Hyderabad territory than through the other parts.

1579. That is a native state?—Yes. The roads there were better than certain parts of the roads in the Company's territory?—Yes.

1580. In the course of your journey through the English territories did you see the remains of ancient roads?—Yes, in some parts to the eastward.

1581. Had those roads formerly been good roads?—I presume they had; they were fine broad roads, planted with trees; but they were no longer in the state of roads when I passed them.

1582. They had been so much neglected that they were almost impassable?—I could not pass them.

1583. Mr. Mackie, the commissioner sent by the Manchester Chamber of Commerce to report upon Western India, states of that part of the country that it is a misnomer to say that there are roads in Guzzerat; for roads, in the civilised

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and ordinary sense of the term, there are none in the province, it being utterly impossible to convey to anyone who has never seen them any correct idea of what are called roads in Western India; he furnished also a variety of diagrams. Will you look at those diagrams, and inform the Committee whether they be anything like a correct representation of what are called roads in Bengal?—With respect to Bhaugulpore district, where I was resident for eight years, and in parts of Kishnagur, where I was also resident, and in parts of Burdwan, I say that that is a fair representation of the roads there, of those not called metalled roads, such as the great trunk road. Then there are other roads, which by the regulations the zemindars are supposed to repair; that is a very good likeness of those roads. Then come the roads round about the civil stations of India, in and immediately around which there are beautiful roads, but they are pleasure roads, chiefly drives for the civilians and their ladies; as commercial roads, I know of no others but those I have mentioned.

1584. I have shown you a diagram of a single road; I will now show you a section of a parallel road; will you look at that?—I cannot say that I have seen the ruts so deep as this; but there is another one, with the ruts two and a half feet deep. On such a road we cannot carry on a cart more than seven or eight maunds; whereas on a good road a cart and two bullocks carry from 25 to 30 maunds.

1585. Are not the parallel roads mere ditches?—Those I have seen are such; the pleasure roads and the great trunk road being excepted.

1586. Mr. Mackie also stated that, in the district of country which he visited, comprising an area larger than that of England, those main roads are barely passable during eight months, and utterly impassable during the four remaining months, except to pedestrians; is that true of Bengal?—Where the periodical rains prevail, that is so; the inundations also help; they use boats then.

1587. I think you stated that you had an estate somewhere in the neighbourhood of Calcutta?—About 40 miles off Calcutta.

1588. Do you grow sugar upon that estate?—Sugar, tobacco, and vegetables for the Calcutta market, and rice to a great extent.

1589. Does a bad state of roads exist there?—So much that the men who come to take the sugar away are obliged to use bullocks, and they put leather bags upon the bullocks' backs, each bag containing a little less than a maund; and the only roads they have there are the lines separting one rice field from another, which are generally about a foot in breadth, somewhat elevated above the field, acting also as ledges to keep the water in the fields; and the bullocks tread along those little passages; but some distance from there, where there is a little bit of road, they will take 20 and 25 maunds of produce with a cart and a couple of bullocks.

1590. I understand you to say that that road is impassable for carts?—There were no roads practicable for carts.

1591. They are obliged therefore to send the sugar two maunds at a time on the bullocks' backs, because there is no road fit for a carriage?—Yes, exactly.

1592. But if there were a road fit for a carriage, as I understand you, a cart would take 25 maunds?—Certainly.

1593. How many bullocks would be required for a cart of that kind?—Two.

1594. It requires, then, 12 bullocks to do the work of two?—Yes, it does.

1595. Does not that very much enhance the price of the sugar?—It enhances it on the one hand, and causes a loss to the producer on the other.

1596. That is to say, if the producer of the sugar could carry 25 maunds with two bullocks, instead of carrying 25 maunds with 12 bullocks, he would have so much greater profit?—Of course, the grower would get a greater value for his produce. This applies as well to rice and wheat. In Bhaugulpore there is a great wheat cultivation, both white and red; Indian corn is one of its great productions. It has been imported into England.

1597. There are some good roads in the neighbourhood of Calcutta; is there not one to the Governor-general's house?—Yes, 18 miles long.

1598. Is that the only good road out of Calcutta?—There is one to Dum Dum, which is the artillery station, close by; and there is a bit of a branch road that leads out in the Baraset direction.

1599. I understand you to say that the Government monopoly of salt was felt to be a great grievance in India. Is not that grievance increased by the enormous expense of the carriage of salt into the country?—That is a component part of the

Mr. *J. Freeman.*

29 April 1858.

the enhanced value of it by the time it gets a certain distance. But there is another cause, which is the quantity of adulteration which the salt has undergone, which might be prevented by the Government having depôts at various stations, &c., on the French system. There is no doubt that if there were facilities by roads, the price of transit would be very considerably reduced.

1600. That adds very much to the price of salt to the consumer, does not it?—It does, when it gets to a certain part of the country.

1601. Therefore, that increases the grievance which you complain of in the price of salt?—It does; for where water communication stops, a great expense is incurred to get the salt.

1602. You stated that since the Russian war there had been a great increase in the exports from India?—Yes.

1603. Has not that increase of exports been occasioned by the great advance in the price of different kinds of produce which were formerly supplied by Russia?—I was in Calcutta during part of the time, and my observation was this, that as to hemp and jupe, oil seeds, tallow, and hides when the blockade took place, they no longer found the issue from Russia to the same extent as before the war; and then Calcutta was applied to to see how far it could supply the deficiency; and India distinguished herself in that capacity, in supplying, to a very great extent, the calls made upon her resources.

1604. Has not that increase in exports been occasioned by the great advance in the price of the different articles which were formerly supplied by Russia?—I cannot answer the question put in that way. The enhanced price, no doubt, contributed in enabling India to pay greatly enhanced prices for freight, from 7 *l.* 8 *s.* to 10 *l.* per ton, instead of 3 *l.* and 5 *l.*, ruling freights.

1605. Are you aware that the price of those articles has doubled?—Many of them did much more than double in India; jute, for instance.

1606. And did not that rise in price enable merchants to bring that kind of produce from a greater distance than it had been brought before?—It brought down a much greater quantity.

1607. Why cannot they at all times bring this produce down to market?—Owing to the want of facilities of communication.

1608. Supposing the price of those commodities were to decline to what it was before the Russian war, do you think that there would be the same quantity of produce brought to the ports that there was during the war?—To a considerable extent, I should say, there would; because when once an article has been made known in the market, and a demand for it in Europe, it is produced in greater quantity, and is made an article of export, which, in the first instance, it was not; and without the effect of the Russian war intervening, you would not have had a knowledge of the capabilities of the country in respect of those particular items, or of India's capabilities to produce such large quantities. And I am satisfied now, that though prices have not remained quite so high as during the Russian war, still those articles have been exported with a very fair and tempting profit in general, and I think that will continue to be so, freights having come down to the standard that prevailed before the war.

1609. Do not you think that the great cost of bringing, over the bad roads of which you speak, the produce which has been substituted for the produce which was formerly received from Russia, will add so seriously to the price of the articles as to disable India from competing with Russia when prices fall to what they were before the war?—That would be a great ingredient in the difference, no doubt.

1610. And you would not, therefore, be surprised if, now that the Russian ports are open, there should be a great falling off in the exports from India?—I should not be surprised at some considerable falling off, though not *in toto.*

1611. Supposing that India had the facilities of good roads and cheap conveyances, is there anything, in your opinion, to prevent India from supplying our markets at all times, at as cheap a rate as Russia?—That alone would not be sufficient, but coupled with a better administration of justice and a better police, and experienced men competent to make commercial laws, &c., it would I am convinced.

1612. Mr. *Campbell.*] The natural capabilities of India would do it, with the facilities of roads?—The natural capabilities of India are amply sufficient.

1613. Mr. *J. B. Smith.*] You are an indigo planter; do you grow your indigo by

by means of irrigation?—No, we do not; it would be too expensive, unless irrigation was made available.

1614. It would be too expensive to dig wells, but would it not be practicable to bring canals and irrigation into your neighbourhood?—I dare say it would be; the Ganges has such an immense length, and there are other rivers down to the Ganges; there is a great slope, and you might dam the water up, as the barrage on the Nile, or otherwise, as done in other countries.

1615. Would that not be a great advantage?—Yes, of course, a very great advantage, and most desirable; we might then have grass lands, so much needed.

1616. Does indigo yield a larger crop by means of irrigation than without it?—Much larger, and more certain. With one-half the quantity of land, and one half the expense, we would produce an equal quantity. With irrigation you have a full field, whereas without irrigation you have half the field fail, except in Tirhoot, where the moisture is kept in the soil by superior cultivation of the soil. Down in Lower Bengal, all Behar, Benares, Juanpore, irrigation would be of great benefit where the land will not retain moisture.

1617. In your opinion, is the navigation of the Ganges capable of great improvement?—It is of less consequence, because you can manage to use it as it is.

1618. The Nuddea rivers are capable of great improvement?—Yes, one of them we have for many years urged the Government to keep open, or to construct a canal.

1619. Is the Nuddea, in the dry season, navigable?—No, the Nuddea rivers are not navigable.

1620. Is not the Nuddea capable of being made so?—Part of it is navigable all the year round, but not from the Ganges; it is only a small part inland.

1621. All the traffic coming by the Ganges during the dry months is shut out?—Yes; it has to go round 200 or 300 miles, through a very intricate and dangerous navigable part of the country.

1622. Is it not proposed to make it navigable for the whole year?—I do not see why it should not be done.

1623. And would not that be a great advantage to the traffic?—Immense. Now that the railways are coming, it is of less consequence, except for bulky articles, and of low value.

1624. Mr. *Lowe.*] You suggested as an improvement in the judicial system that the proceedings should be in English?—Yes.

1625. Then you would want interpreters?—Yes, exactly as in Calcutta.

1626. How would you get them in the Mofussil?—The country-born Christians are an excellent class; they are employed in the Supreme Court in Calcutta, and elsewhere in such capacities.

1627. And you think that they could be trusted to interpret truly?—Decidedly. The advocates on either side would be there, and if any mistake took place they could correct it. The system has prevailed for 80 years in Calcutta.

1628. It might prevail in Calcutta, and yet might not succeed so well in the Mofussil?—I will not say quite so well; that would depend upon proper control and discipline in the courts.

1629. You have given a great many reasons why things go easier in Calcutta than in the Mofussil?—Yes.

1630. Have you any other suggestion to make with respect to the judicial system?—Yes.

1631. What remedy have you to suggest?—A greater standard of qualification on the part of the gentlemen presiding on the bench, independent of the change of the language. I would have men trained to be judges, such as those gentlemen are who are sent out from England to preside in the Supreme Court, who have practised in England at the bar, and having undergone a sort of apprenticeship, which has taken a certain number of years, they are able to assume their duties at once with satisfaction to all parties.

1632. You would recommend a higher standard of legal qualification?—Certainly.

1633. In what way would you distribute those judges; would you make them occupy the same districts as now?—Yes, they should preside in the same courts as the judges at present existing, but I think that an extension of judicial and magisterial offices would be required. Take Tirhoot, there are a million of inhabitants there, and only one magistrate and one judge to do the business.

Mr. J. Freeman.

29 Apri 1858.

1634. Is there any other suggestion which you can make?—The reform notion is this, that the introduction of the English language would cut at the root of all this heap of corruption, and do away with the native omlah.

1635. You suggest the introduction of the English language, and a more highly qualified judge?—Yes.

1636. Nothing else occurs to you at this moment?—No, so far as the courts go.

1637. Then with regard to police, what are your suggestions?—To have an extension of European agency, the same as has been adopted in Calcutta for some years past, from which we see that amazing benefit has arisen.

1638. Do you wish that the common policemen should be Europeans, or only the superintendents?—I would wish that in every district, according to its extent and population, the superior grade of policemen should have the superintendence of three or four tannahs, which would employ three or four darogahs, because there is a darogah in every tannah; and they should keep a surveillance over them and have reports; and when any serious case takes place, such as burglary, affray, or murder, they should go and investigate the case upon the spot, or watch over the proceedings of the darogah with scrutiny; and from that control the magistrate would get a better insight into the truth of the case; the European would have to depose to the truth of his inquiries, all of which is unattainable under the present system.

1639. What class of European would you recommend?—The class of men who are employed in England. In France it is the same; many soldiers are employed there; and in India, where material life is so very cheap, it might easily be done. Our assistant indigo planters receive a salary varying from 200 to 500 rupees a month, and under such circumstances, and even with less, the officers might live very comfortably; and one or two grades might be made. For Europeans I would have two different grades at least.

1640. With salaries varying from 200 to 500 rupees a month?—Yes, according to their rank and to the trust reposed in them; say from 150, the lowest; and 300, the highest grade.

1641. Do you propose that the body of the police should continue to be natives?—Yes.

1642. What class of natives?—Much the same, with this distinction; I must say that, within my own knowledge, the selection for the police might be better made. I know instances of gentlemen who have made darogahs of their own private servants when they have shifted to another station, and that I think improper.

1643. Who should select them?—Ten or fifteen years hence I would not select any darogah unless he could pass an examination in the English language; that would be a means of divesting him of his system of corruption; they should be appointed by the magistrates, subject to confirmation.

1644. Could you get darogahs who could speak English at present?—Not immediately; but if a proclamation was issued to say that it was necessary for the future that they should be able to speak English, I dare say, before 12 years hence, you would have your courts filled with persons able to carry on the police or the administration of the country, such as pleaders, moocktears, and others.

1645. What class of people are they who furnish the police; are they Bengalese?—Generally speaking, they are Bengalese; but they are sometimes upcountrymen, who are more moral, of a better standard, more trustworthy, and more brave: the natives of Bengal of that class are a bad set.

1646. They are bad material?—They are very bad material.

1647. Is it not objectionable to employ them as police?—Not if they are properly looked after.

1648. Are they not notoriously wanting in physical courage?—They are, to the extreme.

1649. You do not see how you could get over employing them?—No; you want the closest European superintendence and surveillance.

1650. Mr. *Lowe.*] Would not there be some advantage in bringing police from a distance, from the fact that they would be free from local influence?—Decidedly; no doubt.

1651. Is it a good system that the darogah should be allowed to examine prisoners himself?—Certainly not; it ought to be put a stop to, though I would allow this power to a certain extent to the European police, to save an innocent man from being sent a distance of 50 miles to the station.

1652. Is

1652. Is there anything else that you could suggest with regard to the police?—I think that darogahships, after a certain number of years, should not be given without an examination in English; I maintain that the natives of Bengal are corrupt as far as they are in a needy position, and if you go to a higher class of people, you meet with a higher degree of morality.

1653. What is the pay of a darogah?—In the part of India that I know, it was from 20 to 25 rupees a month; peons 4 rupees, and jammadars 8 rupees.

1654. With regard to the land, can you make any suggestion which would improve the tenure of land, and facilitate the possession of it by Europeans?—Certainly; in the country, where most of the land is occupied in one way or another, except in the sunderbunds, there is a difficulty to surmount. Those gentlemen who have invested their capital in indigo and so forth, have managed it in this way: for the sake of peace and quietness they have come in as purchasers of leases for 8, 9, and 10 years; they have purchased putnee talooks or perpetual leases. Therefore when this unfortunate sale law comes into effect upon an entire zemindary these are all swept away.

1655. You wish some measure like Mr. Grant's sale law, which should give the lessee a security that his large tenures, unprotected by the sale law tenure, should not be destroyed by the sale of the zemindary?—That is one thing; our other method is to rent the land from the small tenant; I am obliged to pay six rupees a bigah for rent.

1656. How much is a bigah?—Thirty thousand superficial feet, where I am; but the bigah varies.

1657. From whom do you take it?—From the ryot.

1658. Who is himself the tenant of the zemindar?—He generally is, or the tenant of Government. In Bengal, where land is so much cheaper and better, there is the ryotwar system of indigo cultivation, and there they have to make contracts; some planters make 10,000 contracts with 10,000 different cultivators; one makes a contract to cultivate indigo for one acre, another for half a one, and another for ten; and it is from the natural disposition of those people to break the contracts that those innumerable suits arise; and out of those suits, by the time you get a decree, very often the man is left with nothing.

1659. What other remedy would you suggest with regard to titles for land?—In my knowledge of India, where the village system prevails, and the country has been surveyed by the Government, and the limits fixed, instead of adhering to that system, I would create estates containing 8, 10, 20 villages together, of from 4,000 to 10,000 acres, and I would sell those estates, and that would create a proprietary class, which is so desirable.

1660. You would sell them out and out?—Yes; and of course realise an enormous sum of money, or I would bring them under the perpetual system.

1661. Those would be zemindaries?—Yes; they are not at present.

1662. Is there not some native right to extinguish?—No, none where the village system has been introduced.

1663. Take Bengal, for instance?—That does not apply; in Bengal these rights are defined, and more or less protected.

1664. Do you see any objection to allowing the zemindar to redeem at so many years' purchase the tax assessed upon him by the permanent settlement?—I do not see any.

1665. Why not?—Because, in the permanent, settled districts of Bengal, the tax on the land was reckoned at one-half the produce of the soil at the time of perpetual settlement; and if a man has purchased an estate, paying for it 20,000 rupees annually to the Government, he is supposed to collect at least 50,000 rupees from that estate. The land-tax is so great that it would depend upon the number of years' purchase at which the estate should be redeemed; but to redeem the land-tax in India, it would take a large capital to redeem a property where the value established had been based upon one-half the produce of the soil. Lord Cornwallis's settlement was made upon that principle.

1666. If an equitable agreement could be come to between the Government and the zemindar, do you think that such an operation would be beneficial to the country?—I think that it would; but I doubt whether the natives would have sufficient confidence in the present Government to do so.

1667. Would the Europeans do it?—They would be more likely.

1668. Would not you, as a European, estimate very highly the advantage of being free from Government interference?—Yes, and so would every one.

Mr. *J. Freeman.*

29 April 1858.

1669. And of being in the position of holding a fee-simple in England?—Yes, if the Government would only limit my estate, or send out a person at my expense to mark the boundaries of it.

1670. Would not such a plan tend very much towards the encouragement of the investment of capital in India?—No doubt very greatly.

1671. Are there not rights besides the rights of the zemindar that would require to be extinguished?—None such that I consider necessary for agricultural purposes.

1672. Still the people would be glad to get rid of the land-tax, even maintaining those rights?— No doubt they would; that is, those who are more enlightened.

1673. You have mentioned a case where a man makes a lease to another, and then the Collector may sell that property, if he is in arrear?—Yes, at the request of the owner of the property. This applies exclusively to putnee leases.

1674. Would it not be more convenient for all parties if, when there was a lessee of the land, that person should become the Government tenant, and you should have nothing more to do with the rent payable to the Government for that portion of the land?—Yes.

1675. But without redeeming it, the tenant has two payments to make?—Yes, he may, in certain cases.

1676. Would it not be a great convenience to you that he should pay directly to the Government, and that you should have nothing to do with the payment?—No, I do not see any advantage in that, any more than it might prevent the fraud of the zemindar.

1677. Mr. *J. B. Smith.*] Suppose the case of a zemindar paying 10,000 rupees a year to the Government, do you think, if he had the power of redeeming that payment by the purchase of so much Government stock as would yield that amount, he would be glad to do so?—Certainly, if he could, and if he had sufficient confidence in the Government.

1678. *Chairman.*] But you think that in many cases the sum required for redemption would deter persons from redeeming?—That would be one of the difficulties to be overcome.

Martis, 4° die Maii, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Mr. Mangles.
Mr. De Vere.	Mr. J. B. Smith.
Mr. William Ewart.	Mr. William Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. *John Freeman,* called in; and further Examined.

Mr. *J. Freeman.*

4 May 1858.

1679. Mr. *Willoughby.*] IN what year did you go out to India?—In 1825.

1680. Did you go out in any particular capacity, or as a settler?—In 1825 I went out as a settler.

1681. And you commenced by purchasing land?—By going to an indigo factory, where I remained.

1682. As a principal or as an agent?—As a man of business; an assistant, properly speaking.

1683. You stated that you considered the land tenures in Bengal to be generally insecure; that when you buy at an auction sale you know nothing of what you will get; that in purchasing an estate you are brought into all kinds of difficulties; but notwithstanding all this, you have purchased several estates, and have lately invested a large sum of money, 20,000 *l.*, in land in the district of the Hoogly, which, it appears from your answer to Question 1478, you purchased at an

Mr. *J. Freeman.*

4 May 1858.

an auction sale for arrears of revenue. With all this insecurity, all these difficulties, and all this experience, do you not think you might have found some better investment for your money?—My answer to that is, that I had money at that time, and have still a very considerable amount, invested in a variety of ways in India: in indigo factories, in zemindaries, coal mines, and steam tugs; on mortgage of land in the Mofussil, and in a variety of ways; and as I had been for 30 years at that time, and more, a zemindar, from the time I first purchased an estate at a public sale in 1835, I was conversant with that kind of business; but I could never anticipate that I should meet with the difficulties which I have related connected with that purchase.

1684. On the whole, you have found those investments which you have made in land in India profitable to yourself?—I can say so; in most instances they have turned out well, in some they have turned out a failure.

1685. You have stated, in answer to Question 1492, when speaking of sales for arrears of revenue, that you have known instances where it has been contrived that the owners of under-tenures and others should not get any intelligence that the man was going to make default; will you explain more clearly how the intelligence was withheld from them?—In this way: the law provides for cases where the more wealthy zemindar of an undivided estate may be disposed to oust the smaller proprietor, by withholding any portion of his share of the revenue, thereby causing the estate to be sold, which he will cause to be bought in the name of some relative. Then, as to under tenures held from the zemindar, they are often forfeited by fraudulent detention of the Government revenue, in the following manner, and by other means; for instance, suppose I am a large landowner, paying 5,000*l.* or 6,000*l.* Government revenue, and I have leased out to a party say 5,000 or 6,000 acres, or 10,000 acres, under a lease called a putnee. The putneedar has spent large sums of money for the purchase of those putnees or farms, and I may wish to get rid also of the parties who have a proprietary interest in my zemindary, in an undivided estate, the only way I can do that effectually is to withhold at the last moment my portion, or any portion of the Government revenue; if it was known some time previous to the last day of payment that I was going to do so, the other parties might concert amongst themselves, pay up the whole balance, and save the estate. But my object is to oust them, and therefore I keep quiet till the last moment before sunset; and when that comes, I abstain from paying the money in, and the estate is sequestered from that moment; then, to carry out my purpose, I, in the name of another party or relation, or somebody I can confide in, when the sale day comes, bid for the whole estate; thus I am perfectly possessed of the entire estate. The only thing is to provide sufficient capital. I require to be prepared to pay down the full amount of purchase-money before I can receive from the collector the proceeds of the sale of my estate; in fact, I am the seller on the one hand, and buyer on the other, but acting a fraudulent and illegal part; for, were it known I was the purchaser under such circumstances, I should be punished, and the sale cancelled or otherwise. Consequently, if the estate is worth 30,000*l.*, you must be possessed of 60,000*l.*, because you cannot touch the 30,000*l.* paid to the collector, and yet you must pay down 30,000*l.* purchase. To provide against such practices, clauses were enacted in the sale law, called the Benamee clauses, to protect the weaker against the stronger.

1686. Mr. *J. B. Smith.*] Suppose an estate worth 20,000*l.*, and the Government dues only worth 1,000*l.*, if the Government sell the estate, what do they do with the balance?—They pay over the surplus to the proprietor.

1687. Mr. *Willoughby.*] The zemindars go through a fictitious default in order to get a title to the estate; was not that the reason of the law which swept away all under-tenures, because it was found, not that a very respectable gentleman like yourself, but that zemindars under those fictitious sales got rid of a portion of the estate, and the liability upon it, so that when the estate was sold it could not pay the revenue, and was not the object of Mr. John Peter Grant's law, that provided the putneedar could show that that lease embraced a fair proportion of the whole revenue of the zemindary, it should not be interfered with?—At all events, since 1845, by the sale law it is provided that the Commissioner of Revenue, or the collector, has the option to sell an estate with those leases binding upon the new purchaser, but I have never known it acted upon (Act I. of 1845, clause 28); it has always remained a dead letter, the collectors apparently dreading the responsibility involved in after part of that clause. I have bought a great many

Mr. *J. Freeman.*

4 May 1858.

properties, large and small, at public sales, and sold them again a short time after, but I never knew that clause acted on while they had the facility of doing so.

1688. But you would admit that the object of that which certainly appears a very extraordinary law, that all under-contracts shall be null and void by a sale, was to prevent the fraudulent appropriation of the public revenue?—Yes; from this very reason, that in the case of an estate which had been sold several times since the deceninal settlement up to the present time, it might arise that the estate would not realise the amount due by the fraudulent under-tenures granted by dishonest proprietors who had been in possession of the property.

1689. Is not public notice given of any intended sale?—Yes, in the Government Gazette; but, once in the Gazette, it is too late to tender arrears of revenue.

1690. Is not the day of sale always fixed and specified in such notice?—It is.

1691. Is not the omission to make such specification in the notice of sale *ipso facto* sufficient to vitiate any sale that may follow on such imperfect notice?—Yes; but I may state a case of some importance. Unfortunately, the officials break through the regulations, and do not carry them out. There was a case in 1850, where a very fine estate in Monghyr was advertised in the Government Gazette. I and another gentleman made up our minds to purchase it. I started with 10,000*l.* about my person, for you have to pay 25 per cent. down on the day of sale. It took me three days and nights to get up there in a palanquin, at considerable expense, and just as I passed through Bhaugulpore, about 25 miles nearer to Calcutta than Monghyr, I met a gentleman who had been employed by me before, and he told me that the collector had received the revenue of this estate. I went to the Commissioner of Revenue at Bhaugulpore, and I said, "Here is my position; this estate has been advertised for a fortnight regularly in the Gazette, and in consequence of that I and a friend have made up our minds to raise the capital to buy the estate for 40,000*l.*, if it should not run higher; and I have heard that so and so is the case." His reply was, "Mr. Freeman, I am very sorry that it is true, but it is a mistake of the collector, from a misunderstanding of the orders which I sent to him." He regretted very much himself that the collector should have misconstrued his orders. But that over, I went into the collector's court at Bhaugulpore, where it was also sale-day for arrears, and bought a small estate for 1,000*l.*, and I had every reason to believe that the collector had issued the proper notices and gone through the formalities. I purchased the estate and went down to visit it, and was very well satisfied with my bargain; but when I returned a fortnight afterwards, the sale was cancelled by the Commissioner of Revenue for want of the proper formalities having been gone through by the collector. That is an inconvenience that happens constantly, but it is better that it should happen in that stage than a year or two afterwards, because, when a sale is disallowed after you have been in possession for a year or two, it may involve you in absolute ruin.

1692. Do you know what constitutes sufficient notice of sale?—They are prescribed in the regulations. A proclamation is issued on the estate by the collector, warning the under-tenants from paying the revenue to the late proprietor, who is a defaulter, that if they do pay to him, they will not get credit in the account hereafter, on the part of the new purchaser. Independent of that, a notice to the same effect is to be stuck up in the collector's office, in the magistrate's cutcherry, and other places, and in the village, and in some of the tannahs about the estate; but there are many instances in which defaulters have some good reasons to bring forward why the estate should not be sold, but unfortunately those inquiries have been allowed to take place after the sale has taken effect, and that is why, in the draft of the law which I submitted to Mr. Grant for altering the present law, I obviated that, by causing all those objections to be made prior to the day of sale, which can be easily accomplished; and then the sale is made, and you know that the property you have purchased is yours, and you are not subject, six months or two years afterwards, to be called upon to refund an amount of rent such as you never collected from it during the time it was in your possession. And that is one of the great hardships of the sale law, keeping away intending purchasers on the one hand, while you inflict entire ruin on the other. The first estate for which I bid, so soon as the law allowed Englishmen to purchase lands, was knocked down to me for 8,200*l.* That sale was disallowed; six months afterwards the estate was put up for sale, and I bought it for 3,400*l.* only, and

that

that sale was confirmed; that estate I kept for upwards of 20 years, and sold it last year. That shows you that both to the defaulter and the seller the state of the law is very often a ruinous thing, and if a man has been in possession of his estate for two years, and the sale is disallowed, the defaulter turns round upon him, and out of a spirit of revenge he will file a case of wassilut; that is to say, to recover collections during your possession, which claims are so exaggerated as to be made to amount to three or four times beyond what you could possibly have ever collected from that estate.

1693. *Chairman.*] You would have all those obstacles cleared away before the sale?—Yes.

1694. Mr. *Willoughby.*] Are you aware that the notice is always such that with the most common diligence no party interested in an estate need fail to obtain timely intelligence of an intended sale?—No doubt, though not of an intended default.

1695. If it afterwards happens that the collector, or revenue commissioner, receives a complaint that the formalities prescribed by law have not been attended to, what other option have the authorities but to act according to law?—It is partly owing to their negligence in going through the proper formalities, and partly from not calling upon the defaulter to state any and every reason he has why his estate should not be sold prior to the day of sale, that such matters are laid hold of by the defaulter after the sale has taken place, and are brought before the Commissioner in the first instance, when he frequently sees reasons for cancelling sales; while in some instances, if he should confirm the sale, they will frequently resort to the civil court.

1696. Can you prevent persons who consider themselves aggrieved filing a case in the civil court; that cannot be the fault of the administration?—The system and acts and deeds of their inefficient servants are the cause of all this; their acts of omission or commission are the cause. I have a case now of 20 years' standing arising from a collector's ignorance of his elementary duties, aided, I have no doubt, by the misdirection of his native omlah, who had been bribed; it arose in 1838.

1697. You have spoken, in answer to Question 1503, of the great hardships resulting from the upsetting of auction sales, after two or three years' possession on the part of the purchaser, in consequence of the preliminaries of sales not having been properly observed by the collector; are you aware that any objection, on such grounds, must be preferred to the collector within one month from the date of sale?—I am.

1698. How does that tally with the complaint that it is made two or three years afterwards?—The defaulter whose estate is about being sold will rake up reasons to try and show why his estate should not be sold, but he does not always bring them all forward, and the fact is, when an estate has been sold the Commissioners of Revenue find grounds, from the proceedings of the collector, to annul the sale.

1699. Still the law is that he must prefer his complaint within one month?—The law is that, but I am telling you what the practice is, and what the state of things is; and I maintain and can cite many instances in which purchasers at Government sales have had their purchases cancelled by decrees of civil courts, several years after possession.

1700. *Chairman.*] Do you complain of the law, or of the administration of the law?—I complain of the law on the one hand; the theory of the law may be good in many instances; but those who make the laws are unacquainted with the practical working of them; while they are badly construed, and too frequently misapplied, by the Mofussil authorities.

1701. Mr. *Willoughby.*] Does not an appeal lie from the collector's order to the Commissioner of Revenue, and again from the order of the Commissioner to the Sudder Board of Revenue?—Yes, to the Board of Revenue is the exception.

1702. That shows a desire upon the part of the Government to secure the people?—Yes; but it is from want of practical knowledge, particularly in details, that the Government are not able to adopt such measures as are required, and they receive little or no assistance from their officers.

1703. Is it also the case, that the civil court is precluded from hearing and trying any objection to the regularity of the sale which has not been preferred to the revenue authorities?—That is also the law, but the practice very often varies from it; my case was a six years' lawsuit upon that estate, which I purchased

Mr. *J. Freeman.*

4 May 1858.

chased in the first instance for 3,400*l.*, before I was left in quiet possession of the property.

1704. You are in favour of a law for the protection of under-tenures; is there not some difficulty in affording such protection in such a way as to afford protection at the same time to the Government revenue?—No, none whatever. I made that very clear in my draft where a *bonâ fide* tenure has been granted by any proprietor of an estate, which, whether putnee or farm, shall be duly registered at the time of its being made, that the collector can inquire to see that it is a fair transaction at the time; and there is nothing to prevent that affecting the Government or Government revenue in any way whatever, because that estate can be sold with that incumbrance or under-tenure upon it, which is the case with the law at present; but it is never done, as under clause 28, already referred to.

1705. Take the case, for instance, of an estate which pays 20,000 rupees a year to the Government. The proprietor lets it in putnee to himself in the names of creatures of his own in three separate lots at 5,000 rupees a year each; he then falls into arrear to the Government, the estate is put up for sale, and for want of a purchaser falls into the hands of the Government at a nominal price. Such fraud would be prevented, if, when those putnees were taken to the collector for registration, he were called upon to inquire as to their fairness, equitable terms, and good faith, as already suggested in my draft. The Government then would get 15,000 a year from putneedars instead of 20,000 a year from the proprietor; are you aware that such things are attempted even under the existing law?—I really am not; a case of that kind has never come under my observation; really I do not think it is done, or would be practised to anything like that extent (such a transaction would become too notorious), from my long knowledge and experience in such matters. It is so easy to provide against an act of that kind, by causing inquiry at the time as to the fairness and validity, and *bonâ fide* nature of the transaction, and have it registered the same as mortgages at present; where a man does take a putnee, he has it registered for his own security.

1706. *Chairman.*] Is registration compulsory?—It is not compulsory; but any deed registered takes precedence over a deed unregistered.

1707. Mr. *Willoughby.*] You speak at Question 1671 of extinguishing the rights of the tenants, by which I presume you mean the rights of the cultivators of the soil; are you aware that the protection of the rights of tenants forms as much a part of Lord Cornwallis's system as the protection of the rights of proprietors?—Yes, in theory; and if those protective regulations were properly applied by the authorities, they would do good.

1708. How do you propose to extinguish the rights of tenants?—There are two classes of tenants whose rights are respected: the kood-caste ryot, whose predecessors have been on the estate for generations, who appear to have acquired a certain right to hold land in that particular village. His rights are respected; but still they are qualified in this way, that the new purchaser is entitled to revise and re-measure the estate purchased, and to revise the holding of those very people. Independently of the kood-caste ryots, there are four other exceptions respected by the sale law, such as buildings for certain purposes, tanks, wells, and gardens, for a period of about 20 years; but there is a very singular thing with respect to the plantation of date-trees for sugar, which are not excepted. I know two gentlemen, one of whom has planted many hundred thousands of trees, and it was a source of great torment to him in Calcutta, in consequence of this kind of planting not being respected; and when his trees begin to yield a few years afterwards, he may be called upon for any conditions and enhancement of rent that the proprietor may think fit to ask for, in case of sale of estate for arrears of revenue.

1709. How do you propose to extinguish the rights of the cultivators of the soil?—The intention of the regulations of 1793 and subsequent regulations has been to define and protect their rights; but, unfortunately, they are not sufficiently defined on the one hand, and on the other hand the native zemindar is so prone to exercise an undue influence which is illegal, that the ryot seldom has recourse to a court of justice, that is to say, either to the collector or the magistrate, to see his claims enforced such as they are recognised by law; and there is again the bad administration of justice, and the bad state of the police; so that those people are principally deterred from coming forward; and on the other hand the apprehension of their landowners, who can persecute them and ill-treat them if they venture to make a complaint against them; I do not wish to see the kood-

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caste ryots rights extinguished, nor is it necessary for any agricultural pursuits by Europeans that they should be, since those ryots would only be expected to cultivate a portion of their tenures in cotton, hemp, silk, indigo, or opium, &c., and the object the Europeans have in taking putnees, or in purchasing estates, is to obtain this end and no more.

1710. Then it appears that the zemindars already extinguish the rights of the cultivators of the soil; how do you propose to extinguish the rights of the cultivators, when we know perfectly well that the cultivators all over India have the right of occupancy?—Yes, with us in the permanently settled country, the cultivator has only the right of occupancy on the lands belonging to his own village, and he is distinguished by the name of kood-caste from the pie-caste ryot; who belongs to one village, and comes to cultivate the land of another village.

1711. Then you have no remedy to propose for this evil which you state to exist?—No, unless it is more adequacy in the collector's office and the magistrate's to meet the requirements of public justice, that those people can bring forward their complaints, and have them remedied.

1712. In the answer I allude to you talk of extinguishing their rights?—No; I do not wish to extinguish the rights of the kood-caste ryots protected by the laws.

1713. In answer to Question 1668, "Would not you, as a European, estimate "very highly the advantage of being free from Government interference?" you say, "Yes." 1669. "And of being in the position of holding a fee-simple in "England? Yes, if the Government would only limit my estate, or send out a "person at my expense to mark the boundaries of it. 1670. Would not such a "plan tend very much towards the encouragement of the investment of capital in "India? No doubt very greatly. 1671. Are there not rights besides the rights "of the zemindar that would require to be extinguished? Yes, the rights of the "tenants, if we would maintain them as they are at present." The question was, in order to give a fee simple certain to a limited extent, "Are there not rights "besides the rights of the zemindar that would require to be extinguished"?—To make you perfect master of the land, with power to turn out whom you please, and put in possession whom you please, no doubt the ryot's rights must be done away with, and the landowner would then be empowered to make the best arrangements he thought proper with tenants and others.

1714. You allude to being obliged to raise money in the Mofussil at 15 or 18 per cent.; can you not get money in Calcutta, for a Mofussil purpose, at the same rate of interest that you can for a Calcutta purpose, provided you give the same securities?—No, positively not; I do not know one single case where that has been effected, I state this in all cases where real property existing in the Mofussil is tendered as the security for the capital to be borrowed.

1715. Supposing you went to a bankers, and gave a promissory note on the Company's loan, for a Calcutta purpose or a Mofussil purpose, would that make any difference?—A transaction with a banker is a mater of note of hand, with one or two or three signatures to it, or a deposit of Company's paper; but if you want to raise money, the practical way of doing it is upon mortgage of your property, and indigo factories, and crops, and so forth, which are all situated in the Mofussil, whereas in Calcutta, I mortgage a house to a man, and get the money at six per cent.; if I mortgaged an indigo factory or a house in the Mofussil, I cannot get it under 12 per cent. bare interest, and other charges which bring it up to 17 or 18 per cent. at the minimum, but it goes very often far beyond that. Planters do not hold Company's paper, they prefer employing their capital or credit in working out the resources of the country.

1716. But is not the difference between the 5 and the 15 per cent. interest, owing to the mortgage and other securities in the one case, and to no security in the other, beyond the result of the speculation, the success of which is dependent upon the season, the rise and fall of rivers, and other causes over which no systems of administration can exercise any control?—No; for a man possessed of money whose outlay may be 20,000 *l.*, and who has property nearly clear, and 5,000 *l.* or 6,000 *l.* in the bank, he requires a difference of 15,000 *l.* for that year, and how can he raise that? He must apply to an agent in Calcutta or a private individual, and say, "Here, I offer you a mortgage on my property in the Mofussil, which you can see, by my conveyance and other information, is worth more than double the loan asked for, besides which I offer to mortgage all my crop which of itself will realise in Calcutta double your loan; will you advance me the money which I require to go on with?" and I maintain that with all that

Mr. *J. Freeman.*

4 May 1858.

security he cannot get it under 12 per cent. interest, and those commissions which I have named, and I have known hundreds of cases where the best men, with first rate securities, have had to pay directly or indirectly much more.

1717. Do you recollect the case of the great failure of eight of the principal mercantile firms of Calcutta?—Yes.

1718. Did not that chiefly originate in the Calcutta merchants making advances upon indigo manufactories?—No, it was more owing to the great advances to the civil service and to the army, whose aggregate debts were to a greater amount than those of the planters.

1719. I quote that merely to show the difference between the security of an indigo factory and other descriptions of security?—A man if he falls in difficulties gets his money back more easily in Calcutta; he can have the property seized and sold by the supreme court with little delay; but to recover in the Mofussil it is very difficult, owing to the institutions which exist there.

1720. Are not the civil servants of Bengal, to whom you have alluded, obliged to pass through several examinations in the native languages, and in the regulations, and in their knowledge of the manners and customs of the natives, in their advancement to the different grades of service?—That was not the practice at the time I was in India; they passed an examination in two languages of course; I never heard of examinations as to manners, customs, &c.

1721. And subsequently other tests have been prescribed?—I have no knowledge of that.

1722. Can you speak from your own personal knowledge of the general attainments of the civil service in the native languages?—Yes, I have had a great deal to do in a great number of courts in the Mofussil, and I have seen the civil servants in ordinary life besides; and it is from that that I am able to speak. I left India in the month of February 1855, and I can state that up to that time, in spite of the examinations which the young men of the civil service were made to undergo, I do not believe there are five out of 100 who, the day after they have undergone their examinations and have passed, would be able in a court of justice to read a petition or to dictate one, or who could thoroughly understand one when read to him.

1723. Is not reading a petition off-hand one of the tests of the examination which they undergo?—I am not aware whether such was the practice at that time.

1724. You are of opinion that while there is a good deal of English education and knowledge among the natives at the Presidency, there is little or none in the interior of the country?—Certainly.

1725. Have the European settlers done anything to remedy this state of things?—I cannot say that they have taken the initiative; but where proceedings have been taken, such as at Bhaugulpore, there we chimed in with other parties, the authorities and the Government, in promoting schools and building churches. I subscribed myself a very considerable sum, both to establish an English Protestant church and a Catholic chapel.

1726. Notwithstanding this general ignorance of English in the country, you would introduce the English language into the courts of justice?—Certainly. I consider that one of the greatest improvements in every respect, and applies more forcibly to the benefits the natives would derive, they being so numerous.

1727. And with English judges, English barristers, and English law and English police?—I would introduce English agency into the police in the Mofussil; but to say exclusively English, no. I would merely do what has been done in Calcutta, for there you see the beneficial result that has taken place owing to the introduction of English police, combined with the native agency; and I have here the opinion of the Governor of Bengal, upon a case of abominable torture and falsely assumed case of murder, and I do not hesitate in saying, that if there had been a mixture of European agency there, this horrid case of torture would never have taken place.

1728. Do you answer my question in the affirmative?—Most positively as far as the police goes, and also as to professional judges and magistrates, and of trained pleaders, these last whether educated natives or Europeans in civil courts, but in cases involving imprisonment and higher penalties to Englishmen, it would be most repugnant and unjust to him to be deprived of an English advocate.

1729. And then for English judges you would have English barristers and English law?—I do not care about their being barristers provided they are trained men.

1730. Would you have English law?—I see no objection to English law, from the fact that English law is administered to 600,000 people without distinction of creed, caste or colour in Calcutta, and has been administered for 80 years, and afforded satisfaction to all.

1731. From a return presented to Parliament in 1853, it appears that there were in Bengal 6,749 British born subjects in India, chiefly residing in Calcutta, and only 276 residing in the interior engaged in agriculture and manufactures; admitting that there may have been some increase in the meantime, nevertheless you would advocate judicial proceedings being conducted for their benefit in the English language, to the exclusion of the vernacular language?—Not at all; far from it. I do not put it for the benefit of the 300 or 400 Europeans, but for the benefit of all the natives, whether Christians, Hindoos, Mahomedans, and others.

1732. How are they to be benefited by the introduction of a language which they do not understand?—The language of the court which has been in existence up to the last few years is quite as foreign to the masses, being the Persian language.

1733. Are you not aware that that was abolished in Lord William Bentinck's time?—Only partially; up to 1855 it was in practice in a good many courts, though you had the facility of being allowed to present a petition in Bengalee or English or Hindostanee. In mentioning the use of the English language and of professional men, I declare that it is more for the benefit of the natives; it is only by such means that you will get the advantage of the common sense of the presiding authority, which we do not get the benefit of at present, because he does not understand the case before him, nor can he make himself understood by the witness, and that gives an unsatsifactory feeling to the judge who is obliged to grope his way, and he himself is seldom satisfied with the decision that he may have given. Whereas, in the other case, the advocates of either party would understand the English language, and the sworn interpreter would be the medium of conveying the questions and answers to the witnesses. Then we should have the benefit of the use of his common sense and fair judgment, which we cannot get at the present time. I would mention to my certain knowledge that in all the colonies to the east of the Cape of Good Hope, whether Dutch or Portuguese or Spanish or French, they speak their own languages; even the Dutch at Chinsurah in Batavia, and all their valuable colonies, and the Danes at Serampore and the French at Chandernagore, close to Calcutta; and at Pondicherry, down the coast, the French are governed by the Code Napoléon. No other language is used by the authorities but the French language. It is the same in the Dutch colonies, nothing but Dutch is used. When I first visited Serampore, everything was carried on in the language of the mother country.

1734. Does not that more apply to places situated like the presidency towns of our own empire?—Yes, at Chandernagor or Chinsura; but take a greater case in Algeria, which will soon reach very nearly the extent of our possessions in India, everything is done by the Code Napoléon, as in the extensive Dutch and Spanish colonies having millions of natives, the judicials are all Europeans who administer the laws of their respective countries, in some cases modified to meet exigencies of the colonies.

1735. Do you think that such a system would be satisfactory to the natives?—Undoubtedly.

1736. You have said that, after a certain number of years, you would not appoint a police darogah unless he knew English; will you state the advantage of a knowledge of English to a man who, in a service of a quarter of a century, might never meet with a man capable of understanding English?—Except the reports he has to make to the magistrate, his constant intercourse with him, and that which he would have with the European police, his superiors, and so forth; and it would also be the means of spreading the use of the English language in the country, which is so much desired; for it is only through the English language that you can make any progress in India in any way.

1737. You would also introduce the system of interpreters, as in Calcutta, and you think that the advocates on either side could correct mistakes?—I should think so; they have the option and the power to do it, provided they are treated in a proper way. That is another great drawback on the administration of justice in the Mofussil: an advocate in the Mofussil is not free to make his speech and plead his cause in a proper way in practice.

1738. But what if they were English advocates, and knew only English, or

Mr. *J. Freeman.*

4 May 1858.

native advocates, and understood only the native language; how could they act as a check upon the interpreter?—I must qualify my answer in this way; that we do not want to have all English barristers, or professional men, but we would have eminent native barristers, as in the sudder, one the senior standing council of the Government, the other the junior, and there is a third one independent. And in the Mofussil, if the English language is to be used, the native advocates will be masters of the English language, and so will the attorneys or moocktiars, which I make compulsory, and to pass an examination in English, the same as they are at the present time of the Persian language, which is foreign to them; and understanding the English language well, they will be perfectly free and able to support the rights of either litigant, and to object to any question improperly put by the interpreter.

1739. In Calcutta and the Presidency towns of India do not many Europeans attend the courts who understand the native language, and many natives who understand English?—Yes, in fact all the English attornies' offices are filled with native clerks, and the English barristers employ natives to the extent of their requirements; all these read and write English, and many of them are versed in English law, and all the details of practice, &c., even hundreds of natives are employed in the supreme court in writing, drafting, copying, &c., all in English.

1740. That is a check on the administration of justice at the Presidency towns?—As far as understanding the language goes, many people may understand a little of it, but cannot express themselves in a proper way, but I do not attribute the guarantee or the safety of justice to rest with the audience understanding the languages.

1741. It is a check upon the inaccuracies of the interpreter?—The interpreter is in a responsible situation, but he would be checked by the court or by parties to whom the case is confided.

1742. Are there not also natives upon juries in Calcutta, who understand English?—Yes.

1743. Does not the presence in court of numbers of Europeans and natives, who understand both languages, act as a check upon the interpreter?—It is a difficult thing to give a positive answer to a question of that description, but I should say not.

1744. Take the case of a Mofussil court: the judge understands only one language (as the English barrister judge must for some time do); the advocates understood only one language, the people understand only one language, the interpreter is the only man in court who understands both; do you really believe that such a system would have any other effect than that of rendering the administration of justice uncertain in the eyes of the people?—If the advocates understood the English language, and the interpreter understood the English language, and the judge understood the English language, I can see no objection to a due administration of justice under those circumstances, but I must again repeat that the native barristers, or pleaders, and the native attorneys or moocktears naturally understanding the language of the country, would have to pass an examination of English, after a fixed time, to qualify for their diplomas and licence to practice.

1745. Are you aware that the proportion of decisions confirmed and reversed by the Judicial Committee of the Privy Council is greatly in favour of the Mofussil judge as compared with those of Her Majesty's courts?—I am not aware of that, such a fact would reflect in a most injurious way upon the judges of the Sudder Deewanny, who are supposed to be chosen from the most efficient among the Company's judges.

1746. Are any doubts entertained of the integrity of English judges of the Company's court?—No; if you mean honesty, freedom from bribery, and so forth, we do not accuse them of any thing of the kind.

1747. Is it not the fact that not more than six or seven per cent of the cases are decided by European judges; and taking the original suits, not more than one per cent., all original jurisdiction being vested in the natives?—It is so, and you see the effects of it by the accumulation of appeals in the Sudder Deewanny in Calcutta.

1748. An appeal is open from all the decisions of the native judges, and also of the magistrates, is it not?—Yes.

1749. And it is admitted that the per-centage of appeals is very small?—I say very great. The cases of appeal from the principal sudder ameen to the sudder where

where the cases are admissible, I say, are very numerous, for the greater number are appealed.

1750. Do you think colonization can be effected in any part of India in the same manner, and to the same extent, as Algeria has been colonised?—I think that colonization can be extended in India, but there are two kinds of colonists for India, whereas, in Algeria, there is only one kind of colonist that is absolutely necessary; one to work the land. But in India there is room for two colonists, one with capital and directing capabilities, enterprise, and perseverance, using the natives for carrying out his purposes, and one a colonist to work the land himself under particular conditions and circumstances; if you encourage and render your institutions rationally fit for the higher grade of these, you will confer the greatest benefit to the country, but the latter must be always more or less limited, but they would be of great use to the country, for other reasons.

1751. You instanced the colonization in Algeria as a proof that it may be extended in India; therefore I asked, "Do you think that it can be carried on to the same extent in India as in Algeria?"—In every part I should say not, but in many parts I should say it might. In Algeria a large grant was made to a company on condition that, within a certain number of years, they should establish so many villages, and should have so much land in cultivation; and people were induced to resort there, and they have succeeded, and they have introduced large permanent pasture lands by irrigation and so forth, and the cultivation of wheat and tobacco, &c. to a very great extent; and this is partly by European labour and partly by the labour of natives of the country; and that climate, it strikes me, is quite as warm as the climate in many parts of India; the heat is just as great, and there are the same difficulties as to the oppressiveness of the heat to be overcome there as by the Europeans in India. Then, if you come to the northern parts of India and to the hilly ranges, there, I think, the climate and soil are quite fit for purposes of that kind; and if settlements were established there, to induce people to settle, it would be an advantage in having a European force at hand as in the military colonies in Algeria.

1752. Is there any quantity of land that could be appropriated in the hill ranges?—That I cannot answer from personal knowledge, though I have heard there is abundance.

1753. Mr. *Villiers.*] Did you hear the evidence which Mr. Theobald gave to this Committee?—Yes, I did.

1754. Are the Committee to understand that you coincide very generally in the opinions which he has conveyed to the Committee?—Mr. Theobald spoke on some principal heads, and on most of those heads I confirm him. On some other heads I have not the same special knowledge that he has, and therefore I do not speak so positively with reference to them.

1755. I understand you to agree in the first place with Mr. Theobald with respect to the principal heads of complaint that European settlers make of the present system of Government, and that you represent the feelings and opinions of that class of persons who, like yourself, have gone out to India with capital in order to employ it, and to settle there?—Yes, I do.

1756. You returned to this country so late as the year 1855?—Yes.

1757. And up to that time you considered that all those grounds of complaint were in force?—Yes, certainly in practice. But there is one point to which I should wish to refer, and that is the change of the police in the Mofussil; that change consists of having created three classes of darogahs, whereas before there was only one class; and the only improvement that I have heard of since then, has been to divide them into three classes, and give them three grades of salaries; so much more to No. 2, so much more to No. 1. I do not conceive that to be a greater protection to the people, or that it has improved the state of the police.

1758. Was that change made with the view of making the darogah more honest?—I fancy that the desire was such; but if anything, it has been detrimental to the people.

1759. As far as you know, the same maladministration of justice continues, as regards both the administration of the law in the courts, and in the execution of the law by the police; and I think also you state that there has been no reform in the law with respect to the sale of land; you consider that the state of things remains as it was when you were there?—As far as relates to the state of the police at present, I would urgently beg to be allowed to refer to a case that occurred about 20 months ago, which is mentioned by Mr. Kenny, a large land-

Mr. *J. Freeman.*

4 May 1858.

holder and silkgrower. That case was brought to the notice of Mr. Halliday, and I have here his opinion upon it. This was a most gross case of torture applied to parties, to make them confess that they saw a man murder a boy, who was found hanging upon a tree, the boy having committed suicide.

1760. Where is the statement made?—The statement is made by Mr. Kenny, who is the proprietor of the village in which the dead body was found.

1761. You say that the correctness of it is recognised by the Governor of Bengal?—Yes; here is his comment upon it: "The officiating judge of Dacca has submitted an explanation of the alleged case of torture, said to have happened when he was joint magistrate of Pubna. The Lieutenant-governor observes thereon, that the charge of assuming, on insufficient grounds, that a murder had been committed, is borne out by the facts on record; that he cannot entirely acquit him of the second charge, of having coerced the darogah to adopt improper means to find evidence in support of the charge, though his Honour is willing to believe that he could not have been influenced by the intention imputed to him; and that the third charge, of having only visited the darogah with a slight reprimand, although the atrocious means used to substantiate the accusation of murder were recorded, is not established, since the alleged acts of torture were wholly discredited by him in his judicial capacity; but if the charge is held to include, as it really does, the blame of being imperfectly inquired into, the Lieutenant-governor cannot entirely acquit him of it." This is the 15th of March, present year.

1762. Who is it that the Governor-general refers to?—To the magistrate who issued the order to the darogah upon his report that a boy was found hung in the village. He issued the report in these words, "Send the murderer in within seven days, or you shall be dismissed." This is Mr. Kenny's statement at a public meeting at Calcutta last year: "A short time ago the body of a boy was found hanging on a tree in my village. The circumstance was reported to the darogah, and the darogah reported it to the magistrate. The magistrate jumped to the conclusion that the boy had been murdered, and sent the darogah an order—to do what do you suppose? Either to find out the murderer in seven days, or to come to his (the magistrate's) court with the seal of his office in his hand. The darogah looked around him to see what he was to do. He knew that the boy had committed suicide; but, under the magistrate's order, he must treat the case as one of murder, and must put forward some one as the murderer. After some reflection his choice fell upon the master of the boy. The master thereupon was accused of the murder, and was taken by burkundauzas (they are the messengers of the darogah) to the darogah. The darogah required him to confess that he had hanged the boy; he would not confess, and the darogah tortured him to make him confess, but he would not; he had not hanged the boy; why should he 'confess'? The darogah then looked about him once more, and pounced upon a poor widow woman living in the neighbourhood of the place in which the body of the boy was found hanging to give evidence that she had seen the master hang the boy. The woman knew nothing about the matter, and said so. As she persisted in her statement she was tied down, her hair was pulled out by the roots, the fume of burnt chillies was put up her nostrils, and, horror to say, pounded chillies were introduced into her person. Under all this atrocious treatment the poor woman at length said, that she had seen the master hang the boy. That statement was taken down, and the master and the 'witness' were forwarded in custody to the magistrate. Before the magistrate the woman denied that she had seen the master hang the boy, and said that the written statement which the darogah had sent up as her evidence had been extracted from her under torture. The magistrate released the accused and the witness; and what do you think was the punishment that was awarded to the darogah for his atrocity? A slight reprimand, and a recommendation to be more careful in future." This case, I believe, was brought to the knowledge of Mr. Halliday in his capacity as Governor, which I fancy has led to the inquiry. Mr. Halliday does not deny it; he admits it; but he excuses the magistrate, because he did not believe that torture had been resorted to. Then there is one other matter about the administration of justice in a civil case. I may mention the case of a moonsiff, where three Europeans were interested. In that case, in consequence of the conduct of the moonsiff in his court, Mr. Kenny presented a petition to Mr. Halliday, who was on a tour of inspection in Jessore at the time.

1763. What was done by Mr. Halliday?—The following is an extract from

Mr.

Mr. J. Freeman.

4 May 1858.

Mr. Kenny's speech, delivered in the town-hall of Calcutta in February last, at a meeting against the proposed subjection of British subjects to the criminal jurisdiction of the East India Company's courts. He says: "I shall now give you a specimen of the mode in which moonsiffs conduct their duties, with no more powers than they at present possess. I myself had a case in the moonsiff's court in my district. Mr. Fraser was to superintend the case, and Mr. David Gilmore and Mr. Roberts were witnesses in it. Mr. Fraser was unable to attend from illness, and sent in a medical certificate. Mr. Gilmore and Mr. Roberts did attend; and how do you think they were received by this moonsiff in his court? The 'huzoor' (that means to say, the honourable official) lifted up his legs upon his table in their faces, and broke forth into an obscene Hindostanee song. The song sung, he applied himself abstractedly to a hookah, and Mr. Gilmore and Mr. Roberts remained cooling their heels until it should be his highness's pleasure to turn to business and hear what they had to say. Wearied out at length, they desired the mooktear in the case to inform the moonsiff that they were waiting. 'Oh,' said the dispenser of justice, 'are they? Well, let them come on and give their evidence.' Messrs. Gilmore and Roberts then successively deposed to the facts in their knowledge, and were about to retire, when the moonsiff asked them, 'I suppose you breakfasted at Mr. Fraser's this morning?' They replied they had. The moonsiff said, 'Of course it was a good breakfast?' 'Oh yes,' said the gentlemen, 'it was a very good breakfast.' 'And I suppose you will dine with him this evening?' 'We have been asked.' 'And it will be a good dinner?' 'We shall live in that hope.' 'Very good; you may go away. I do not believe the evidence you have given; every word of it is a lie.' And the case was decided against me. It was an unimportant case in itself; but I did not think it right to submit to such a mode of administering the law; and Mr. Halliday, who was on his tour, happening to be in the district at the time, I sent up a petition to him upon the subject. He directed the Judge of Jessore to inquire into the case; and the result was, that the delinquency of the moonsiff was made clear. What do you think was the punishment with which he was visited? Suspension from office for three months, and removal to another sphere of action."

1764. What is the date of that last case?—I fancy it must have been about 18 months, or it may have been two years ago.

1765. You cite those things in order to show that the maladministration of justice, which occurred when you first went to India, continues still?—Yes, I see very little change.

1766. Whereabouts was this?—This occurred in Jessore and Pubna, close to Calcutta, where the Europeans are more numerous than in other parts of India.

1767. I take for granted that it is a matter of notoriety that these things occur?—Yes, ever since I first went to India, 33 years ago.

1768. Would the natives prefer an English court; would they go to Calcutta to secure justice in the courts there, in consequence of what they know to occur at these places?—I can only state from inferences that the wealthy people, the land-owners, and others in Calcutta, in all suits of a complicated nature, inheritances, and so forth, are quite satisfied, and are anxious that their cases should be tried in the Supreme Court, and there has never been the slightest complaint against it.

1769. You do not know how many cases have been tried in the English courts at Calcutta, taken there by natives?—It is the right of every native domiciled in Calcutta to take his cause into the English court; and every one having an office or domicile in Calcutta is, *de facto*, amenable to those courts.

1770. Do you know how many cases have been taken there by natives?—No; I cannot state that.

1771. You consider that this faulty administration of justice does operate upon European or English settlers?—Yes; and all other Christian settlers, as also upon many natives of capital.

1772. It actually caused you to abandon a property which you had taken, not liking to be exposed to the sort of iniquities that might be practised against you by means of false evidence, owing to the defective administration of the law?—I abandoned residing upon the property myself, on account of the iniquities that had been practised against me, and which might further be resorted to.

1773. I presume that those cases which you mentioned in which you were involved yourself are notoriously of that character that you have stated here?—Yes, it is the permanent state of things.

Mr. *J. Freeman.*

4 May 1858.

1774. Is there any record either of the punishment of the persons who were implicated in that matter, or is there any public document that would prove that you were aggrieved?—There are the records in the courts as to those matters that happened to me in respect to this estate. All the records are in the courts at Hoogly; in other cases, in the courts at Bhaugulpore, Radshai, &c.

1775. Did I rightly understand you that the officers of the Company, who are appointed to judicial situations, are not familiar with the languages in which the evidence is given?—They are not; they are far from it.

1776. That you state from practical observation?—Yes, I have had practice in about 10 different zillahs, where I have possessed property at different times; and that has been so, with two or three very honourable exceptions of men who were perfectly competent in the language, and I always found them very able men as judges. I saw them take their business to heart, *con amore*, and they took a delight in it; and with such men as those, we should be very happy to be submitted to their jurisdiction, freed, of course, from the trammels of native omlahs; though with such men their iniquities are less resorted to, because such judges inspire respect and deference from all, and the majesty of justice is repected in their persons.

1777. Do you think that that circumstance itself can generate anything like a sense of insecurity in the jurisdiction that the judge is not competent to understand the language in which the evidence before him is given?—Decidedly.

1778. I presume there are Englishmen who could acquire such a knowledge of the language as to make them efficient?—Yes, but I believe with great difficulty. A native has ten times more facility for acquiring the languages than an Englishman.

1779. You spoke of some persons who had such a knowledge of the language that they could discourse familiarly with the natives?—Yes, I know of some.

1780. Therefore it is quite possible that persons might be found for judges?—It is.

1781. Is the native language the same in all the courts, or are there any varieties of languages?—Up to Rajmahal, the Bengalee character and the Bengalee language are used; beyond Rajmahal the Nagree character is used, and the Hindostanee language.

1782. Persons appearing before a judge may speak in a variety of languages?—Yes; but in a civil court he must plead through a vakeel who only knows Persian and either Bengalee or else Hindostanee.

1783. What is the language in which justice is administered?—The civil service, in their official capacity, are more prone to make use of the Hindostanee language; they seldom express themselves in the Bengalee language, because it is a different idiom; but you make more way in India with a knowledge of the Hindostanee language than with a knowledge of the Bengalee. In Bengal, among the ryots, in the villages, you will not find people who understand Hindostanee, or above Rajmahal do they understand Bengalee; the official language of justice is Persian, so is the Persian character.

1784. From your knowledge of the natives and of their disposition towards us, do you think that they would be more satisfied if persons of English origin were more appointed to the courts?—Undoubtedly they would have much greater faith in them than they have in the honesty of their own people; and if the English were masters of the language, and better trained, they would be satisfied.

1785. Have you ever thought of any mode by which this defect in our civil servants could be remedied, such as examining them after two or three years residence, to see what their efficiency was with respect to languages?—No doubt it would be a great thing to examine a young civilian. He should be made to undergo an examination before he gets to a higher grade or salary; it would have a very good effect no doubt.

1786. You are not aware that that plan has been adopted since you left India?—I am not aware of that; but why should not a young gentleman be made to practice in the courts for a period of 12 months or some other time, the same as in other countries; then they would acquire an intimate knowledge of the character and the weaknesses and prejudices of the natives, because they would see behind the screen; for at present there is a wide screen before the eyes of the civil servants with respects to the habits of the people; and further, he would make himself a perfect master of the language, of the laws, and of their defects in practice; and in his subsequent exalted position he would signalise such to those that could amend the laws.

1787. Your

1787. Your general complaint is, that the civil servants are not competent as they are appointed at present?—Certainly not.

1788. Do you tell the Committee that there is such an uncertainty about the tenure of land, that no settler can feel his property safe after he has purchased?—That is the fact to a very great extent. That it utterly precludes Europeans from doing so is not the fact, or where should I be. But it is not every man that has sufficient energy and moral courage to contend against such obstacles. Some overcome them, and many fail, but the greater number dare not trust their persons and capital in the Mofussil.

1789. As the law stands now, you say that if there is any default in the revenue, and the estate is sold, the sub-tenants are intended to be protected in their rights. Do you complain of the law itself, or of its being actually disregarded?—It is optional in the Sale Law for the collector to sell the estate, with the putnees and other long leases existing on the estate; but such is not the practice, and those under tenures are not protected.

1790. That is to say, the rights of sub-tenants are respected?—Yes, he may respect those kinds of tenures, and sell the estate under those engagements; in that case the purchaser would pay something less for the estate; at least I apprehend so.

1791. That is the law?—The regulation is such, but I have never seen it put in practice.

1792. Supposing any person were to buy an estate, or an estate was to be sold, with a disregard for these rights, and the purchaser pays the full value as if there were no sub-tenant, would not the sub-tenant, looking at the state of the law, have his remedy, if he was ejected?—He can prosecute the defaulters where he feels aggrieved and damaged; and if he can prove that it was done maliciously, he can get a verdict, but he cannot save his tenure.

1793. A man pays a large price for a lease?—Yes, particularly for putnees, but izarahs are mostly obtained by making heavy loans.

1794. There is a default by the zemindar, and the estate is put up for sale; and we have been informed that it is sold without any regard to the sub-tenant?—Yes, that is the practice, except with the Kood-caste ryut.

1795. Then what is the remedy of such a man who has paid a high price for his lease?—He is only left to the civil court, where he may enter a civil suit. He has no remedy before the revenue authorities; and if the revenue authorities confirm the sale, the judicial authorities may find out a flaw, or some point that may call for its interference, and ultimately upset the sale, in which case the putnidar resumes his lease after having been forcibly dispossessed for many years, as the civil suit may last.

1796. To whom is it that the Government or the Commissioners of Revenue pay over the excess of the sale over the default?—It has to be paid without demur to the ex-proprietor or defaulter.

1797. Is there no remedy against the ex-proprietor by the sub-lessee?—No; the Revenue Commissioners have no power in that matter; his only chance is a civil suit.

1798. Then if a lessee, practically speaking, has his property sold from him, he has no remedy?—No remedy but the chances of a civil suit.

1799. But you admit that the regulation is to the contrary; that it provides him with a remedy, or at least admits his right?—The collector has a power to sell the zemindary, respecting that engagement existing upon it. Why the regulation is never acted upon I cannot say, but I have never known a case in which it has been acted upon. I again refer you to Act I. of 1845, clause 28.

1800. You state also that when a man purchases an estate he hardly knows what he has purchased, as he does not know what incumbrances there are upon it?—No, there are to be no incumbrances; that is about all he does positively know.

1801. I understood you to say that a man is hardly safe when he has purchased a property, and you even referred to your own case in support of that view?—He does not know anything as to the boundary, whether it stops here or there, nor can he be certain of being in quiet possession of his purchase, as was the case with me in every instance, whether in Bhaugulpore or in Hoogly; in the former case I had to sustain a civil suit for six years.

1802. Is not that owing to a want of vigilance on the part of the purchaser?—No, the purchaser cannot be blamed, he is innocent of such consequences to himself; the fault lies in the working of the sale law, in the Government not sending

Mr. *J. Freeman.*

4 May 1858.

out a party to show the man the extent of the land which has just been sold, and to show the boundaries of the estate, because there are no posts or marks limiting the state. That is what we complain of. We cannot get the estate limited and fixed for us, nor can we get prompt and efficient inquiries to prevent such recurrences.

1803. *Chairman.*] Is there any survey or registration?—Not that I am aware of in Bengal; in the North West Provinces there is.

1804. Mr. *Villiers.*] As far as I understand you, you say that a man's troubles begin when he buys an estate, because the man who buys the estate does not know what the incumbrances upon it are?—The defaulter is aware, of course, many false claims are urged only on an estate being sold or changing hands, whether by Government sale or by private sale, and more so still in sales by order of civil process.

1805. Can a man ascertain what are the liabilities of an estate which he purchases?—Yes; registration is open for mortgages, or for leases, or for anything of the kind; that is one of the reasons why I wanted to make it compulsory that a man in taking a lease should be compelled to register the deed, or if he did not do so, in case of a suit arising it should not be recognised; that would do away with those dishonest practices; but, I repeat, a purchaser cannot be called upon to respect any leases of the kind unless the estate is declared to be sold under such reserve, which is not done.

1806. Do you think that generally the law is in that state that people are prevented from purchasing land?—Certainly, to a very great extent.

1807. Nothwithstanding all those difficulties and obstacles to people settling, what has been really the result to indigo planters where they have settled; have not they made fortunes, and thriven generally in their business?—Many people have been wealthy indigo planters, and that wealth has all disappeared again in indigo planting. Others again have been very successful; and that applies not only to the planters, but to the whole native community around them. And look at the districts down in Lower Bengal, at the state of the population, and the state of the country as to cultivation, and the state of the Government revenue; you cannot get an estate to purchase even; and why? Because these Europeans are there with 3,000,000 *l.* sterling annually employed in the cultivation of indigo, and the ryots come into our offices with the collectors of the native zemindars and bring their accounts, and the money merely passes from our hands into the hands of the zemindar's collectors, and the next day it is taken and paid as Government revenue, and those are the influences that are exercised by the settlement of Europeans, but still I maintain that people are afraid to invest capital in the Mofussil for the adverse reasons I have assigned.

1808. I think you said that the number of Europeans has increased considerably within the last 25 years?—Very considerably; they are more than double what they were in Calcutta under the Queen's jurisdiction; but in the Mofussil, to my knowledge there has not been an increase of 25 or 30 Europeans within the last 25 or 30 years.

1809. Do you ascribe that to the difficulties to which you have been referring?—To all those difficulties combined.

1810. And you believe that if those difficulties were removed, the number of Europeans would increase?—No doubt they would; people of capital would go there, and employ their knowledge in a variety of ways in buying up the produce of the country, and remitting it down to Calcutta, and bring to light many hitherto unknown resources, such as they have already done.

1811. I think you say that the export of the products of India has greatly increased?—Yes; according to the authority of Mr. George Brown, for the last three years ending with 1856, the imports and exports amounted to 124,000,000 *l.* per annum, as compared with 58,000,000 *l.* in 1832.

1812. I believe you have no doubt of the capacity of India to extend its products?—No, and that to an unlimited extent in many valuable articles.

1813. And you attach great importance to the want of communication?—Yes.

1814. Is not the difficulty of conveying many of the products of the country that which enhances the cost of production so much, that they cannot enter into competition profitably in foreign markets?—That is my opinion, but price of freight may also influence.

1815. Those communications are improving now, are they not?—I only know the fact of the railroad being an improvement; no attempt at other roads, or canals, or improving the Nuddea rivers, is being yet made in Bengal.

1816. Supposing

1816. Supposing we had quitted the country 10 or 12 years ago, what should we have left behind to show in the way of public works beneficial to the country?—In Lower Bengal nothing whatever, unless it is so much of the trunk road as runs through Bengal. Fort William, some fine barracks at Chinsura, government house, and some other buildings in Calcutta, and a fine college at Benares, and 122 miles of railroad made with speculators' capital.

1817. Do you ascribe the improved state of the country to the greater communication between the mother country and India, and to the force of public opinion as to the mode in which the country has been governed?—Since facilities have been afforded for more frequent and regular communications with the mother country by steam, that has effected quite a revolution in the habits of the people, more particularly among all classes of Europeans, and in the business of the country.

1818. You think that the force of public opinion in this country, and the more constant intercourse between settlers and others with the mother country, have really brought about the improvements which have recently been effected?—Undoubtedly; no improvement arises from the initiative of the native, because the native has no initiative mind, nor does the Government of India appear to progress, unless forced on by Parliament.

1819. Do you believe that if the communication was improved, and the settlers were to increase, the natives would improve by their example, and assist in developing the resources of the country?—Undoubtedly, because such has been the effect where the Europeans are in the greatest numbers, and natives are happy to follow the European in successful innovation.

1820. Is there any difficulty in obtaining capital if it could be profitably employed in Calcutta?—At certain moments there is a difficulty in case of a crisis; but you always have to pay very heavily for capital for Mofussil purposes.

1821. You did not mean to say, in a former answer, that money is not lent with reference to the nature of the security offered; the man who lends the money looks to the security for its repayment, does not he?—Yes.

1822. Whether the money is employed in Calcutta or the Mofussil, the security being the same, there would not be a difference in the rate of interest of 6 per cent. and 15 per cent.?—Suppose I possess houses or property in Calcutta, and supposing I want a loan of 5,000 *l.* or 10,000 *l.*, I apply to a person to advance the money upon a mortgage upon that property within the Queen's jurisdiction. I will be able to procure it at five, six, or seven per cent. On the other hand, I am possessed of houses, indigo, factories, buildings, and plantations within the Company's jurisdiction in the Mofussil; and supposing I want 10,000 *l.* on a mortgage of that property, which is worth 40,000 *l.*, I cannot raise it under 12 per cent. net interest, besides heavy commission and charges, which bring it up to 17 per cent., and generally more, because there is no security afforded by the institutions in the Mofussil to the capitalist in Calcutta, where, at all events, he has any confidence.

1823. If you chose to mortgage your houses in Calcutta for the sake of employing your money in the Mofussil, you could get it at the same rate?—Yes, no doubt. That is a barometer marking the degree of security and of confidence in the state of the Company's institutions, as compared with those of the Queen's.

1824. Did you state whether the Government sales of land for the default of revenue were very frequent?—In some parts they are very frequent. In Jessore and Kishnagur they are not frequent. In Bhaugulpore and Purnea, and Monghyr and others, they are more frequent.

1825. Are those defaults *boná fide*, or are they for the fraudulent purpose of acquiring the estate?—I think some of them are *boná fide*; but others take their rise from fraud, no doubt, such as I have stated.

1826. You quoted at some length, on the last day of your examination, a speech of Sir Arthur Buller's; will you state the circumstances under which that speech was made?—It was made on the second reading of the Bill in the Legislative Council of Calcutta last year with respect to the passing of the Act making Englishmen in the Mofussil amenable to the Company's courts, both those presided over by natives and Europeans, in criminal matters; and then, as that law excepts four classes of Englishmen (that is to say, the military and marine services of the East India Company, and the military and marine services of the Queen) from that jurisdiction, of course it showed that the Government were satisfied that their courts were not in a fit state to try their own servants or the servants of the Queen; and yet, with regard to us, who have taken root in the country, and who have all our fortunes and all we possess in the country under those institutions, those

Mr. *J. Freeman.*

4 May 1858.

courts are good enough for us. I may mention that Sir Arthur Buller says: "It is against these tribunals that British subjects protest; against all as incompetent, and against some as open to the evil influences of personal prejudice and antagonism of race. They refer you to the penal code, which, in its anxiety to provide for every possible offence, draws within its wide definitions acts which men are sure to be frequently committing without imagining that they are crimes; and they show you that under its provisions a person can hardly open his mouth or move his hand, or even move the air, without committing an offence punishable with imprisonment. They ask you to picture to yourselves the sort of places which in small localities are available for imprisonment, and to consider well what sort of punishment imprisonment is to a European, even in the best regulated gaols. They refer you to the calendar of the Supreme Court, and they show you that two years is the maximum of imprisonment which that court thinks is safe to award to such persons in this climate; and they implore you not to trust a power so susceptible of abuse to unfriendly or inexperienced hands. They ask you to consider their position in the Mofussil, how perpetually they are brought into conflict with influential natives, not over-scrupulous as to making false charges, or supporting those charges with false evidence. They show you how all persons in the locality become mixed up in these disputes; how it has come to pass that the subordinate magistracy look upon them, and that they look upon the subordinate magistracy as natural enemies: and they declare they have no hope of obtaining impartial justice in your inferior courts. They point out to you the defects of your judicial machinery, whereby the administration of criminal justice must for the most part be entrusted to mere boys, or, at the best, to inexperienced young men, who are shifted one day from the cutcherry or the salt field, to be removed the next to another cutcherry or another salt field, again, in some future day, to turn up upon the bench; and they ask you why, in this learned profession, professional learning is the only thing not required. Then as regards moonsiffs, the still unforgotten animosities of race introduce a new element of distrust. Nor would this seem to be wholly without foundation. I find the following statement in the 'Friend of India,' which should be a good authority on the subject, in an article by no means favourable to the larger pretensions of British subjects: 'There are many, particularly Mahomedans of the old school, whose hostility to Europeans, as such, is of the most envenomed character. The magistrate lately removed from Serajgunge would probably have put every European in the station in prison, could he have only obtained the chance. The antagonism between the races is becoming every day more marked.'" This was about two months before the outbreak took place.

1827. Was this in the Legislative Council?—Yes.

1828. Are the discussions there public, and are they reported?—They are; lately they have been made public.

1829. In what position was Sir Arthur Buller?—According to the new charter of 1853, the reform in the Legislative Council consisted in admitting two judges of the Supreme Court of Calcutta and two members of Civil Service, one from Madras and one from Bombay, and Sir Arthur Buller's seat derives its existence from that fact. He is still a member of the council at the present day. Then, again, he says: "And I must say, sir, that if there is any country in the world in which such an institution is required, it is eminently so in one like this, where the tendency to bring false charges so universally prevails; and more than ever will it be desirable, when the criminal code comes into force, with its tempting variety of opportunities for the maliciously disposed. To session courts so constituted and so assisted, I have no hesitation in confiding the protection of every British subject. At all events, this is the best solution which, after much consideration, I am able to give this most difficult question."

1830. Mr. *W. Vansittart.*] You say that, owing to the incapacity of the civil servants, the corrupt state of the omlah and the police, and the defects of the sale law, the settlement of Europeans is very difficult, do not you?—Yes, and not only for Europeans but natives; and everybody else find great difficulties in their way.

1831. Do you not think that indigo planters generally know how to take care of themselves, in spite of the civil servants?—Of course they have to exert themselves and protect their persons and property to the best of their means, using those means which are available to them.

1832. Is it not very easy for an indigo planter to summon a magistrate before the Supreme Court at Calcutta on a charge of false imprisonment or some other irregularity

larity of proceeding?—No, it cannot be done. The law is, that the servants of the Company, for their official proceedings, are irresponsible to us; formerly we could do it.

1833. When was that power taken away?—Of late years.

1834. Have you no legal redress now against civilians?—No; my own case arose from an illegal order of the collector making me pay an enhanced rent for my estate of 850 rupees a year, before his own decision had been confirmed by the Commissioner of Revenue, as required by law, and, through negligence, the commissioner was 10 years before he revised the order of the collector; but on his doing so, he reversed the collector's arbitrary and illegal order; yet for all that time I had been compelled to pay the enhanced annual rent, and had no remedy whatever against the collector; but obtained a decree, amounting now to 2,000*l.*, in the civil court, which they appealed against. The consequence of that is, that now I have a suit of 2,000*l.* in appeal before the Sudder Deewanny court in Calcutta, and I have no redress in that case. If the law had permitted me, I should have called the collector to account in the Supreme Court.

1835. Is it true that indigo planters are in the habit of keeping in their pay large bodies of latteeals, or bludgeon-men, to overawe and coerce the zemindars and ryots?—No, not to my knowledge.

1836. You have resided in some dozen different districts I think, namely, in all the principal districts of Bengal, and in the principal districts of Behar and the North West?—Yes; up as far as Benares and Juanpore.

1837. Why is it that indigo planters in Bengal, for instance in Hoogly, Jessore, Radshaie, and others, give the magistrates so much more trouble than those in the upper provinces?—The indigo planters have a great number of contracts with different cultivators. There is one in the room at present who has contracts with 20,000 cultivators, and therefore he having the adverse disposition of many of the zemindars to contend with, it brings him in contact with those people; and of course the more extended a man's relations are with other men, the greater chance there is of objections and difficulties, and breaches of contracts arising. And that explains a question which was asked a gentleman the other day, why it is that the indigo planters have so many cases in court, and so many decrees which they cannot enforce. It arises out of the natural consequences of their position. I have to deal with thousands of cultivators from whom, in our part, we have to rent the land, under contract to cultivate, to sow and reap it, while others furnish boats, others furnish carts, and others manufacture the indigo itself; and therefore our relations are so numerous and extended, that when you say that an indigo planter has always 50 or 60 suits in court, there is nothing extraordinary in that.

1838. Do you not think that there are a finer body of indigo planters in the Tirhoot district than in Bengal?—I do not know how such a notion can have ever been entertained; there is no truth in it, and I never heard of it.

1839. Do not you think that that is the case on account of the healthiness of the climate?—No, I do not think so, for the case or fact does not exist.

1840. Are not the manufactories at Bengal much more under the Company's supervision than the manufactories in Behar and the Upper Provinces?—Certainly not; there is no distinction whatever.

1841. You acknowledge that you can ultimately always get redress?—Yes, after a great deal of suffering and losses; I have generally managed to get redress by going to high authorities, but not under the local authorities in the provinces; I have got it from the superior authorities in Calcutta.

1842. With regard to the sale law, do not you think that the collectors, generally, are in the habit of giving as much grace and indulgence to the defaulting zemindar, as they consistently can with reference to the regulations and laws?—Yes, not only as much, but a great deal more in many instances than they ought to do, according to the regulations, such as receiving arrears from a man when he has forfeited his estate, not having paid at the proper time; hence the inconvenience to the purchaser, and the great detriment to the defaulter in many cases; owing to the great uncertainties purchasers will not bid up to the full value.

1843. You say that you never knew an instance of a civil servant in the Mofussil being able to keep up a conversation with a native for five minutes together; am I to understand that the civilians of the present day are not so intelligent as they were 10 or 15 years ago?—My opinion is this, that I have never

Mr. *J. Freeman.*

4 May 1858.

never known a civilian, excepting in three instances, that could keep up a conversation for five or ten minutes with a respectable native, such a conversation as an English gentleman conversant with the French, or the German, or the Italian language, would expect to keep up with a Frenchman, or a German, or an Italian.

1844. I say 10 or 15 years ago, because I have reason to believe that the civilians, generally, then could converse as freely in the vernacular as in their own language?—That is certainly not the case at present, nor did I ever know of such, save the exceptions.

1845. Surely you must allow that if a civilian, before he leaves this country, and again before he quits Calcutta for the interior, has to undergo two severe examinations in the vernacular languages, and then he is in the habit of spending weeks, months, and years in his court, and on coming home has only a large suite of native servants to converse with, he must naturally have great facilities for becoming a perfect master of the native language?—No, unless he chooses to learn it, and study it. By the facilities afforded, even in Calcutta, you make yourself understood by broken words, and so forth, but that is not what I call speaking the language. The intercourse is very restricted with the natives. As a civil servant he does not mix with the natives, although surrounded by them.

1846. He must give them orders, surely?—Yes, but you understand the difference between speaking a language to keep up a conversation and making yourself understood by broken words and sentences, quite unconnected the one with the other, which is not conversation upon general topics.

1847. Are you aware that a young civilian, for instance, an assistant to the collector, is frequently sent into the interior of his district to make a revenue settlement, and does not see a white face or hear his own language for months together?—That I am not aware of; I never saw an instance of that kind. Young men are sent to make settlements at times.

1848. Who makes the revenue settlements?—In Bengal there are, properly, no revenue settlements unless they are reserved lands, or lands that have been resumed, or others that have been forfeited; then the uncovenanted collector would be the person to make or report upon them to the collector; formerly covenanted assistant collectors or deputies made these also.

1849. If an estate is sold and does not reach the arrears of revenue, the collector buys it up on the part of the Government, and it becomes a khasmahal, and then the collector deputes his assistant to make a revenue settlement of it?—Yes, but those cases seldom occurred to my knowledge. I was for a long time resident in Bengal, and I have lands in the Monghyr district, and I know that such has been done, but it never came under my knowledge that covenanted deputies had been out for three months at a time without intercourse with any European.

1850. You say that you know instances of gentlemen who have made darogahs of their own private servants; are you aware that magistrates send in monthly statements to the superintendent of police, and to the civil and sessions judge, stating what appointments are vacant, and the qualifications of the men appointed to them?—I am not aware of those statements being sent in, but I am aware of a great many persons being appointed in the way that I have mentioned, both to darogahships and also as burkundauzes, and many as jemadars of police.

1851. You say that the mookteears, or native pleaders, have not fair play in pleading their cases before the authorities; to what do you attribute that?—I attribute it to this, that in the civil courts the vakeel is very often told to hold his tongue, or he will be fined or suspended from practice; and in the magistrate's court, where the mookteears appear, the same practice prevails. I could mention instances where extreme practices have been had resort to. In the Mofussil courts they are not free and independent as they are in the Sudder Court of Calcutta. At Calcutta you are inspired with some degree of respect and awe in seeing the discipline of the court, and the order of the place, and the facilities which are afforded to the vakeels and mookteears, enabling them to sit down and have their papers and notes, and tables and seats provided. But in the Mofussil courts there is no order and no discipline; you hardly know where you are, and certainly they tend to inspire you with every degree of disrespect, and even contempt, and I may add disgust.

1852. With regard to the case which was brought to your notice by Mr. Kenny, in which you say the magistrate ordered the darogah to find out the murderer in seven days, or come in himself, surely that order does not prove that the magistrate countenanced

countenanced anything like torture being used?—I do not say that he countenanced torture; certainly not; I absolve all gentlemen in the civil service from wishing to encourage torture. The only thing is, that from their want of knowledge, they are not aware of it, and when proved, as in the case you refer to, they will not believe it, or if they do, they will not punish in such an examplary way as to deter repetition, otherwise how would such practices still exist to such an extent.

1853. You will excuse this question; but do not you think that you and Mr. Theobald are rather unfairly prejudiced against the civil servants?—Certainly I am not; I feel strongly and deeply with respect to the system, but against the gentlemen of the civil service I never had any ill feeling. I admire them in their social capacity; I think that they are as gentlemanly and as agreeable a body of men as are to be found any where. If they were only properly trained in their profession, good masters of the languages, had more intercourse with and much more real knowledge of the character and ways of dealing of the natives, I would not wish to see better men in India.

1854. Mr. *Mangles.*] You have been in some of the districts in Behar?—Yes.

1855. You said that revenue settlements were very rare except in cases of resumption after the lands have been declared liable to assessment; are not you aware that in the province of Behar there were many hundreds, if not thousands, of such cases?—Yes, that is an exception, applying to towfeer and resumed lands, and mahul khansa cases.

1856. Is not that a very considerable exception?—Yes, but still very limited compared to extent of country.

1857. Were not many of those estates settled by young civil officers?—They had the authority to do so, subject to collector's revision and commissioner's final approbation; and, of course, they were in a manner the responsible parties. They had a kind of supervision, but it was really done by the native omlah who accompanied them; the omlahs were the actors in the scene, and the young inexperienced boy civilian was supposed to represent the authority of the Government.

1858. Do not you believe that those young men who went out, the covenanted servants, the deputy collectors and assistants to the Commissioner and Collector, made those settlements virtually themselves?—That is like comparing the Commander-in-Chief to an army; he gives his orders, and execution is done by the officers and soldiers; they are the people who carry out the work; in the present cases the omlahs were the officers and soldiers, and the young civilian the commander-in-chief nearest the field of battle.

1859. Did you ever see a settlement report written by an English officer?—Yes, decidedly, but I never saw one written in the native language—used in the courts—by a covenanted assistant collector.

1860. Do not they go into every question of tenure, and of rights, and of revenue?—Yes; as far as the rights go, there are the conflicting claims. But if you want to get at the real question, the native omlahs are the investigating people, and they get all those particulars for the European gentlemen that you mention in those cases, and advise as to what is to be done, according as they may be bribed.

1861. Is not an officer who makes those settlements competent to understand, and does not he understand, the native language of the returns which he sends in?—Not in the way that I mention, to hold a regular conversation with a gentleman, but he may understand in such a way as to enable him to arrive at the drift, and partially and unsatisfactorily, at the merits of the case.

1862. And you really mean to tell me, who have been many years in the country myself, and conducted revenue settlements myself, and who have been engaged in conversation with thousands of natives, that the young civil servants are incompetent to carry on conversations in the native languages?—I do say that my experience fully justifies me in maintaining what I have just said. I do not mean to say that there are not exceptions; I have made exceptions, and I am sure the honourable and distinguished gentleman was a worthy exception, but, taking the mass of civil servants, I say that they are not conversant with the native languages, so as to enable them to do their duties in a proper way.

1863. Are you not aware that at the Sudder station of a district, hundreds of native officials come in to pay their respects to the authorities, and pay them visits, and sit with them for half an hour, conversing with them upon every sort of subject?—Yes, I am perfectly well aware of that; and if a short-hand writer

Mr. *J. Freeman.*

4 May 1858.

were there to take down the questions and answers of the European gentlemen, you would see what sort of a language it was. As to the civilities existing between the civil service and respectable natives on occasions like those, the conversation is soon put a stop to, in consequence of their inability to speak the language fluently, and in such a manner as I have before stated. It is one of the great obstacles of intercourse in the proper way between the Europeans and the natives. I know gentlemen very conversant with the languages, who are great oriental scholars; but they are quite an exception, 2 in 100.

1864. Is it necessary for a man to be a great oriental scholar to have a perfect colloquial acquaintance with the language?—If a man sits upon the bench to administer justice to the people, where the proceedings are carried on in the native language, I do not see how he can get on in a proper way without speaking the language freely; and when the native witness comes in, if he could speak the language freely he would still have some difficulty with the witness, owing to the state of his mind and his hesitation in appearing before an officer of the court. But the want of a knowledge of the native language is the greatest drawback, in my estimation, to the administration of justice, because that entails so many other evils.

1865. Are you not aware that of late years, besides the examination which all civilians have to pass before they get out of college and enter upon a public career at all, they have to go through two examinations before they are allowed to take the first two steps in the service?—I was not aware of that, I speak to the real state of things.

1866. If I were to tell you that one of the tests which young civilians have to pass in that respect is this, that a report of a native darogah or a native tehsildar, either a revenue or criminal report, or a report from an ameen sent out upon a civil investigation, is put into his hand in the native language, which he has never seen before, and that he is required by the examining committee to read that paper, and sit down then and there and write his answer and orders to that officer upon that paper, should you not suppose that the capability of doing that argued a sufficient acquaintance with the native language?—I should think it a great point to arrive there, but I should not consider it, under those circumstances, quite sufficient. I would rather put the candidate offering for examination in a court upon the bench, and have a case gone through, such as a complaint or a petition of any kind, either a matter of revenue, or an assault, or a theft. I would put him into the court, and make him go through the proceedings. There would be the presentation of the petition, there would be the presentation of the answer of the man, and the examination of the witnesses, and if he could go through that, and make a fair comment on, or abstract of the merits of the case, and the reasons for his award all that fairly delivered by speech or written in the native language and character, I should say that would be a most sufficient and satisfactory test. I maintain this to be sufficient.

1867. Could you read a native paper written in either Hindostanee or Bangalee yourself?—Very imperfectly.

1868. You know how very rapidly they write; how they leave out all the dots and marks; and how difficult it is to read?—I do not think that the Persian character is quite so difficult to read as the Nagree character or Bengalee, in the way you state.

1869. They are both very difficult?—Yes, they are.

1870. Could officers go through the test that I have spoken of without a very great knowledge of the native languages?—No. I should say that if a report came in and the officer read it and made his answer to it, it would imply an acquaintance with the native language, at all events sufficient for the man to enter upon his duties; but I should prefer his going into a court, as I have stated; if he could get through that with satisfaction I should have confidence in him; because when a man does get an acquaintance with a language, he takes a liking to the language, and is induced to study it out of his hours of occupation, for he then feels emulation urge him on.

1871. You said that the majority of civil officers with whom you have been acquainted could not read a native petition; could that be the case when they had gone through such an examination as that to which I have referred?—In most cases that is so; I have only stated the truth. How they get through their examinations and so forth has been a wonder at all times to us. We have been surprised how certain young men sitting on the bench have managed to get through

those

those examinations; but the ordeal I propose would put an end to all cramming, and any other inadequate means, for getting over the first examinations.

1872. I thought you said that you knew nothing of those two subsequent examinations?—Those I understand have been only passed lately, but during the time that I was a permanent resident in the Mofussil, I say that it was a source of astonishment to us how it was that they were so unfit in practice to read and speak, and so forth, after passing their examinations.

1873. You spoke of the administration of the Sale Laws; are you not aware that about 20 or 25 years ago there was a great alteration made in the mode of administering those laws?—I recollect the Sale Law of 1819, such as it existed at the time when I purchased an estate at the Government sale in 1835, and such as it existed up till 1841 when it was modified, and thence till 1845, the law which is still in force; therefore, the great change which has taken place since 1819, was more to assist the Commissioner and the Collector in carrying out the sales. When I went into the court to purchase the estate, I saw people coming into the court with bags of money, actually keeping the money in their hands till the Collector had commenced the sale, and the hammer up for the third time, when they put the revenue on the table; that, of course, could not be put up with. It was a perfect lottery. You might sell an estate three or four times over, and the sale would not be confirmed. And therefore it was for the benefit of the defaulter as well as the purchaser that the law underwent an alteration in that respect, and was also modified in respect to consequences of Benamee purchase.

1874. Long before the date of 1845 or 1841, was not it felt by the authorities that the indulgent system was really a hardship to the defaulter, by preventing him from getting the real fair price of his estate very often, owing to the uncertainty to the purchaser, and, therefore, were not rules laid down by which balances were obliged to be paid by sunset before the sale, and were not very strict rules made rendering it very difficult to get a sale reversed, and have not the reversals of sales since that time been very much less frequent than they were before?—I think that they may be less frequent; but on the last occasion which I mentioned, which was in 1850, where I went into the court at Bhaugulpore and purchased a small estate, the sale was reversed, and the reason given for the reversal was some want of the necessary formalities on the part of the Collector. But in the reform of the present law as compared to that of 1819, unfortunately the Government have not taken into consideration the question of the large under-tenures, which are of great importance, which are purchased by ready money, such as the putnee. They have not made it positive that they should be saved by the sale, and I have never known an instance where they have. And the other thing they have omitted is the not going into the preliminaries prior to the day of sale, but the holding back from doing so till the sale has been effected, and many other important points.

1875. It has struck me, with regard to your evidence on the under-tenures, that if the hardship were so frequent as you say it is, when, in case of sale, these putnee tenures are voided, and the putneedars lose their property, it is exceedingly strange that parties should be found willing to pay a fine for putnee tenures, instead of taking them upon an adequate rent, in which case they would merely lose whatever the tenure was worth to farm, and not the purchase-money?—Speaking of the European settlers, the same gentlemen in India who are given to take putnees are given to taking izarahs; but the putnees are a definite thing, for ever, perpetual; while the izaree is only for five, seven, or nine years. No zemindar will grant a putnee without you pay down a considerable sum as purchase; besides which, you have to pay the full rent, and often more, annually and for ever. In Tirhoot, they are all izarees; there are no putnees; but the opposition on the part of the zemindars and ryots, from a variety of causes, was found to be so great, that for the last 20 years the planters and others have come into the habit of taking putnees whenever they can get them for the sake of peace and quietness with the zemindars, who otherwise make every exertion with their ryots to oppose your pursuits, and to bring all manner of false charges against you and your servants in the Mofussil courts. Izaras are taken at enhanced rents for the same reason. Down in the Lower Provinces, estates are seldom put up for sale for arrears of Government revenue; the revenue is paid with great facility, and therefore they cannot come in; and the zemindar, again, gives a putnee. I got 2,000 *l.* down upon the nail as the purchase of a putnee I sold, besides 1,000 *l.* a year in perpetuity.

Mr. *J. Freeman.*

4 May 1858.

1876. If the cases are so frequent that men lose the money which they have paid in the shape of a fine, why is it that they do not cease to pay a fine, and insist upon taking the land as a farm, and not as a putnee?—My answer is this, that in those provinces where the system of putnee exists, it is seldom or ever that an estate is put up for sale, and therefore there is no forfeit, and as for insisting upon the zemindar to give you any izara or putnee, you cannot do anything of the kind.

1877. Then there cannot be the hardship of which you complain; you stated that there were great hardships upon men who had paid fines losing what they had paid in consequence of the sale of the estate which voided their tenures; I asked whether that did not right itself by men ceasing to pay the fines; you say No, for the estates are very seldom sold; therefore there cannot be a grievance? —No; for the simple reason that if you pay no fine for a putnee or no loan for an izarah, you cannot get such leases, so that in case of a Government sale you have neither lease or money to lose; but there are other parts where the tenures exist; such as in Bhaugulpore; and though the estates are less seldom put up for sale in the districts of Kishnagur and other districts, yet they are sometimes sold; and therefore after a man has paid 1,000 *l.*, or 2,000 *l.* or 3,000 *l.* for a lease of that kind, he is subject to lose it.

1878. Then why in those districts where sales are frequent do men persist in risking their money by paying a fine?—Because it is a necessity of their position, and owing to the bad state of the institutions, as so often stated, and that they prefer to risk a sacrifice in money, to risking the consequences of all manner of false accusations in the courts. I was the first person to introduce the system of putnees in Bhaugulpore, and since then two or three natives have done the same; but there izarees exist to a greater extent. For the sake of peace and quietness we lend money to the zemindar upon his bond, payable in a certain number of years, and he assigns over to us the rents of those villages to liquidate the loan which we make to him; and that is the same in the Lower Provinces, lower down, where also putnee tenures are more numerous; but I cannot say that they have become so common higher up.

1879. Mr. *Campbell.*] I think a stronger reason than any that you have adduced exists for the purchase of putnees, namely, that necessity and not choice is often the motive in influencing the person in taking the putnee to secure his lands, as without the putnee his lands are quite unsafe?—Yes.

1880. And he is obliged to run the risk of taking a putnee rather than lose his lands?—Yes.

1881. Is not that one of the chief reasons for it?—Yes.

1882. Mr. *Mangles.*] Therefore it is worth while to run the risk for the sake of the advantage?—If a man has purchased 20,000 *l.* or 30,000 *l.* worth of indigo factories and has got them in possession, he must take the best means to keep them working, and that has been found to be the best mode. You take a putnee for 2,000 *l.* a year that you know you cannot get 1,500 *l.* for; I call that a purchase for peace and quietness. That is the reason why Europeans resort to taking putnees on the one hand and izarees on the other, and for no other purpose.

1883. You state that in certain districts, which you have mentioned, in consequence of the number of European settlers there, and the large amount of capital which they have invested, you cannot purchase estates?—The number that can be purchased is small compared with other districts, because the capital of the European planters annually spent in working his factories enable the ryots to pay their rents to the zemindars, who benefit in a similar way, for their discharge of the Government revenue.

1884. As to the othes districts, there can be no hardships, in consequence of there being no sales?—There are hardships from the general uncertainty of the tenure; men may fall into arrears even *bonâ fide* and honestly. Ramrutten Roy's estates in Jessore were very nearly for sale some years ago during the crisis in 1849, he could not get the money to pay up; and in that case how many Europeans would have lost their money. So that it is constantly hanging over persons, and they are nowhere, and never free from great anxieties on that score, they are so dependent. Hence the obstacles to so many others.

1885. You bought an estate in the Hooghly district, in which you found great difficulties from your under-tenants?—Those difficulties which I met with there were from the indefinite nature of the sale law. If the Collector had marked the boundaries to the property, I should have known, and the magistrate would have known,

known, that those were the boundaries, and that therefore the people were claiming within the boundaries; therefore my hardships arose from the dishonesty of those people who got up those complaints. But the principal thing was the corruption of the native omlah, who ill-advised the magistrate; and from the magistrate's own inexperience and ignorance of his duty and of the Regulations, combined with the disgraceful and ineffectual way the Government pretend to put you in possession of what they sell you; in fact, you are left to get possession how you can in too many cases.

1886. You speak of the difficulties arising from the want of defined boundaries; has not a scientific survey of the whole of the Bengal and Behar districts been going on for several years?—I have heard that a survey has been going on for some years; but whether it has been effected, and come into practical use in the courts of the Collectors, I am not aware.

1887. Are you not aware that all the boundaries of the estates in many districts have been defined by a scientific survey?—I believe so.

1888. Following the plan of the survey of the North West Provinces?—That I cannot speak to.

1889. In those districts, at any rate, the evils of a want of knowledge of the boundaries of the estates have been obviated?—Unless it is where large rivers pass, because there the boundary of a man's estate changes every year.

1890. It cannot be the fault of the Government that the Ganges runs away with the land?—No. I believe that surveys have been made for the purpose of endeavouring to arrive at a definition of the boundaries of the estates; but whether it has been done to a useful purpose I cannot say. Why did not the magistrate at Hooghly refer to the survey in my case.

1891. You stated that in the case of the estate which you purchased in the Hooghly district, your tenants troubled you by claiming rights which were really abrogated by the sale laws under that sale?—Yes, most positively.

1892. Have you found great difficulty from that circumstance?—Yes.

1893. How do you reconcile that with the earnestness which you have expressed, that a law like Mr. Grant's should be passed for the protection of under tenants?—In my case the claims of the two parties I alluded to were most unfounded, and in direct violation of the existing law. The law should be within a reasonable limit, as has been contemplated by the Government and by the Regulations which are in force, if the present principle is to remain for the future. If the law says we recognise in these people certain rights from the time of the decennial settlement until the law reverses those rights, I think they are bound to meet with protection in them, and therefore, I say that the sale of an estate for arrears of revenue causes a perfect revolution in all the villages and in every tenure. A new purchaser comes in, and the first thing that he does is to call for an increase of rent upon every ryot, which is considered a hardship by all the tenants.

1894. Those men made the very same claim against you in the case to which you have referred, and you thought that it was very unjust, and that those claims should not be listened to?—When I purchased that estate, the Government said, "You purchase that estate quite clear from every incumbrance;" and when I took possession of it one man claims to hold three or four villages here, and another 400 or 500 acres there, upon nominal rents, and some under old and forged documents. That, I say, is not in conformity to the law. My object was, to be perfect master of the estate according to the Regulations, and I could not put up with that; and so far the magistrate and Collector were bound to afford me support, and you have heard how far I met with such.

1895. Mr. *Villiers.*] It was a fraud upon you?—Yes.

1896. Mr. *Mangles.*] Had not the tenant in that case a right to go and appeal to the law?—Yes, he could go and file a petition in the Civil Court, and show what tenure he had, and all the particulars. And then in the Civil Court each man brings forward his claim and produces the documents, and so forth, and the evidence as to his right in keeping possession. And if he has a fair claim he gets it awarded to him, but the revenue authorities have no remedy. They are not competent to take cognizance of a thing of that sort.

1897. I understood you that those men appealed to the magistrates; I presume they charged you with violence?—Of course they did. They got up two false cases, one preceding the other about a week, stating that I had gone with 150 or 200 armed men, with all my servants, to collect the revenue in those two villages; that I plundered the villages and beat the people. That was false; I

Mr. *J. Freeman.*

4 May 1858.

never moved out of my cutchery on either of the days stated, and I had not an armed man on the estate. But the Foujdarry Court is a sink of iniquity, and if a man finds that in the Foujdarry Court he can get something like a prize, that will prompt him to go to a superior court, and if he does not find it there, he will give it up; and that is the reason why Mr. Theobald said that really the jurisdiction of the magistrate was beyond all belief.

1898. How did you manage the estate after you left it yourself?—I put in a European to manage it; subsequently he got an appointment in Silhet, and I put in another gentleman.

1899. He managed it pretty well, did he?—Yes, under difficult circumstances, which he managed to contend against.

1900. You made a very good thing of that estate?—I do not know about that; it realised three lacs and 3,000 rupees at the exchange at Calcutta, when the estate was sold. The estate had been purchased for two lacs at the Collector's sale.

1901. You bought it?—Yes.

1902. And it was sold for 3 lacs and 3,000 rupees?—Yes.

1903. You yourself have managed, in spite of all the difficulties of the laws and the administration generally, to be very successful?—People tell me so, This outbreak has walked away with a good deal of my property.

1904. Then you must believe that any person equally able and energetic with yourself, in spite of all the difficulties in the law, might be a very successful settler in Bengal?—Taking 100 men, there are not a very great per-centage who have met with great success. Every man has not the same energy, and the same character and perseverance. We cannot help that; that is a matter of nature.

1905. Are there many who have done it, and are doing it every day?—Of course there are, out of the numbers; but there are nothing like the numbers that would do so under other circumstances and better institutions.

1906. Mr. *Villiers.*] You have no motive, from being disappointed, in making the statements which you have made to-day?—None.

1907. Mr. *Mangles.*] The laws and the administration are not so bad but that an able and energetic Englishman may make his fortune?—Some people have succeeded; but those that have not succeeded you do not see; they are not here to urge the reasons of their failure.

1908. You say that those who enact the laws are unacquainted with their practical working?—Exactly; that is one of our greatest grievances.

1909. Are you not aware that, according to the system in Bengal, if a revenue law is to be enacted, it is drafted for the Government by the Board of Revenue?—No doubt that may be the case.

1910. Are not the members of the Board of Revenue practically acquainted with the working of the system?—To judge by their acts, I should positively say they are not practically acquainted with the details and working of the revenue laws they enact.

1911. Are they not men who have gone through all the lower grades of the service; and are they not selected by the Governor-general, according to the best of his judgment, as being the ablest men in the department?—That may be; but the existence even of this sale law, in its details, clearly proves that they are unacquainted with the practical working of that law. It would have been reformed long ago if they had been acquainted with its working; and I apply that to the Foujdarry courts and to the other courts, and to the whole administration, beginning with the Legislative Council.

1912. Did you know Mr. Dampier?—Yes.

1913. He was a member of the Board of Revenue; was not he acquainted with the practical working of the revenue law?—More than others.

1914. Did you know Mr. Lewis, and was he acquainted with the practical working of the revenue law?—I cannot speak to him; but from what I saw of Mr. Dampier, I know that he enjoyed the reputation of being a very first-rate revenue officer.

1915. Did you know Mr. Pattle?—Yes, I knew him.

1916. Was he not acquainted with the practical working of the revenue laws?—If I come to speak of my knowledge individually, as applied to Mr. Pattle, I cannot say.

1917. Do not you believe that, generally, the members of the Sudder Board of Revenue in Calcutta are selected as the ablest revenue officers of the Company?—I think

—I think they have a knowledge, taking it generally; but as to what I call the details of the thing, which so much affect the lower orders, I think they are quite unacquainted with them.

1918. Have they not all been Collectors?—Yes, I fancy they have.

1919. And they are, probably, men of 25 years' standing in the service?—I should say somewhere thereabouts, 18 or 20 years.

1920. Then you stated that the ablest men in the revenue administration, who have been 25 years in the service, are not practically acquainted with the working of that system which they have been administering all their lives?—Certainly not, I should say, down to the details which I have mentioned; really I do not see how they can be, their position, so exceptional, precludes them from such knowledge.

1921. You said that the cultivation of tea had been introduced entirely by European settlers?—In an extensive way; I believe the Government encouraged it, and contributed in some way, in the first instance, to getting plants, and so forth; and that they went certain lengths in promoting it; but that was soon given up on their parts; and then it was taken up by a body of settlers, who carried it out to a much greater extent; but their first endeavours were far from being successful. Afterwards they were able to bring it to its present extension and prosperous state.

1922. Are you not aware that both in Assam and Kumaon the Government established tea plantations for the express purpose of trying experiments, for the sake of the settlers, and with the avowed object of handing over their plantations to the settlers, as soon as the experiment had been shown to be successful, and as soon as settlers could be found willing to take them?—That is what I refer to; that in the first mooting of the cultivation of tea the Government took the initiative and encouraged it, and went to some expense in taking the necessary steps towards it. Then some Europeans took it up on a larger scale, and that attempt was not successful; but somewhere about 14 years ago, in consequence of this new arrangement, where the Government gave them more favourable terms about the land that they were to concede to them, from that arose the present company, which has carried it out in a very extensive way, which without the English settlers and their capital I doubt would ever been effected.

1923. Did not the Government in fact bear the whole of the expense of the experiment, and hand over, both in Assam and Kumaon, their plantations to the settlers on very liberal terms?—That I am unacquainted with; I will not say that it was so, or that it was not so.

1924. Did not the Government send Mr. Fortune, and others before him into China to get seed, and to get tea-makers, Chinese, and otherwise, to inform themselves as to the Chinese system of culture, for the express purpose and the sole object of instructing the settlers in India?—I do not know for certain whether that experiment was made by the Government; I believe it was so; but I know that Chinamen were brought in the first instance. It was hoped, through them, that the natives in India would get an insight into the cultivation of tea, but it failed, so far.

1925. Have not you heard of Mr. Fortune's mission in China; that he went several times to China to get seed, and so on?—I do not know positively whether he was sent several times.

1926. Has not the same course been taken by Government with regard to working iron; have they not established experimental works for the purpose of testing the practicability of such works, and with the avowed and declared object, that as soon as ever any man would take the matter up, and take the works off their hands, they would make them over to him?—Upon that subject I can speak with a little more knowledge, for I happen to be a large shareholder in the Bengal Coal Company. Two years ago we applied to the Government to grant us the services of their overseer, who was specially out there to look after iron ore with a view of establishing blast furnaces, and we understood that the Government would grant his services; on that we sent to England, and got machinery out to the extent of 6,000 *l.*, and in the early part of last year, our secretary applied to the Government to know whether they were disposed to lend us the services of this scientific man, which is rather scarce to be had in India, and the reply was, that they were very sorry, but this gentleman's term was about being up with them, and he was about to return to England; and they advised the company to see what arrangements they could make with him. We

Mr. *J. Freeman.*

4 May 1858.

did not want the Government to pay one farthing, all we wanted was the superior knowledge of that person to superintend for several months the erection of our blast furnaces. The Government positively declined, and the consequence is that our machinery is lying there in Calcutta. The iron ore was submitted to Government; and it is positively a very precious and very good material for the purpose, it had been tried at the Mint and most favourably reported upon by the Government officials and overseers. But as far as the Government went we took it as very singular after giving us good reason to believe that we should have the loan of this gentleman's services, that after we had written and got the machinery out, the Government should refuse its assistance.

1927. Are you aware that the Government have recently sent out a gentleman conversant with the iron manufacture, and with him several assistants, to the province of Kumaon, to introduce the iron manufacture there?—I have read of it, but we offered to do everything at our own expense.

1928. And the Government have stated that, as soon as the experiment is shown to be successful, they are willing to hand over the works to any Englishman that will undertake them?—Yes, that may be, but this does not do away with the facts I have stated; I have the correspondence with me.

1929. You spoke of the superiority of the indigo made by Englishmen, and of the superiority of their system of manufacturing that production altogether, and of the successful results of it; and you stated that it was generally carried on by advances on the part of the planters to the natives, and that that system had been very successful?—Yes; every cultivation of the produce there, or even of artisans, is carried on upon the system of advances. You must advance to the extent of one-third or a half.

1930. Do not you think, judging from analogy, that if the same system was pursued with respect to cotton, any amount of cotton might be procured by the same process?—That is my belief. In those parts where cotton has been cultivated from time immemorial down to the present time I do not see why, with good seed, good cotton should not be produced.

1931. If those who are interested in the production of cotton in India were to act exactly in the same way as those who are interested in the production of indigo, do you believe that the same results would follow?—There is only this difference, that one is the establishment of a new branch of industry, and the other is an old one.

1932. Indigo was once a new branch?—Yes; I only make that distinction.

1933. If those gentlemen who are interested in the production of cotton were to take the same steps, and act with the same energy as the indigo planters of Bengal, could not they get as much cotton as they could possibly desire?—How far they would succeed is a matter to be ascertained. If no beginning is made, we cannot ascertain. I should say large capital for experiments would be required, to encourage which, on the part of new comers, you must radically reform your institutions; the first subscribers to railways were few, and why more particularly on the continent; but see the state of the shares of late years.

1934. Mr. *J. B. Smith.*] Is not there this difference between cotton and indigo, that cotton is an article which, at the place of growth, is worth about 1 ¼ *d.* a pound, and at the place of shipment 3 *d.*; and indigo is an article which, at the place of growth, is worth 2 *s.* to 4 *s.* a pound. Therefore, can cotton afford to pay the same rate of carriage that indigo can?—No, I should say not.

1935. Therefore, do you suppose that cotton could be cultivated with the same advantage as indigo, when you have to bring it a long distance to market?—No; the expense of carriage is an obstacle. But I would wish to make one remark, that the superiority of the European indigo arises from the better superintendence, greater honesty, but more particularly from the honesty of the packing, because that is a matter of great importance.

1936. Mr. *Mangles.*] That would hold good specially with regard to cotton, where the complaints are great as to dishonesty?—Yes, and silks too.

1937. You spoke about the roads, and you said that there were no good roads in Bengal; does not that arise partly from the fact that the traffic of Bengal, from the circumstances of the country, is carried on in a very great measure by water-carriage?—It is in the rainy season, when the rivers are up; but during the other seven months, the want of roads or water communication is a very great obstacle to the commerce of the country.

1938. Is not Bengal at all seasons of the year, even during the dry season, more than

than any other country in the world furnished by nature with water-carriage?—No, certainly not; but keeping open at the mouth one of the Nuddea rivers would effect wonders.

1939. I mean by the delta of the Ganges?—The Ganges is the great artery; it goes down round by the Sunderbunds all the year, but during seven months the mouth of the three Nuddea rivers remain closed, or, at all events, cannot admit boats, and are therefore impracticable from the Ganges to Calcutta direct; so boats must go a dangerous and circuitous route of several hundred miles by the Sunderbunds.

1940. Are there any stones in Bengal to make roads with?—Not till you get to Rajmahal.

1941. Is there a single stone in the country?—Excepting those used for the ballast of ships, which have been applied to make the roads and streets in Calcutta, there are none until you get to Rajmahal.

1942. Those are imported stones?—Yes; all the roads in India are made of brick or kanker lime, which is excellent for the purpose, and abundant.

1943. Is not it extremely expensive to make better roads from there being no natural metal?—No, because you can make bricks wherever you like; I used to pay 30 *l.* for 100,000 bricks by contract; that was the price, but in consequence of the railroads they may now be rather higher.

1944. Would not making roads at that price be extremely expensive?—I do not think so. I have not tried the experiment, but I can represent to myself a kiln of 100,000 bricks, and I see how many cubic feet of material there is in such a batta or kiln of bricks, and I fancy with that you would make a road about 3,000 cubic feet, certainly not so expensive as in England, hand labour is so cheap. Taking all things into consideration, I should say roads in Lower Bengal would not cost above one-fifth of what the metalled roads cost in England.

1945. Is not the Government now engaged in making railways, and in making roads as feeders to those railways?—As to feeders, I am not aware; but that they are making railroads I am aware; the railroads are private enterprises; the Government guarantee a small interest.

1946. Will not that conduce very much to the improvement of carriage through the country?—No doubt railroads will be a very great improvement; the only complaint is, that they are not getting ahead with them. I assisted at the official opening of the railway, 120 miles, from Calcutta to Raneegunge, in January 1855, and among the speeches made by the Government servants, we were promised that the road should soon reach Rajmahal; that was in January 1855, and at this time not one mile more has been opened.

1947. Are you not aware that that railroad was made in as short a time as the railroad from London to Birmingham?—I think it took about six years to open that portion of 122 miles; I do not know how long the London and Birmingham took.

1948. Are you aware that the one great difficulty which has prevented the railway being opened to Rajmahal was the difficulty of getting a sufficient supply of those bricks which you stated were to be made in any quantity at a cheap price?—Yes; but I think there was a cause for that, and that was, the bad looking after on the part of the Government. They had the supervision of the railroads; and I think, if the contractors had been more urged on and better looked after, and made to comply with their contract, that would not have taken place; to which must be added, the constant references on every detail that have to be made to the India House.

1949. You think that in that case, as in all others, the Government solely is in fault, and not the railway directors?—No; I say that the Government are very much to blame; but that is not the sole cause.

1950. You spoke of the Nuddea rivers, and you stated that they were not kept properly open; are you aware that for many years the Government has laid out very large sums of money annually to keep them open?—I am not aware that the Government has done that. I am aware that the ferry funds have been applied partly. The only proceedings that I have seen are applying mats and bamboos to the sides of the streams; that goes on to the end of October, I think, and all the rest of the year there is nothing done; but all that is of no permanent avail. What can be done with a few mats and bamboos.

1951. Do you remember the time when Mr. May was superintendent of the Nuddea rivers?—Yes.

Mr. *J. Freeman.*

4 May 1858.

1952. Did not the Government go to a considerable expense then in endeavouring to keep the rivers open?—No; as to anything in the shape of permanent brickwork, or any other, I never saw any, in spite of all the repeated calls of the public.

1953. Is it possible in those rivers, which you describe as shifting their course so greatly, to erect any permanent works which the rivers might not leave in a year, and go 10 miles off?—The damages done by those three rivers are nothing compared to those of the Ganges; they are on a very small scale. I refer you to the embankments at Berhampore, Calcutta, and elsewhere; see how effectual they are. I refer you to those along the Rhone for hundreds of miles, whose stream or current is more powerful than that of the Nuddea rivers. The Ganges will carry away a hundred times more in one year. But the call was for a canal from Rajmahal to Calcutta, and that would be easier, and less expense to effect than keeping one river open.

1954. Will not the railway from Rajmahal quite supersede the necessity of a canal?—In a great measure, but, as in England, many bulky articles would always prefer water-carriage.

1955. Are you aware that the shifting of those rivers is such that the battle-field of Plassey is now upon a different side of the river to what it was when the battle was fought?—The river would not have to shift above 500 feet to do that; and upon the Ganges I had a house that I built in 1836, perhaps a mile and a half from the river, and by 1840 that house, and an extensive village covering 200 acres, was carried away by the cuttings of the Ganges.

1956. Is it so easy a task as you seem to imply, to keep rivers open by permanent works, which shift their courses so extremely and suddenly as the great rivers of India do?—They are small rivers; I mean the Nuddea rivers.

1957. They are small rivers as compared with the great Ganges, but do you call those three Nuddea rivers small; how far are they across?—From main bank to main bank, I should not suppose more than 500 feet or thereabouts.

1958. From bank to bank are not the two larger ones more than about 500 feet?—I do not think I am very much out; they may be in some parts a little more.

1959. You stated that the Government had done nothing in the way of improving the police except increasing the salaries of the darogahs, and you said that the result had been rather detrimental than otherwise?—Yes, I did say so.

1960. Has not the smallness of the salaries been laid down as one of the principal causes of the badness of the police in Bengal?—That may have been attributed as one of the causes, but I do not think that was the real cause.

1961. Do not you think that increasing the salaries would be likely to improve them, and make them desirous of retaining their situations?—Yes, if you refer to such a step as rendering darogahships more covetted.

1962. You said that the change was positively mischievous?—In this sense; before this distinction was made, and this high pay was given, you might bribe a darogah for 20 rupees to get him to do a job; and at the present time a first class darogah would no longer be satisfied with that, and therefore the persons who resort to that system have to pay in proportion to his grade and increased salary; that is why I say, if anything, it has been a little more oppressive upon the people.

1963. Supposing your reason is conclusive, which I do not admit, how is it possible for the Government to improve such men?—Only by more close supervision, and by having Europeans to a certain extent supervising those people; nothing but a better superintendence can be of any use.

FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
6 *May* 1858.

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M A P

TO ACCOMPANY MAJOR-GENERAL TREMENHEERE'S EVIDENCE,

SHOWING THE LOCALITIES OF THE PRINCIPAL

MINERAL AND VEGETABLE PRODUCTS OF INDIA,

AND THE COURSE OF THE

TRUNK RAILWAYS.

Ordered, by The House of Commons, *to be Printed*,
6 *May* 1858.

261—I.

MAP

SHOWING THE LOCALITIES OF THE
PRINCIPAL MINERAL AND VEGETABLE

PRODUCTS OF INDIA

AND THE COURSE OF THE

TRUNK RAILWAYS.

100 200 300 English Miles

REFERENCE

I	The most productive Wheat Districts	Vegetable Products
II	" Indigo "	
III	" Cotton "	
IV	" Opium "	
V	" Land suited for the cultivation of Tea	
VI	" Sal Forests	
VII	" Teak Forests	
1	Workable Coal	Mineral Products
2	Localities in which Iron ores may be probably worked	
3	" Tin "	
4	" Salt "	
5	Sanitaria for Troops	
	Railways in Progress	
	Inland Navigation	

COLONIZATION, &c. (INDIA).

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TO ACCOMPANY MAJOR-GENERAL TREMENHEERE'S EVIDENCE,

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AND THE COURSE OF THE

TRUNK RAILWAYS.

Ordered, by The House of Commons, *to be Printed,*
6 *May* 1858.

261—I.

Under 1 *oz.*

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
10 *June* 1858.

Martis, 16° *die Martii*, 1858.

Ordered, That a Select Committee be appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of European Colonization and Settlement in India, especially in the Hill Districts and Healthier Climates of that Country; as well as for the Extension of our Commerce with Central Asia.

Lunæ, 22° *die Martii*, 1858.

Committee nominated of—

Mr. William Ewart.
Mr. Baillie.
Mr. Campbell.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.
Mr. Lygon.
Mr. Mangles.
Sir Erskine Perry.
Mr. Seymour.
Mr. John Benjamin Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willoughby.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 25° *die Martii*, 1858.

Ordered, That the Committee do consist of Sixteen Members.

Ordered, That Mr. De Vere be added to the Committee.

Jovis, 6° *die Maii*, 1858.

Ordered, That the following Petitions be referred to the Committee, viz.:—From Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal;—and, Indigo Planters' Association in Bengal;—and, British Subjects resident in Calcutta and the Mofussil Districts of the Residency of Fort William, in Bengal.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

REPORT - - - - - - - - - - - - p. iii

MINUTES OF EVIDENCE - - - - - - - - - p. 1

SECOND REPORT.

THE SELECT COMMITTEE appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of EUROPEAN COLONIZATION and SETTLEMENT in *India*, especially in the Hill Districts and Healthier Climates of that Country, as well as for the Extension of our Commerce with Central Asia, and who were empowered to Report the MINUTES of EVIDENCE taken before them, from time to time, to The House:

HAVE taken further Evidence on the Matters to them referred, and have agreed to Report the same to The House.

10 *June* 1858.

LIST OF WITNESSES.

Jovis, 6° *die Maii*, 1858.

PAGE

Mr. George MacNair - - - - - - - - 1

Martis, 11° *die Maii*, 1858.

Mr. George MacNair - - - - - - - - 28
Mr. Josiah Patrick Wise - - - - - - - 35

Jovis, 13° *die Maii*, 1858.

William Theobald, Esq. - - - - - - - - 55
Mr. Josiah Patrick Wise - - - - - - - 55
Mr. James Dalrymple - - - - - - - - 63

Martis, 18° *die Maii*, 1858.

Mr. James Thompson Mackenzie - - - - - - 80

Jovis, 20° *die Maii*, 1858.

Mr. James Thompson Mackenzie - - - - - - 104
John Abraham Francis Hawkins, Esq. - - - - - 108

Martis, 1° *die Junii*, 1858.

John Abraham Francis Hawkins, Esq. - - - - - 132
Mr. Neil Benjamin Edmonstone Baillie - - - - - 139

Jovis, 3° *die Junii*, 1858.

Mr. Neil Benjamin Edmonstone Baillie - - - - - 153
Joseph Gabriel Waller, Esq. - - - - - - - 167

Martis, 8° *die Junii*, 1858.

Joseph Gabriel Waller, Esq. - - - - - - - 176

MINUTES OF EVIDENCE.

Jovis, 6° die Maii, 1858.

MEMBERS PRESENT.

Mr. Campbell.
Mr. De Vere.
Mr. William Ewart.
Mr. Kinnaird.
Mr. Lowe.
Mr. Lygon.
Mr. Willoughby.
Mr. Mangles.
Sir Erskine Perry.
Mr. Danby Seymour.
Mr. J. B. Smith.
Mr. William Vansittart.
Mr. Villiers.

WILLIAM EWART, Esq. IN THE CHAIR.

Mr. *George MacNair,* called in; and Examined.

Mr. *G. MacNair.*

6 May 1858.

1964. *Chairman.*] YOU are, I believe, an indigo planter in India?—Yes, I am.

1965. How long have you been in India?—I have been 20 years in India.

1966. Have you been constantly resident there during that time?—Yes; I was at home for about six months in 1854.

1967. In what districts have you resided?—In Lower Bengal, in the districts of Jessore, Kishnaghur, and Pubna.

1968. Have you heard the evidence given by Mr. Freeman?—Yes.

1969. Do you give your general concurrence to the tenor of that evidence?—I fully concur in all that Mr. Freeman said about the state of the law and police, and the general state of the country.

1970. Do you concur in what he said about the magistracy?—I do.

1971-2. And also about the distribution of justice?—I do.

1973. How long have you returned from India?—Last year I returned.

1974. Have you formed any general opinions about the settlement of Europeans, or, as it is sometimes called, colonization in India?—Yes; I think it would be very advantageous to encourage the colonization of India as much as possible; indeed the safety and stability of the country depends much upon more Europeans being settled there. It would also tend much to the improvement of the natives, and to the prosperity of the country.

1975. Do you think it would be an advantage not only to the Europeans themselves, but the natives also?—I think it would; many of the most able governors strongly recommended colonization. Lord William Bentinck first granted to Englishmen the privilege of holding lands in the interior of India, contrary to the instructions of the Court of Directors. Sir Charles Metcalfe said he was convinced our possession in India would always be very precarious, unless we had a considerable European population attached to our Government by common interests and sympathies. If these recommendations had been carried out, in all probability this dreadful mutiny would never have occurred.

1976. Was Lord William Bentinck thoroughly convinced of the good policy of the settlement of Europeans in India?—I think from his minute in the council at that time, in 1829 and 1830, you may assume that he was.

1977. Has he expressed himself so formally in words?—Yes.

1978. Does that appear on his minutes?—Yes, on the minutes of 1829 and

Mr. *G. MacNair.*

6 May 1858.

1830. I think the late system of the East India Company opposing the settlement of Europeans and conciliating the natives of India has not succeeded. If Government wish to retain that eastern empire, I think they must follow another system, and encourage the settlement of Europeans as much as possible. A considerable number might be employed in Government situations which are at present filled by natives in whom no dependence can be placed. Some thousands of European troops and their families might be settled in the hill districts, with grants of lands, and if roads and railways were carried through, these troops could be made available in any emergency; the very knowledge that such troops were within call would assist to keep the natives in subjection. India is no less favoured than England with respect to the possession of every description of minerals in the neighbourhood of Calcutta, in the districts of Burdwan, Bheerboom, and Rajmahal. We have abundance of coal nearly on the surface of the ground; also iron ore, lead, and limestone; we only want a protection for skill and capital to develop the resources of the country. There are at present a great many obstacles to the settlement of Englishmen; if those obstacles were removed, I have no doubt Englishmen would soon settle to a greater extent in India.

1979. Will you state what are the obstacles to the settlement of Englishmen in India?—The policy of the East India Company has always been opposed to the settlement of Englishmen in India; they commenced their government as a trading monopoly, and excluded Englishmen as far as possible. India has never been considered or administered as a British colony. It was only in 1833 that trading was partially opened, and not until 1837 could Englishmen purchase or hold land in their own names.

1980. That was under the Indian Act of 1837?—Yes.

1981. Using the power given them by the Legislative Act of 1833?—Yes, when the trading monopoly was partially done away with. At that time those most obnoxious Black Acts were introduced, which did more to prevent the settlement of Englishmen than any benefit to be expected from the opening of the trade. From agitation and opposition these Acts were delayed, but every few years they were brought forward again to harass and disturb the few English settlers in that country. At this present time there are fewer Englishmen settled in the interior of India than there were 20 years ago, English Government servants excepted. To induce Englishmen to settle in India, they require a reasonable protection of their personal rights and property, the same as Englishmen enjoy and are entitled to in any British colony. In India Englishmen have hitherto enjoyed the protection or privilege of being tried in all criminal cases before the Supreme Court by an English jury; but during the last 20 years, every few years some new Act has been brought forward to do away with that privilege, and to subject them to the jurisdiction of a native court, native judges, and a native jury, placing them upon the same level as the lowest natives of the country.

1982. Mr. *Willoughby.*] Are you alluding to laws actually passed, or to laws proposed?—I am alluding to the proposed Black Acts; a portion of the jury, by the proposed Black Acts, can be natives; by that Act a jury was not to exceed nine, nor to be less than three.

1983. *Chairman.*] Including natives?—Including natives. In that country, where the natives carry out their antagonistical feelings to the greatest extent, where corruption, bribery, and false evidence are the rule, how could a limited number of Europeans be expected to have any safety for their lives and property? You may as well propose to place the British inhabitants of Canada or Australia under the jurisdiction of the aborigines of those countries. The Hindoos and Mussulmans are such a litigious and vindictive race, that if Englishmen were subject to the native judges in criminal cases, those judges would use every means to degrade and dishonour them, and I think very few Englishmen would be found willing to risk their lives and property under such laws. I have heard many of them express that they would leave the country if these laws were passed. In the last Bill brought forward by the Legislative Council in Calcutta, it was proposed to exempt all government servants, even European soldiers and sailors, and people of the lowest situations, from the action and jurisdiction of the proposed native criminal courts and judges, which sufficiently shows their animus, partiality and opposition to English settlers.

1984. Do you refer to the allusion in Sir Arthur Buller's speech in the Legislative

lative Council?—He did not allude to that part of it, but he alluded to all the Government servants being exempted by these Black Acts.

1985. Sir *Erskine Perry.*] Are you sure that it is a fact that soldiers and sailors were to be exempted?—Soldiers and sailors are to be tried by court-martial.

1986. Mr. *Campbell.*] Practically that exempts them from the native tribunal?—Yes, they are to be tried by court-martial.

1987. Mr. *Willoughby.*] They are to be tried by military law?—Yes.

1988. *Chairman.*] They are not specially exempted by the Act to which you refer?—I think there is a clause to that effect.

1989. Will you go on with your statement?—The European community in India have also no mercantile or agricultural representation in the Legislative Council; at present the Legislative Council in Calcutta is entirely composed of Government servants; nearly every law brought forward by them is to strengthen the hands of Government, or to impose some new restriction upon the already over-restricted European settlers. I think it would be very advantageous if the Governor-general were instructed to select six non-official members from the mercantile and agricultural community. This plan is adopted in Ceylon and at Hong Kong, and I believe has worked well for the prosperity of those countries. I may mention that there are two judges of the Supreme Court who are members of the Council; but they are paid by the Government. I do not propose to interfere with the secret, financial or executive councils, but merely to have some non-official members in the Legislative Council.

1990. You mean you wish to secure the representation of the interests of the agricultural and commercial community?—Yes.

1991. Would you exclude natives of first-rate character and intelligence from some share in the Council?—No; if the Government thought proper, I do not think there would be any objection to have one or two natives of the upper classes.

1992. Will you proceed with your statement?—The inhabitants of India have no opportunity of giving their evidence before a Committee like this, where the wants and requirements of the country can be heard. They cannot give their evidence before the Legislative Council there. The sale laws and laws of land tenures are also very insufficient for the protection of property. As the natives are so dilatory and unwilling to pay what is due, it is quite proper to have very stringent regulations for the quarterly payment of Government rents. In Bengal, where the perpetual settlement is established, it is very beneficial to the land-owners for the improvement of their property. Many of the large estates are made over in putnees, or perpetual sub-tenures, for which an increased annual rent is paid; also a large sum as premium fee or purchase-money, which makes a very profitable settlement for the original holders; but some fraudulent proprietors, after they have received a large sum for those sub-tenures, allow their property to be sold for default of Government rents, and purchase it in the name of some of their relatives or friends. A Government sale for arrear of rents is considered to release the property of all the sub-tenures. As these sub-tenures are at an increased rent, and not injurious to the Government claim for rent, I think there should be a protection for them, and the property should be sold, subject to all *bonâ fide* sub-tenures and existing leases which were duly registered within a reasonable time of being granted. Great care and caution is also necessary to investigate fraudulent claims; when a property is sold, the relatives or dependents of former proprietors generally bring forward numerous false claims to former tenures, and spare no means to try to prove them, to the great injury of the new purchaser.

1993. You appear to me to consider that registration and preventive measures would be the best expedient for preventing those fraudulent acts on the part of the natives?—Yes.

1994. Measures preventive of fraud on the part of the law and the Government, rather than remedial?—It would prevent fraudulent acts to a very great extent; there is a registration at present, but it is not compulsory. A paper registered is of course considered more valid than one not registered.

1995. Would you make registration compulsory?—Yes, I would.

1996. Mr. *J. B. Smith.*] Supposing a putneedar took a perpetual lease of the land, and was not subject to be ejected in the way you state, do you suppose he would

Mr. *G. MacNair.*

6 May 1858.

would not be obliged to give a higher rent for his land?—He might; and it would be an inducement to do so, because there would be no chance of its being upset.

1997. Every putneedar that takes land of a zemindar is fully cognizant that he may be deprived of it in the manner you have just stated?—Yes, to a certain extent he is; and he takes it upon the good faith of its being a profitable zemindary, and that the zemindar will continue to pay the sudder rents.

1998. Therefore, does not he get it at a much lower rent than he otherwise would?—In Lower Bengal there is such a demand for these tenures, that you have to pay a higher rent.

1999. But does he get it at a lower rent or not?—No, not on that account.

2000. *Chairman.*] Will you proceed with your statement?—The exclusive system of the civil service is also very objectionable. Of late years so many of the more experienced and able gentlemen of that service have been taken away for new and advanced employment, and been absent from the country, that a great many mere youths, a few months from college, with little knowledge of the language, and with no experience or business habits, are placed in charge of large districts. It cannot be expected that they could have any control over their courts' servants or over the police, consequently the business is entirely in the hands of the native omlah, who soon know their power, and use it for their own advantage. I have known court omlahs, with the small salary of 10 to 12 rupees per month, accumulating large sums in a few years, and purchasing landed property and building pucca houses. There are no doubt many very able men in the service who take an interest in their work, and give general satisfaction; but those gentlemen get promotion, and are frequently removed from their districts just when they are getting acquainted with the people, and becoming useful magistrates. I think it would be preferable to give them advancement in these appointments, and retain them where their services would be most useful. The most able men are generally made collectors, as I suppose Government think it most important to collect the revenues. The inexperienced youths are made magistrates, and the higher judicial appointments are filled by people whose energies are expended, and who are anxious to take the earliest opportunity of retiring from the service, which they can do upon a handsome pension, after an actual service of 22 years. If these appointments were open to competition in India, many well-qualified people would be found able to fill them, and it would also be a great inducement for English settlers to qualify themselves for those appointments where they would get advancement from their own merits and exertions. At present the uncovenanted deputy magistrates and deputy collectors of experience and long standing get about the same allowance as the young civilians get when they receive their appointments. I think it would be very advantageous to put the covenanted and uncovenanted services upon the same footing as it is in this country, and open the civil service entirely. I think there is a great necessity of inquiring into the nature and number of public appointments in India, the salaries and emoluments attached to them, and the principles upon which the public service could be supplied from English settlers in India. In India the system of advance prevails to a great extent.

2001. Mr. *Willoughby.*] Do you mean the advance of funds?—Yes, to native cultivators. In India, where the system of advance prevails to such an extent, where the native cultivators are generally so poor, they cannot provide seed for their lands, or engage to deliver any produce, without previously obtaining a considerable advance, generally equal to the value of the produce, a good law of contract is much required for all classes, English and natives. Government found it necessary to have stringent laws of contract for their own opium advances; and if they would extend that law to all parties, Europeans and natives, it would save a great deal of litigation and cases of affrays. The present law of complaining before the civil courts is so expensive and tedious, it is in fact an encouragement to ill-disposed people to break their contracts; it is a very common thing for small natives who save or have a little money, to lend it or make advances to natives upon their crops; most of them are ruined from not being able to recover their advances, which is the sole cause why so very exorbitant rates are taken by native dealers. These high rates bear hard upon the poor cultivators, and is the principal cause of their poverty. It seems to be a popular proposition of Government to put all their subjects upon the same footing and under the same laws; but they claim to keep their own servants of every grade, from the highest to the lowest,

exempt

exempt from these laws, and also have different laws of contract for their own opium and salt advances.

2002. Sir *Erskine Perry.*] You do not disapprove of the general principle of having one system of laws for all the inhabitants of a country, do you?—I do not approve of putting us all under the Mussulman and Hindoo laws. The laws must be separate for the Hindoos and Mussulmans. I think Government have not at their disposal in India a sufficient amount of scientific and engineering skill for the proper prosecution of public works. Their officers are constantly called away to their military duties. I think some skilful English engineers, acquainted with the deepening of rivers and canals, and the making of roads and bridges, are much wanted. The police is also in a very neglected state; instead of being any protection for life or property, it is considered a curse to the population. Almost three-fourths of the crimes are suppressed, to prevent the oppression of a police investigation. Dacoitee is very bad, but the subsequent police inquiry is considered very much worse. The system of taking evidence is very corrupt. It is the general opinion of the native and European residents in the Mofussil that the administration of criminal justice is little better than a lottery; the best chances in which are with the criminal. This state of affairs has been admitted by all Indian ministrations for the last half century, but to this day nothing has been done to improve it.

2003. *Chairman.*] Do you consider that the evils you have just now stated act as impediments to European settlement in India?—Decidedly they do, I think.

2004. I gather from your evidence that you make two general statements; the one, that India has been too much governed by a species of hierarchy; and the other, that it ought to be governed more as an English colony?—I think so.

2005. What class of people do you consider the best suited to settle in India?—People of skill and capital who would assist to develop the resources of the country, also engineers and miners, and agriculturists as overseers.

2006. Skill itself is intellectual capital, is not it?—It is, but you require capital also.

2007. The skilful man and the capitalist might combine together?—Yes, the skilful man is capital, and he can generally get on in India by getting employment.

2008. Will you state what you know about the rivers, canals and roads in Lower Bengal?—I have paid some attention to the state of the rivers, and have passed frequently through them. The rivers Jellinghee and Mattahungah, that lead from the Ganges to Calcutta, are in a very neglected state; they are quite impassable for seven or eight months in the year for boats drawing from 12 to 15 inches of water.

2009. Are they the Nuddea rivers?—Yes; the other river, the Bugurruttie, is much more shut up. In going to Calcutta, in December, I have seen upwards of 1,000 boats stopped in one place, with immense up-country boats and rafts of timber quite blocked together, that could neither get up nor down. There is generally a police darogah, with some people from the superintendent of the rivers sent there, but their presence adds to the mischief; they extort and rob as much as possible; no boat can attempt to get through without paying these people; many of the boat people run away, and leave their boats, which get broken and robbed. I have frequently had my boat broken; large boats that cannot get through are left there for six months till the inundation rises. A considerable amount of tolls is collected from these rivers, and little or nothing is done to improve them. I think, if a skilful engineer was appointed, much might be done to straighten their courses and deepen them, which would be of immense advantage to the whole country, by allowing the produce of the Upper Provinces to proceed direct to Calcutta. From these rivers being shut up during the dry weather, all the valuable produce of the Upper Provinces, also the grain and firewood from the eastern districts, are obliged to go by the circuitous and dangerous route of the Sunderbunds, incurring a delay of 20 or 30 days, with great risk and expense of transport.

2010. What would be the time if a short line were made from Nuddea down the river?—It would be a saving of three or four weeks; if one of the rivers was kept open, it would be a great advantage. The approach to Calcutta, through the Sunderbunds, is through a narrow shallow channel, scarcely as broad as this room, and quite unfit to allow so many boats to pass through it. So much is the additional risk by this route, that it is nearly impossible to get boats insured;

Mr. *C. MacNair.*

6 May 1858.

eight per cent. is asked for insurance of hemp from Serajgunge to Calcutta, whereas the insurance from Calcutta to England is only two per cent. There is also a large amount of tolls collected from the canal, and I believe there is every facility to make a good canal there. With regard to the roads, I may state that, within the last two years, the Government granted some funds to make roads in some of the districts, and a little more attention has been paid to them, but the roads are principally made in the neighbourhood of the stations, or leading from one police station to another. From the materials of those roads they are generally quite impassable during the rainy season. There are no crossroads for the conveyance of produce, or for the benefit of the country generally. The transport of produce is so difficult and expensive, that much of the produce is stored in the interior for some months, till the inundation comes, when it is removed by boats. In June or July, when the inundation commences, you see thousands of boats collected at the different rivers, waiting to proceed through as soon as they are open. Indigo planters make roads to a very great extent; there is one large indigo concern in Jessore that has made 50 or 60 miles of roads within the last few years, with some little assistance from the ferry funds, but principally from voluntary contributions from ryots, and from private expense.

2011. Where settlers establish themselves, is there a tendency to improve the roads?—Very great. In our own concern we have made roads to a considerable extent.

2012. Mr. *J. B. Smith.*] Are those metal roads?—No; there is only one metal road, the great military road to Calcutta. In our own concern we have made about 20 miles of roads, entirely at private expense, with some assistance from the ryots; we wished to make other 10 miles of roads, to connect some leading roads to some large bazaars, but were prevented from doing so by the zemindar, who would not allow us to cut roads through his lands; sometimes the zemindars prevent our making roads.

2013. *Chairman.*] Ought not there to be some overruling authority on the part of the State, the same as in this country, with respect to railways?—There should be. I have known the magistrate come out and order it to be done. People perhaps object to having a tree cut down; but if you have a proper magistrate, he will order it to be done, if it is for the public advantage.

2014. Mr. *J. B. Smith.*] In such a case is the zemindar compensated for the land?—Not generally; generally they would not ask for compensation; it would benefit the property.

2015. *Chairman.*] Would not the Eastern Railway, projected from the Ganges to Calcutta, be advantageous for the carriage of produce?—I think it would be very advantageous, both for the carriage of the produce coming down the Ganges and for the produce coming from the eastern provinces of Mymunsing, Dacca, and Assam. That line has been surveyed two years ago, and has been sanctioned by Government, but not yet commenced. It would be very advantageous if it could be completed as early as possible. The distance is short, and there are no great engineering difficulties the length of the Ganges. If the Government would lay off the land, and allow the company to complete it, I believe it would be finished in two or three years. It is a short railway, about 120 or 130 miles long. It is called the Eastern Bengal Railway, which has been guaranteed by Government within the last six months.

2016. You have referred very much to the police; could you suggest any improvement in the state of the police at present?—As the magistrates are at present so distant from the police stations, they cannot exercise a proper control over them. I would recommend an extension of European superintendents, and the introduction of the English language.

2017. What are the principal products of Lower Bengal?—Indigo, sugar, silk, hemp, oil-seeds, some wheat, rice, and other small grain.

2018. Have those products been improved by European skill and superintendence?—Very much indeed; everything formerly produced by the natives was of a very poor quality, and inferior to that produced in other countries. Indigo, silk, sugar, and hemp have been brought to their present state of perfection by European settlers.

2019. Do natives sometimes employ Europeans to superintend their indigo factories and landed properties?—Nearly all natives who have extensive factories and landed properties, employ Europeans to superintend them; they find that their

their indigo produce is so much improved by European superintendence, that it fetches a much higher price and bears a better character. All natives know their own servants are dishonest, and cheat them to a great extent. I have heard an extensive zemindar, who had measured his property five times, say he never could depend upon a native measurement, and that unless he could hold one end of the measuring chain and his brother the other end, he never could depend upon its being correct. Natives in measuring lands have great opportunities of cheating; they themselves tell you they do not take employment for the small salaries they receive, but try to get as much as they can in other ways. I heard a police darogah say that he and all his native establishment were nearly in a state of starvation, because his district was so quiet and he could get nothing out of the people. All powerful natives generally oppress the poor and the weak, and encroach upon properties as much as possible.

2020. In your indigo concerns, do you generally purchase landed property?—We do; we generally purchase all the property that is available within the respective lines of our concerns.

2021. Why do you purchase the landed property?—To give us protection for our operations.

2022. You do not buy it for the value of the property, but for the protection it gives you?—Not for the value and the profit we make upon the property, but for the protection it gives us.

2023. You become a zemindar?—Yes, we do.

2024. And then you have greater protection in your property?—Yes; we can carry the work on without the ryots running away.

2025. You are on a level with the native zemindars?—We are.

2026. How does that give you protection?—The native zemindars oppress the people by collecting increased rents, or by perquisites for themselves; and the people run away and leave our work undone, and injure the work; but when we have the property in our own hands, we can prevent that oppression.

2027. In fact, you prefer being a landlord to being a lessee?—We do, because it is more settled.

2028. What description of land tenures do you hold?—We hold some estates or shares of estates under Government, paying the rent to the Collector, some putnees, or perpetual sub-tenures from zemindars, also izaras, or leases for stated periods. As zemindaries in Bengal are now so profitable, they are seldom sold. We are obliged to take putnees and izaras at a very enhanced rate, and give large sums as purchase-money, or in advance; and it is for these sub-tenures that we ask to be recognised and protected in a new sale law.

2029. Do proprietors of estates under the perpetual settlement collect much amount of rent in excess of the Government rent?—Some estates are very profitable, collecting 10 or 12 times the amount of Government rent; others less, collecting two or four times the amount of Government rent.

2030. Are estates frequently sold for arrears of Government rent?—Formerly they were more frequently sold; of late years they have increased in value, and are now seldom sold except when proprietors are involved in debt, and are unable to get assistance in time to pay the quarterly rents.

2031. When you take a putnee or perpetual lease from the zemindar, what amount is generally paid as premium fee or purchase-money?—We generally pay for a putnee three or four times the amount of the annual rents.

2032. In the event of an estate being sold by the Collector for arrears of Government rent, is this putnee or sub-tenure recognised by the present sale laws?—No, it is not recognised.

2033. You confirm the evidence of Mr. Freeman and Mr. Theobald on that point?—I do.

2034. Are the small tenants or ryots entitled to hold possession of their lands?—They are considered entitled to hold as long as they pay their rents.

2035. Is that observation generally true, or is it limited to particular tenants?—Upon new land it is not considered that they are entitled; but what you call a koot-cast ryot is entitled to have a sort of right to the land, but very few have any pottahs or leases.

2036. It is a customary right?—Yes; it should be a recognised right. Under Lord Cornwallis's settlement it was intended, I believe, that it should be a recognised right.

Mr. *G. MacNair.*

6 May 1858.

2037. Can the rents of those ryots be increased at the will of the proprietor?—The lands can be re-measured and assessed at the neerick of the pergunnah, that is, the rate of the pergunnah. They generally have lands in excess; if a man is charged for 20 begahs, he probably has 25.

2038. If the neerick makes the amount greater than before, of course the rent of the land is proportionately increased?—Yes.

2039. Do the zemindars of Bengal annually assess the different descriptions of crops?—Some of the smaller zemindars do so; but the more extensive zemindars generally fix the assessment according to the description of crops on the lands at the time of measurement.

2040. That is not an annual assessment?—Some of the very small ones do that occasionally, but generally it is not annual; it is generally fixed at the time of the measurement.

2041. At what rate do they assess the different descriptions of crops, when they do assess them?—From one rupee to one rupee eight annas per begah for grain crops; two rupees eight annas to three rupees for sugar-cane, mulberry, and tobacco; and two rupees eight annas to three rupees for tanks, gardens, and house steadings.

2042. What is the proportion of the Bengal begah to the acre?—About two-and-a-half begahs make an acre; it varies a little in the different pergunnahs.

2043. What do they charge for cotton?—About two rupees eight annas per begah.

2044. Does this system of assessing the rotation of crops by some zemindars, and charging higher rates for mulberry, sugar-cane, cotton, and tobacco, prevent the ryots from cultivating those crops?—It may sometimes, to a small extent; but if the crops are profitable, they will not be prevented.

2045. What is the extent of the indigo cultivated in Bengal, and what is the outlay?—About 4,000,000 of begahs are annually sown, and about 2,000,000 *l.* is the annual outlay; about 5,000,000 *l.* or 6,000,000 *l.* is the estimated value of the blocks of the indigo concerns, and about 2,000,000 *l.* are annually expended for outlay upon silk.

2046. Of course this great circulation of money created by the cultivation must assist in improving the condition of the ryots?—It does to a very great extent; it enables the ryots to pay their rent in coin, and not to be imposed upon by paying it in grain to any extent the zemindar may demand.

2047. Has the cultivation of the waste lands and the improvement in the condition of the natives in Bengal extended within your experience?—Very much indeed. Twenty years ago there was a very great portion of waste land in Jessore and Kishnagur, which abounded in wild buffaloes and hogs; those lands have all been gradually brought into cultivation, and at present there is scarcely any waste land in the districts. The condition and prosperity of the natives have been very much improved from the cultivation of more lands and the circulation of so much capital; they are better enabled to pay their rents, they have better houses and better cattle, and are better clothed than formerly.

2048. Is Jessore a district much peopled by European settlers?—It is, in the northern part especially; it is north-east of Calcutta.

2049. Of course the wages of the natives have increased in consequence?—They have.

2050. Do the native zemindars reside upon their properties, and do anything to improve their estates?—Very few of the large zemindars reside much of their time upon their estates; they reside principally in Calcutta, or the neighbourhood, to be free from the annoyance and extortion of the courts and police; the estates are consequently much left to the management of their servants, who extort as much as they can in rents and perquisites for themselves, and do little for the improvement of the property.

2051. Then the native zemindar class is an absentee class almost?—To a great extent; they have houses on their estates, and may come for a short time to them at different times, but they principally reside in the neighbourhood of Calcutta.

2052. What description of lands is mostly used for the cultivation of indigo?—New alluvial soils and churs formed on the banks of the large rivers, which are low, and the plant requires to be cut early before the inundation comes down; there is afterwards such a current of the water upon these lands, that they could not be used for rice, or any other crops.

2053. You have stated that the population of the English settlers in Bengal has not increased?—No it has not, during my experience.

2054. What is the reason that so few Englishmen have settled in those districts of late years?—I believe principally from the unsettled state of the laws, and the want of proper protection for life and property.

2055. Has the increase of English settlers, in the interior of Lower Bengal, been at all proportioned to the increase of English settlers in Calcutta?—No; there has been a great increase in Calcutta.

2056. Do you think that the introduction of the English language in the courts of justice would be a benefit to India?—I think it would be of the very greatest benefit; it would in a great measure put a stop to false evidence, bribery, and corruption; the natives learn the English language very quickly; if it was ordered to be introduced I think they would be qualified, in two or three years, to conduct the court business in the English language.

2057. Do you think it is better for the judge to use the English language through an interpreter, employing his own common sense, than indirectly and often erroneously, through the omlah, in a foreign dialect?—I think it is; if you had a good interpreter you would arrive more at the truth through that than doing it in the present way.

2058. It would bring the facts of the case more home to his mind in plain English, than having to go through a course of putting his ideas into a foreign and only imperfectly understood language?—It would.

2059. In what situations under Government do you think more Europeans could be employed than are employed now?—In all the public offices, such as the Treasury, the Home and Foreign Departments, the Military, Public Works, Salt and Opium, Stamp Office, Mint, Post Office, &c.; there is at present a very large establishment of native writers in these departments; some of them receiving from 100 *l.* to 300 *l.* per annum, and even more, who do very little work; they are nearly all mere machines, who copy well, but cannot draught or write a letter of any consequence; for the present pay of these native establishments I should say a much more efficient European establishment could be kept, which would be a good training school for higher appointments to get on from their own merits and exertions.

2060. Would the natives feel much objection to learning the English language?—No, they are very anxious to learn the English language, and they pick it up very much.

2061. How would it answer to commute the payment of the land revenue, and make a freehold sale of the land?—It might answer very well, and a large sum be raised if the natives could be induced to take it at a fair valuation, but they generally look upon these new schemes with great distrust. I do not think it would be taken up so soon after the mutiny. The natives lost much confidence in the Company's Government from the financial scheme of 1854, reducing the 5 per cent. loan to 4 per cent., and shortly after opening a new loan at 5 per cent., thereby reducing the value of every man's loan 20 per cent.; that measure created much distrust, which is still fresh in their memories; if the country were settled in the Queen's Government, probably they might take up their estates in freehold. The scheme for surveying the country has also created a considerable distrust; the natives were astonished that the Government would go to such an expense measuring and surveying the country; they thought they were going to do away with the perpetual settlement, and settle the land anew, they have so much distrust of new things.

2062. Was that a proof of their own ignorance?—No, they are not ignorant, it is distrust, and they distrust these new things; they cannot make out the object of what they are for at the present time. The Resumption Laws, too, gave them a great deal of distrust, some 20 years ago, when the La Khiraj lands were resumed. The Rajah of Burdwan appealed his resumption case to the Privy Council here, and his appeal was confirmed, and the resumption upset, and his lands were released; but all the rest of the poor natives who could not afford an appeal are still taxed for those lands. If they could join together, and appeal to this country, they would all be released.

2063. Do you refer to the lands which are free from Government rent?—Yes, the La Khiraj lands.

2064. You having been so long as 20 years resident in India, will you be good enough to state what sort of health you have enjoyed during that time?—Very good.

Mr. *G. MacNair.*

6 May 1858.

2065. What have you to say about the healthiness of Europeans in general?—If the European settlers are moderate, and take sufficient exercise, I think they enjoy very good health; everything depends upon that. The state of living is better understood than it was formerly.

2066. Have the English cultivators and proprietors taken any pains in the establishment of schools in that part of the country?—They have; I have known one or two have schools in their own villages. There are schools at Jessore and Pubna, and at different places, and the planters all subscribe to them. In one case I gave a Government school free rooms, and I subscribe to two or three schools.

2067. Do you think that if English settlement had its proper scope, there would be a greater tendency to improve the education of the natives on the part of the settlers?—There would.

2068. Do you think that that tendency is displaying itself already, and would in that case be more likely to be further extended?—Yes, a great deal more has been done for education in the last eight or ten years.

2069. Mr. *Mangles.*] Do you mean by the settlers?—Yes, and by the Government.

2070. Mr. *De Vere.*] You spoke of placing in the hands of Europeans many offices which are now held by natives; do the natives undergo a special education to fit them for those offices?—No, they do not; they undergo an examination, but they have no special education that I am aware of.

2071. Do not you think that depriving them of those offices would have a deteriorating effect upon their education generally, and that there would be less encouragement held out to them to educate themselves than now?—It might be so to a certain extent, but not very much.

2072. To whatever extent it would operate, it would tend to keep back the educational progress of the native population of the country?—No, I do not think it would.

2073. Mr. *Danby Seymour.*] Are you aware that the Government give those places now to those who have distinguished themselves in the schools?—Some appointments are given to them.

2074. Do not you think it is only fair, as far as you can, to employ the natives of the country in the government of their own country?—If you could employ them beneficially, and you could put dependence upon them, it would be so, but if you cannot get trustworthy people it is not even for the benefit of their own native class to employ them.

2075. Do not you think that the planters entertain a very extreme idea of the notion of dishonesty of the natives?—I think we have a just one; the native dishonesty is proverbial.

2076. Do not you think that the extreme corruption is a disputed point?—No, they admit it themselves; their whole idea is to cheat; they do not take an employment for the small salary they get; it is to cheat, and to get what they can.

2077. How do you account for it that when 95 per cent. of all cases are tried by native judges there are so few reversals of their verdicts by the zillah judges immediately above them?—That is in civil cases; there are a great many reversals.

2078. The number of reversals is well known, is it not?—It is reported every year.

2079. Are you aware that the high authorities in India are not of your opinion as to the dishonesty of the natives, and that there are reports in favour of the way in which the admission of them to the higher offices has worked?—I do not think gentlemen acquainted with them are in favour of them. I mean of the omlah class.

2080. Would you call the Governor of Bengal acquainted with them?—Yes; he has great experience about them, and he has stated his opinion of the police very fully, and very unfavourably of the natives.

2081. He has also stated his opinion, has not he, of the way in which their promotion to the judicial offices has worked?—Yes.

2082. A favourable opinion, I believe?—I am not aware.

2083. Are you aware that he wished to put a native into office as Sudder judge, two or three years ago?—Yes.

2084. Does not that show that he had a good opinion of the native judges?—In one or two cases they may be better.

2085. A man

2085. A man may be corrupt in civil cases as well as criminal, may not he?—He may.

2086. Are you aware that Sir George Clerk was strongly in favour of promoting natives even to collectorships?—No.

2087. And Mr. Mountstuart Elphinstone also, I believe?—That referred to the natives of Bombay; the natives there are different from the Bengalese; the Bengalese are the worst set in India.

2088. You say that there ought to be an inquiry into public employments in India; are you aware that an inquiry is going on by Mr. Ricketts at present?—I have seen some notice of it.

2089. Are you aware that he has made 49 reports already on the state of every public employment in India, and has visited every part of India for that purpose during the last two years?—I do not know how many reports he has made.

2090. Have you seen an account of it in the papers?—Yes; some part of it in the public papers I have seen.

2091. You have not seen an account of his inquiry?—Not a full report of it; but I have seen some notice of it.

2092. You said that you thought the servants of the Government should be found among the European settlers?—Yes, as much as possible. I think it would be a great inducement for Europeans to go to India to qualify themselves for those appointments.

2093. Do you remember why the covenanted service was established?—It was established at a very early time, I suppose, to send a better class of people to the country at that time.

2094. Was not it established because it was thought that the power was too great to be vested in the Governor-general to choose whomsoever he pleased in India to put into the offices?—I do not know.

2095. Do not you think that it would be putting a very great power into the hands of the Governor-general to allow him to choose at his own discretion from the people of the country?—No, so long as there is a free press to check those things.

2096. With regard to advances, almost all produce is made from advances, is not it?—It is to a great extent; you cannot get a carpenter or blacksmith to do anything in that country without advances.

2097. Are the accounts for those advances ever made up?—Yes, if the work is monthly; they are made up monthly, or as soon as possible.

2098. Is that the case with advances for indigo?—Yes.

2099. There is not a running account?—No.

2100. Is that the general practice?—It is the general practice among European planters; and if there is anything to receive, it is willingly paid before the Europeans, to prevent the natives cheating them.

2101. The cases in which you want a law of contracts are principally where you engage at a certain price with the ryot, and the ryot finds a better customer before the time for the delivery of the goods arrives, and sells to that other customer?—Yes; it shows their deception. If they can get a better price when the thing comes forward, they will dispose of it in that way, if they can: I have known many natives ruined in that way.

2102. Do you not expect a very high interest on the money you advance?—The natives take a very high rate.

2103. Do not the European planters take a very high rate?—No; there is no interest charged in indigo factory accounts.

2104. Out of the price of the goods the native ryot gets but a very small portion?—No; a fair price.

2105. What do you call a fair price?—As much as that article would be worth to himself, or as much as other people would give.

2106. If there was a law for advances as summary as the law of the Company with regard to opium, would not the ryots be placed very much in the hands of the planters?—No, I do not think they would; it would make them more correct if they knew that there was a strict law.

2107. Do you think that if they were here, and could give their own account, they would wish as summary a law to be general as is now the particular law with regard to opium?—No, they would not; nor would the opium people wish it either, if they could avoid it.

2108. You said that there were not engineers enough to do the civil engineering work

Mr. *G. MacNair.*

6 May 1858.

work in Bengal; do you think that it would be a good thing to have a corps of civil engineers employed by the Government?—I think it would.

2109. Are you aware that some have been sent out?—Yes, a Mr. Sims, and one or two others.

2110. That was for a railway, was not it?—Yes; and he surveyed some of the rivers also.

2111. Do not you think that it would be a good thing to have engineers whose sole attention should be directed to the rivers?—Yes, a very great advantage indeed, because those artillery and military officers in India are not acquainted with the best improvements in those things.

2112. Civil engineering is entirely a different branch from military engineering?—Yes.

2113. And you think the time has arrived when the two should be divided?—Yes.

2114. Would it not be cheaper for the Government to engage a civil engineer for five years, or some specified time, and then take somebody else if he did not turn out well?—No doubt; and they would get more work done.

2115. You say you think that the introduction of the English language would prevent corruption in the courts?—To a great extent it would.

2116. Do not you think some amendment is required in the law of procedure; that written evidence should be done away with?—Yes, it is too tedious; it should be more oral.

2117. Are you aware that the plan of taking oral evidence has been tried in some places, Chittagong particularly?—No.

2118. You are not aware that it has been found to answer there, and that the Governor of Bengal recommended it to be tried in other parts?—No.

2119. Do you think there could be any plan adopted for improving the roads of Bengal, in which the zemindars and planters, and the inhabitants and the villagers would subscribe, if the Government gave a certain sum?—A small assessment might be laid on in all the villages, or upon the zemindars.

2120. And they would be glad to pay it?—They would willingly do so for improved roads; it is done in some cases.

2121. Are you acquainted with a minute of Mr. Halliday's upon that subject, where he says that at once there should be 3,000 miles of road made in Bengal?—Yes.

2122. Do you think any plan of that sort could be generally laid down, and carried out in 10 year's time?—I think it could.

2123. Were not the zemindars bound to keep up banks and make roads, to a certain extent, at the time of the perpetual settlement?—Some embankments they are bound to keep up.

2124. You say that sometimes an active magistrate comes out and obliges a zemindar to allow the roads to be made?—He does; I have seen it done.

2125. If he had the power to make any zemindar make any road, such power would be liable to be misused and would result in oppression?—It might be left to arbitration, and settled amicably.

2126. You said that the darogah, in a case where there was little for the police to do, could not live on his pay; do not you think the pay generally is very low for that class of servants?—It has been increased for the last three or four years, but it makes no improvement; they are as bad as ever.

2127. Is the pay now sufficient?—For that class of people it is.

2128. Do you know whether the civil servants of the company were formerly underpaid?—I believe in the early part of the Company's lease they were underpaid, but they are not underpaid at present.

2129. Do not you think it would be fair to try what paying the natives fairly would do to render them more honest?—There is no objection to it; it is tried in the civil appointments to a certain extent.

2130. Are you aware whether the natives have been sufficiently tried?—The pay of sudder ameens and moonsiffs has been much increased.

2131. Do you think you could bring any sufficient case of corruption against a sudder ameen or a principal sudder smeen?—No. I have heard of a great many of them, if they are not corrupt themselves; they have always some cousin or brother ready to take to any amount.

2132. A great deal of that is owing to the mode of procedure, which encourages false swearing as much as possible?—There is a great facility for it.

2133. Owing to the great technicalities of the system in the Regulation Provinces, would you be in favour of having the Punjaub system introduced into Lower Bengal?—I think some part of that system would be advantageous.

2134. Would you like the summary system that at present prevails in the Punjaub; would it be suited to the lower provinces of Bengal?—I do not think it would answer so well in Lower Bengal.

2135. Would you be in favour of a division of districts and the accumulation of all powers in the same individual to make the magistrate collector and judge?—No, I would not.

2136. Do you think the magistrate and collector should be the same individual?—No; I should have the magistrate separate, and I would have an efficient officer for a magistrate. You might have younger assistants for collectors, but I would have an efficient man for a magistrate.

2137. And you would not have the two offices united in the same person?—No; I would have separate offices.

2138. And you would keep the present system in Bengal, and improve it rather than depart from it?—Yes.

2139. You are aware that the introduction of the old system of the union of magistrate and collector in the same person is much mooted now?—Yes.

2140. When did estates begin to increase in value in Bengal; is it within the last few years, or 10 or 15 years?—From the last 10 to 20 years.

2141. Do you think that of late they have gone on increasing up to the present time?—Yes, they are higher at present than they have been formerly.

2142. Has that increase been greater in the last four or five years than previously?—It has.

2143. And you do not think it has reached its climax yet?—Yes; I think it is very high at present.

2144. How many years' purchase is given for land?—It is taken in leases; it is not bought as freehold land.

2145. Every piece of land you buy must be calculated to yield a certain rent; if you took a lease for 30 years of an estate at Jessore at 100*l.* a year, what would you pay for it?—It would depend upon what you could collect from it.

2146. Bringing in an average calculated at 100*l.* a year?—We generally give the collectable rent in that respect.

2147. What is the rate of wages generally for a day-labourer?—A day-labourer receives from two rupees eight annas a month to from four to five rupees; it depends upon the description of labourer.

2148. An able-bodied labourer, for instance, on railway works?—Four, five, and six rupees a month, an able-bodied man.

2149. It is by the day?—No, not by the day, but by the month.

2150. Is the work performed by contract generally?—Yes; generally it is; people are paid for their labour by contract work.

2151. It is generally on the system of advances, and paying the work at certain rates?—Yes; you give them probably two rupees in advance; they come to you and work for a month, and at the end of that time the account is squared.

2152. Are the accounts for indigo large or small?—It depends upon how much they can take; they come in for their own contracts, and propose how much they can take.

2153. You say the subject of the survey was discussed when it was proposed?—Yes.

2154. Do not you think that a good survey of Bengal is a very necessary thing?—Yes, and a great advantage, if properly done.

2155. Will not it be an advantage to all parties?—Yes; it will put a stop to much litigation about the boundaries of property.

2156. Was not it well done?—There was a little too much power given to the natives to decide the boundaries at the time. You want European superintendence.

2157. Is not European superintendence enormously expensive?—It is a little so.

2158. Do you think that in all those great Government works you could employ nothing but Europeans?—No; you could have Europeans to superintend the natives to a greater extent, and have efficient people to see the work done;

Mr. *G. MacNair.*

6 May 1858.

a great many Europeans leave the natives to do the work, and do not look to the work at all.

2159. That has not been the case with the survey, has it?—Frequently.

2160. Are there not uncovenanted European servants at the head of each party?—Not at the head of all the parties; on some there are.

2161. Are you acquainted with what was done on the subject of resumptions?—Yes.

2162. What was your opinion about the conduct of the Government on the subject of resumptions?—It was considered very unjust.

2163. Why was it considered very unjust?—Because the lands had been granted in perpetuity before.

2164. Do you think a law of limitation would be useful; that where a man had had possession of property for a certain number of years, his title should be unquestioned?—It depends upon the arrangement which he makes for the property, if it is a fair right.

2165. I mean like the Statute of Limitations in this country; if a man has held property for 20 years in this country, and no man has questioned his right, the property is his, and no man can question it; do you think that would be a good thing in India?—Yes, it would induce the people to improve the property.

2166. Suppose the Government has left you in possession of your land for 30 years, without questioning your right to it; you think it an injustice for the Government to step in?—I do indeed.

2167. That is what I mean, that there should be a certain time, after which, supposing a party had rights, he should not be able to avail himself of them?—Yes.

2168. Mr. *Mangles.*] Was the question of the resumptions purely a matter of property; was not it also a question of taxation; was not it a question whether the holders of those lands should be exempted in perpetuity from bearing any share of the public burthens, and contributing to the public expenses?—I suppose Government did it with a view to increase the revenue.

2169. Do you think it equitable that in a country where, like India, almost the whole of the revenue is derived from the land, any class of persons should be exempt in perpetuity from bearing any portion of the public burthens?—I think it unjust that they should be exempt; except in cases where it was granted for particular purposes.

2170. Was not the claim of those men as against the Government, that the lands which they held should be continued exempt for ever from paying any revenue to the Government?—It was; but those lands were given by the native princes for sacred and religious purposes, and other particular purposes, and they had to perform some of those purposes, and if the lands were given in good faith by the former proprietors of the country, the gift should have been upheld.

2171. To any extent that they might exist?—If they could produce documents given in good faith.

2172. Are you aware that by the law if they were really given for religious purposes, they are still applied to those religious purposes, and cannot be resumed?—In some cases.

2173. Any religious endowments?—No; I have heard of a number that have been resumed.

2174. I mean where the revenues are *bonâ fide* applied for those purposes?—They are not often applied for those purposes.

2175. Do you think it reasonable then that any class of persons should be exempt for ever from bearing any part of the public burthens?—No, except in particular cases.

2176. You said those resumptions are very unjust, and now you admit the contrary?—No; they are unjust when given for specific purposes.

2177. Do not you think that if they were given for the maintenance of a temple or mosque, and the man took the money and applied it to private purposes, it would be unjust?—Yes; but if a man gets a piece of ground for those purposes you cannot say how much he uses for the particular purpose, and how much he appropriates to himself.

2178. Are you aware of the nature of the grant which the Rajah of Burdwan appealed home?—No.

2179. Are you aware that it was land to an enormous extent which had been granted by a former Rajah of Burdwan to his own son for the colourable purpose of

of sacred ceremonies?—I believe it had been granted for the purpose of sacred ceremonies.

2180. Do you believe that it was applied to those sacred ceremonies?—I am not aware how it was applied.

2181. Do you think it just that that burden should *pro tanto* be thrown upon the general community, and that the Rajah of Burdwan, who has an enormous income from other sources, should, besides that, enjoy this land under the pretext that it was granted to be applied to sacred ceremonies?—It was given for that purpose by the owners of the soil at the time; it was given by the rulers of the country at the time.

2182. No; it was given by the Rajah of Burdwan to his own son for that purpose?—He gave it as his own property.

2183. Was not his own property liable to the Government revenue?—His general property is liable to the Government revenue, but whether that portion is or not I cannot say.

2184. Is it not the general present law of India that the whole of the land, as a general rule, should bear the burden of the public expenses?—The land-tax supports the Government expenses; but there was always in India a portion of the land given rent-free to different people, to different supporters and retainers of native rajahs.

2185. Did not the man who succeeded the next rajah, as a matter of course, resume all those grants, and grant new ones to his own people?—No, they have not been resumed much by the rajahs; they may have been forcibly in some places, but they have not been generally resumed by natives.

2186. Were they ever granted for longer than the life of the ruler who made the grant?—The people say they were granted for perpetuity, and some people produce old writings upon copper and brass to that effect.

2187. Supposing in this country that the Duke of Northumberland or the Duke of Norfolk were to produce a grant from King Stephen that neither he nor any of his descendants should pay taxes, do you suppose that people would think that equitable?—Yes; it should have been inquired into at a former period.

2188. You think it is equitable?—Yes; if you were to disturb all former grants, no grants would be safe.

2189. In India the land has always been held liable to support the Government?—Yes; but in all countries there are some exceptions.

2190. And yet any breach of that grant which you speak of you think would be an injustice?—Yes, the people look upon it as unjust.

2191. Does anybody besides the holders?—Yes, it was the general voice of the country that it was unjust, because it was given to a great many poor Brahmins who had not been brought up to business, and had to support themselves upon it.

2192. Were those large estates given to poor Brahmins?—Principally, but some portions were given to Mussulmans also.

2193. Are you not aware that grants under 100 begahs were not subject to being inquired into?—I think it was 50 begahs.

2194. Are you aware that the Government could not meddle with grants under 100 begahs?—There were some small ones that were resumed earlier.

2195. Supposing all those rent-free grants had been left as they originally were, and supposing the case that the people of India became really their own rulers, and were intelligent rulers, do you suppose that the people of India themselves would acquiesce in a small part of their own body being exempt in perpetuity from taxation?—From what I have seen of the natives, they would recognise those rent-free lands to the Brahmins, because they thought it was a sort of religious purpose.

2196. What proportion of those grants are made to Brahmins for religious purposes; do not you know that there are large zemindaries to the extent of thousands of begahs that were held by men who did not pretend to be Brahmins or anything of the sort?—That was not so in our part of the country.

2197. Were not those small grants to Brahmins exempt by the law from being meddled with?—Yes; I believe under 50 begahs.

2198. Then where was the hardship?—They resumed all the larger grants.

2199. They could not be resumed under 100 begahs?—I think these were the instructions to the special Commissioners who were appointed to inquire into these grants.

2200. You say you heard the evidence of Mr. Freeman?—I did.

Mr. *G. MacNair.*

6 May 1858.

2201. You said that you generally agreed with him about the magistracy and the police, and the administration of justice?—Yes.

2202. Do you agree with him as to the ignorance of the covenanted servants of the native languages?—I do.

2203. Did you hear the question that I asked Mr. Freeman as to the examinations, to which they are now and have been subject for some years, namely, the two examinations that take place after they are out of College, before they can take any step?—I did.

2204. Are you aware of that examination?—I have heard of that examination.

2205. Do you know that it exists?—I believe it does.

2206. Are you not sure that it does?—I suppose so. I never was at an examination myself, but I have heard so.

2207. I asked Mr. Freeman this question, and I ask you the same. If you were told that one of the tests of knowledge of language is to show the examinee a report from a darogah, or native tehsildar, or native ameen, a report written in Bengalee if in Bengal, and Hindostanee if in Bahar, which he has never seen before, and he is required then and there, before the examiners, to read that report, and then and there to sit down and write with his own hand, in the native language, an answer to that report, should not you think the possession of that power argued a very great and sufficient knowledge of the native language?—It would if it could be properly done. I have seldom seen a magistrate that could do so; the system of writing the native languages is so very difficult for a magistrate to read, when he is not acquainted with the handwriting.

2208. Would it imply a sufficient knowledge of the languages that a man could read it, and was competent to write an answer in his own hand in the native language?—A man might read the printed language, but very few read the written language in the court.

2209. When he sees a report written by a darogah, and reads it, and writes his answer to it, does that imply a sufficient knowledge of the language?—If he is able to do it, it does; very few magistrates can do it.

2210. You say that the policy of the East India Company has always been opposed to the settlement of Europeans; do you mean since 1833?—I refer more to their early policy.

2211. Do not you think that if the early policy of the Government had not been opposed to the acquisition of lands by Europeans in the early period of our rule in India there would have been great danger that almost all the valuable estates would have passed into the hands of Englishmen?—I think it would have been an advantage to the country; it would have been in a greater state of civilisation. I do not think there would have been any danger from that.

2212. Do not you think that there would be great danger that all the estates would have passed into their hands?—I think that that would be an advantage both for Government and security of the country.

2213. Since that has happened, you say that Englishmen can hold lands in their own names?—Yes.

2214. And yet you say that fewer Englishmen are settled in India now than was the case 20 years ago?—There are, in our neighbourhood at least.

2215. How has it happened that the greater facilities and privileges which have been granted to Englishmen, have only resulted in there being fewer Englishmen to take advantage of them?—Those advantages have been much overruled by the proposed Black Acts. The people in Calcutta who are free from the laws of the interior, object to settling in the interior to be subject to those Black Acts.

2216. You say that those Black Acts interfere with the privileges of Englishmen, and place them on the same level with the lowest natives of the country?—If they were passed they would have that effect.

2217. Is not the great notion of the English law that all men are equal before the law?—If that is the object, the Government should give good laws, and efficient people to administer them.

2218. If there were efficient people to administer the laws, you would not think it derogatory to be placed on the same level with the lowest natives of the country?—I do not admit that, unless there were good English law, and trained lawyers.

2219. Is there no law in the world that is good but English law?—There may be.

2220. Are you not aware that there are great objections to the administration of the English law, not only in India, but in England, on account of its great expense?—I am not aware of that.

2221. Have you never heard of an objection against the Court of Chancery?—Yes, but I have never been in that court.

2222. Are the natives of India very well satisfied with the Supreme Court?—Yes, they have more confidence in the European courts; they think they get justice in them.

2223. Have you never heard that many very wealthy families in Calcutta have been reduced to poverty by the operation of the Supreme Court?—That is owing to the litigiousness of the different branches of the families quarrelling for a division of the property.

2224. Is not law a very expensive amusement in Calcutta?—It is.

2225. Do you know what a bobolea is?—No.

2226. Did you never hear of a bobolea?—No, I did not.

2227. Did you never hear that a bobolea is the name of the jackals which the attornies of Calcutta used to maintain to find suitors?—No, I have not heard that word used in my time.

2228. Have you never heard of the tricks that have been played to bring the natives into Calcutta, and render them amenable to the Supreme Court?—No.

2229. I mean by inducing them to sleep one night in Calcutta?—No, I have not heard much of those tricks; I have heard them mentioned in society, but I have not seen them practised.

2230. And when the poor man awoke in the morning he was informed that he had become amenable to the Supreme Court?—That shows the imperfection of the Mofussil courts, because they wanted to bring the man under the jurisdiction of the Supreme Court.

2231. The man himself not being willing?—He could get better justice from the Supreme Court, and I suppose that was the object of the claimant; if you get a decree in the Mofussil courts it is more trouble to you than if you were without it.

2232. Is there not the same difficulty in executing the decrees of the Supreme Court in the Mofussil, as there is when decrees are given by the country courts?—Sometimes, because the Mofussil magistrates have a great aversion to the orders of the Supreme Court, and they sometimes object to them, and will not fulfil them.

2233. Do not the same difficulties arise in the one case as in the other, owing to the tricks and chicanery of the natives themselves, whose property is at stake?—Not so much.

2234. Does a defendant like better to be ousted by the country court?—No, I suppose he is not partial to be ousted in any court.

2235. Do not they resort to resistance and intrigue?—Yes, they have a great deal of intrigue and resistance; as much as possible.

2236. Is it not as much with a decree of the Supreme Court, as with a decree of the zillah court?—It is not so troublesome.

2237. You say that it was proposed by the Criminal Black Act to exempt all the Company's officers from the jurisdiction of that law, and that Sir Arthur Buller strongly objected to it?—Yes, he thought that the Company's servants should be under the Black Acts as well as the English settlers.

2238. Are you aware who proposed that clause?—No, I never heard.

2239. You think that the object was to favour the servants of the Government?—I do; it was generally thought so.

2240. What should you say if you were informed that that particular clause had been proposed by Sir Lawrence Peel, who was a judge of the Supreme Court, and not a servant of the Government?—I should think that the clause was unjust.

2241. It could not have been introduced through favour?—I do not know who proposed it.

2242. You said that the Legislative Council was composed entirely of Government servants, and that even the judges of the Supreme Court are Government servants?—They are paid by the Government, and therefore I look upon them in that light.

2243. Are they appointed by the local Government or by the Government of the East India Company?—I suppose they are appointed by the Court of Directors.

Mr. G. MacNair.

6 May 1858.

2244. That is not the case. Are you aware that their payment is by Act of Parliament?—I believe it is; but still they are paid by Government.

2245. Can they be removed except upon *malfeasance*?—No.

2246. And their salaries are fixed by Act of Parliament?—They are.

2247. Then how are they at all dependent upon the Company's Government?—They get their pay from the Company's Government.

2248. Does that render a man dependent upon the Government?—I do not say that they are dependent; I look upon them as Government servants because they are paid by the Government.

2249. Your objection is, not that a man is called a Government servant, but because being a Government servant he is dependent upon that Government, and likely to take the part of that Government and to be partial; do you suppose that the judges of the Supreme Court are in that predicament?—No, they are less partial than the other members of the Council, and seem to act more independently.

2250. Are they partial?—No, they have shown less wish to be partial than the other members.

2251. Do you think that the other members of the council are partial?—They have shown a great partiality in wishing to pass these Acts, to exempt their own servants.

2252. You say that no evidence can be given before the Legislative Council; are they not open to any representation by petition or memorial, or otherwise?—Last year, the inhabitants of Calcutta petitioned to be heard before the Legislative Council, and they were refused.

2253. I asked you whether they could not make themselves heard by memorial or petition?—I believe they can do so by memorial or petition.

2254. Cannot they state in a memorial all that they can state *vivâ voce*?—I am not quite aware of the regulations.

2255. You spoke of them very confidently?—I said, that in that instance they had not an opportunity of giving their verbal evidence in the same way as I am giving evidence before this Committee.

2256. You think that the exclusive system of the civil service is very objectionable; do you not think that opening appointments to all classes would be liable to great abuses?—No, I think that it would be very advantageous.

2257. Do you think that it would not be liable to this abuse, that grown men would go out from England who were friends of the Governor-general, or the friends of his friends in England, or his political supporters, and would get those appointments in India?—No, I do not think that it would be liable to so much abuse in that way as it is at present.

2258. Is it liable to any abuse when men go out as boys, and make the service the business of their lives, being obliged to remain in India?—They go out with their appointment, and they know that they are provided for, and there is the want of a wish to get on by their own abilities. Some of them are unfit for their appointments; but they are appointed and they are never removed, and the appointments are not open to general competition. There are very many people in the uncovenanted civil service, who are fit for those appointments, and can get no advancement beyond their service.

2259. You think that absolute virtue would always be shown, and that no retainers of the Government in England would be sent out to India?—It might be the case.

2260. Are you at all aware what class of people the Government officers have been in our colonies, who are appointed under the system which you advocate?—I should say that formerly they might have been not so good, but latterly good officers have been appointed in the colonies.

2261. Are the colonial servants of the Government equal as a body to the Indian servants of the Government?—I should say that they are quite.

2262. You said that the Government had not sufficient engineers for scientific purposes in India?—I do not think that they have.

2263. And you said that one or two had been sent out lately?—Yes.

2264. Are you aware of the number that have been sent out?—No. I have only heard of one or two being employed in those particular branches.

2265. Might there have been 10, or 20, or 50?—I have not heard of so many.

2266. You said that the military engineers were not competent men?—No, they are

are not trained in that department; they are not competent for the deepening of rivers and looking after that department. They may be very able officers in their own way.

2267. Are you not aware that the employment of engineers in India in purely military works is very limited indeed?—No; a great many are taken for engineering works, for roads and embankments, and different things.

2268. You said that those military men should be confined to their own department, and that civil engineers should be employed in civil works?—Yes; I mean the general works of the country.

2269. Are not embankments and roads works of that description?—Yes, those are generally under military engineers at present.

2270. Are you aware that the really military works in India are very small indeed, and occupy a very small part of the attention of the engineering officers?—I am not aware of that.

2271. Are you aware that there are very few fortresses on the Bengal side?—There are not many,

2272. Are there any but Fort William?—No, not in Lower Bengal.

2273. What military employment is there for a military engineer?—To instruct his men in his own corps.

2274. There is no corps except the sappers and miners?—No.

2275. Is there military employment in Bengal for a military engineer?—I am not acquainted with that subject.

2276. Then why cannot the military engineers sufficiently attend to the civil engineering?—Because they have not been brought up to the civil engineering department, and they have not a knowledge of the newest improvements with respect to widening and deepening rivers, making bridges, &c.

2277. Have they not been instructed at Addiscombe and Chatham in all those matters?—To a certain extent, but not to the extent that a civil engineer would be capable of doing. I do not think that they get much instruction in civil engineering, and they have no opportunity of keeping up their information upon that particular branch of public works.

2278. You said that India ought to be governed as an English colony?—I think so.

2279. Do you think that that would be just towards the natives?—I think that it would be beneficial to the natives.

2280. Considering that the proportion of the Europeans to the natives is so small, do you think that it would be just to govern India upon the principles of the small minority, and not upon the rules and laws of the great majority?—It is better to improve the Government for them than to keep an inferior Government for the English settlers.

2281. Like which English colony do you think India ought to be governed?—Like Australia and Canada; I speak of the colonies generally.

2282. Are you not aware that those colonies which you have named govern themselves?—They have done so to a great extent latterly.

2283. Are the natives of India fit to govern themselves in that way?—They are not at present; but I think that it might be gradually done by Europeans.

2284. And you think that Europeans should have the making of the laws and the ruling of the country?—I think that they should.

2285. Do you not think that there would be some little danger that they would make the laws to suit their own interests, and not the interests of the natives?—No; I think they would make better laws than the laws which at present exist.

2286. Is it the experience of the world, where there has been a race of a different class and a different colour, that they have made a just and good Government?—When a civilized state governs an uncivilized one, I think you would have good laws, better than the Hindoo and Musselman laws.

2287. You said that a skilful man in India can generally get on; is that opinion compatible with your other opinions as to the badness of the laws and the administration, which prevent men from getting on?—A skilful man will find a market for his skill, and get on by his perseverance, although the laws are against his operations.

2288. Still he can get on?—Yes, he will generally get on in any place.

2289. You spoke about the Nuddea rivers; did you hear what Mr. Freeman stated about the size of those rivers?—I did.

Mr. *G. MacNair.*

6 May 1858.

2290. Do you concur with him?—I do.

2291. Do you think that they are not larger than what he stated?—I do not; they are medium rivers.

2292. To what river in this country should you compare them?—They are about a third or fourth part of the breadth of the Thames.

2293. How are they in the rainy season?—In the rainy season they may be extended in some places where the banks overflow.

2294. Do not they often change their course?—No, not the Nuddea rivers; the Ganges does.

2295. You think that it would be practicable to have permanent works upon the Nuddea rivers?—I think it would be practicable to improve them to a great extent.

2296. Are there not large churs in those rivers?—No; there are small formations, that could be carried away; and if the course of the river was straitened, the action of the water would prevent such formations.

2297. Did you ever see Mr. May in India?—Yes.

2298. Were not great exertions made by the Government, at the time Mr. May was there, to keep the rivers open?—Mr. May did a little, but the value of that little has been lost, because nothing has been done since.

2299. You have spoken of the advantage of a canal to Rajmahal?—Yes.

2300. Will not a railroad to Rajmahal be much better than the canal?—Yes, but water-carriage generally is considered cheaper for bulky articles than railway carriage.

2301. You stated that the roads in Bengal were quite impassable in the rainy season?—They are.

2302. Would it be practicable, at any expense that would pay, to make roads in Bengal that would be passable in the rainy season?—Yes, quite, for main roads.

2303. To any extent that would pay?—I apprehend that it could be done by some assessment upon the zemindars and ryots.

2304. Would that be consistent with the terms of the permanent settlement; is the Government at liberty to place an assessment upon the zemindars for roads and other objects?—I am not aware of any law to that effect; I think that the zemindars would do it voluntarily.

2305. There are no stones in Lower Bengal?—No.

2306. A road could only be made with bricks?—Yes.

2307. What would be the expense of making roads that would be passable?—I cannot say at present correctly.

2308. Would it not be something enormous?—I do not think it would be so very great; it would be much less in that country than in this, because you can make bricks in India at such a moderate rate, and labour is cheap.

2309. What is the cost of making bricks there?—We can make bricks at 5 *s.* to 6 *s.* a thousand, including burning and everything.

2310. You say that you desire the introduction of the English language into the courts of justice; do you think that would be just to the people?—I think it would.

2311. Although they do not speak the language?—I think that it would be a great benefit to the natives.

2312. Do you think that they would be able to understand the language of the court?—Very soon.

2313. How is it that our officers do not understand the native language?—Because they do not give the same attention to it, and do not commence to learn it so early.

2314. You thing that English gentlemen, whose duty it is to learn the native languages, do not give the same attention to the subject that the natives would do?—No; I believe the natives would soon acquire the English language; they are very quick in picking up languages.

2315. Do not you know that the English language is the most difficult in the world to learn?—Some people say so.

2316. You think that the natives would learn the English language quicker and better than the civil servants learn the native language?—I think they would.

2317. With regard to the police: you say that it is very bad?—Very bad indeed.

2318. You said that all powerful natives oppress the poor and the weak?—To a considerable extent they do.

2319. How is the Government to get better instruments of police?—By having more European superintendents.

2320. You think that would be just to the people of the country?—Yes, the people would like it themselves; it would prevent the oppression, in a great measure. The present oppression from the police is much complained of.

2321. You said that even in Calcutta, in the treasury and in the other offices in Calcutta, it would be desirable to employ English servants?—I think it would, to a considerable extent.

2322. Would it be just and fair towards the people of the country to take all the employment out of their hands, and give it to the English?—If you cannot find natives fit for those employments you must employ Europeans.

2323. How are the natives to be made fit without being employed?—You may make them fit for some of the appointments, but it is difficult to make them correct or honest without more European superintendence.

2324. Are they likely to be made correct or honest if they are not tried?—They do not seem to improve in that respect.

2325. Do you agree with Mr. Freeman that the darogahs have been worse since they have had better salaries?—They are as bad; they have not improved; they are as corrupt as they were, and they require larger bribes to do the same work that they did formerly; they say they are bigger men, and they require more.

2326. You think that it is possible to teach boys to swim without allowing them to go into the water?—No, I do not.

2327. *Chairman.*] Do not you think it would be an advantage for them to see a man swim who could swim better than themselves?—Yes, I think that they would get benefit from the example.

2328. Mr. *Mangles.*] You said that estates were now so valuable in Lower Bengal that they are seldom sold?—Yes.

2329. And you said also that there has been an enormous increase of cultivation; that the waste lands are much less extended; that the condition of the natives has much improved; that they are better clothed and live in better houses, and so on; will you state how that state of things, and also the greatly enhanced value of land, is compatible with the terrible misgovernment which you say prevails?—That state of things is owing to the influence of the Europeans, and to the money which they have spent in the country; it is not owing to the Government.

2330. You think that this great improvement has taken place in spite of the Government?—To a certain extent. If there had been good laws and better protection the country would have progressed to a greater extent. The country has improved to a very vast extent by the European settlers.

2331. Has it not improved in parts of the country where there are no European settlers?—Not nearly so much in the eastern parts and the Sunderbunds; you do not see the same improvement, though there is a great deal of cultivation in the Sunderbunds now.

2332. Still you could hardly compare the Sunderbunds with the fine beautiful districts of Kishnaghur and Jessore?—They produce beautiful crops of rice.

2333. Rice is the most inferior crop?—It is a low-priced crop.

2334. You say that there is great hazard to the possessors of putnees of losing their tenures by sales?—There is.

2335. Still you say that the sales are very few?—They may occur at any time; there is the fear of their taking place.

2336. Why do persons persist in giving a premium for putnees if they are so liable to lose them?—They cannot get them without.

2337. Does not the fact of their giving a premium show that the hazard cannot be very great?—There is still a dread of the hazard.

2338. Would persons give a considerable premium if they thought that the danger was great?—In the case of small proprietors, where there is more dread of it, they sometimes make an arrangement to pay the Government rents.

2339. Mr. *Campbell.*] Is not it absolutely necessary for the possessor of an indigo plantation, in self-protection, to take those putnees?—It is very necessary, and very important.

2340. It is a choice of evils, and the taking of the putnee is the lesser evil of the two?—It is. It is very important to have the putnees.

Mr. *G. MacNair.*

6 May 1858.

2341. Mr. *Mangles.*] You stated that there had been a great enhancement in the value of landed property, and a great improvement in the condition of the people; and you said that that was mainly attributable to the number of English settlers. While so much prosperity has been created, and so much good been going on, how is it that there is a diminution instead of an increase in the number of English settlers?—They have been prevented by the expectation of the Black Acts being passed. Since the trade was opened in 1833, the yearly dread of these Black Acts being passed has prevented people settling in the interior who would otherwise have done so.

2342. And yet simultaneously with this fear the improvement has gone on?—Yes, by the people who are there.

2343. Does not that draw others?—No. A man who is settled there already continues there, and does the best he can.

2344. Have not the English settlers shared in the general improvement of the country; has not their prosperity been greater?—To a certain extent.

2345. And yet that has not been sufficient to induce others to join them?—No, they want the protection of the law and security for their property.

2346. How is the want of the protection of the laws compatible with the greatly increased prosperity?—The people who hold the property, and have their capital already embarked there, have done everything that they could to improve the condition of the country, but the laws have prevented new people from settling there.

2347. You do not intend to confine your remarks with reference to the improvement to zemindaries held by Englishmen?—Very much.

2348. You said that if the cultivation of any particular produce, such as sugar-cane, or otherwise, were profitable, the system of collecting their rents by the zemindars would not prevent the cultivation of valuable crops?—No, it would not.

2349. Do you suppose that if the cultivation of cotton were profitable the ryots would not cultivate it?—They would.

2350. To what do you attribute the non-cultivation of cotton?—To the want of proper roads for its conveyance, and the unsettled state of the laws.

2351. If the unsettled state of the laws does not prevent the cultivation of indigo or sugar-cane, how does it prevent the cultivation of cotton?—Cotton is a new thing, and requires new works and advances; indigo has been an established business in a manner. People have been in it for many years.

2352. Are there any works necessary for the cultivation of cotton?—Yes; you require dwelling-houses for the residence of the superintendents, and establishments, with store and press godowns, and heavy advances to natives for which there is no proper law of contract.

2353. Could not they find such dwelling-houses in the larger towns?—No; there are no larger towns; they must erect houses for themselves at the most convenient situation upon the property.

2354. Is there anything to prevent the cultivation of cotton, which does not also exist to prevent the cultivation of other things; is there any peculiarity in cotton?—Yes; there is the want of good roads, as a means of transport.

2355. Does not that tell also with regard to hemp and oilseeds, and other bulky things?—Not to the same extent, because cotton has to be taken overland 200 or 300 miles on bullocks' backs, and it is a bulky thing.

2356. Are not hemp and jute just as bulky?—Hemp is grown in Serajgunge where there is more convenience for carriage.

2357. *Chairman.*] You mean that cotton is such a very bulky article that it will not bear the expense of carriage?—Yes.

2358. Mr. *Mangles.*] Is not that the case with regard to jute?—That is more grown in Serajgunge, where there is transport by water.

2359. Could not cotton be grown in Bengal?—I believe it could.

2360. In the same way as hemp, upon the banks of the streams?—I think not. Hemp will grow in water or lower lands.

2361. Is it not said that the great desideratum for cotton cultivation is water?—Cotton requiries irrigation during the dry season before the rain commences, but it does not require to grow in water; the plant would never live in water, and it requires a high country.

2362. With reference to the administration of justice, do you think that an English judge would do better by using the English language, and having the aid of an interpreter, than by learning the native language, and administering justice through

through the medium of that language?—I think so: he would understand the case better.

2363. Are interpreters more to be trusted than other classes?—I think so; a good class of interpreters could be got.

2364. Are interpreters more to be trusted than other classes?—I think you could get interpreters to be depended upon.

2365. How can you get interpreters to be depended upon when you cannot get darogahs to be depended upon?—You can get a better class of people for interpreters.

2366. Why does not the Government get a better class of people for darogahs?—I cannot say.

2367. Do not they try to get the best they can?—They may.

2368. You said that the payment of the five per cent. loan had excited great distrust?—Very great indeed.

2369. On what grounds?—When they opened the four per cent. loan, they thought the Treasury was full, and that it would be continued and not increased again, and within a twelvemonth or 18 months after that a new five per cent. loan was opened.

2370. Is not every Government and individual at liberty to pay their debts when they please; the men might have had their money?—They are quite at liberty, but they should have kept it at the four per cent., instead of opening it afterwards at five.

2371. Was there any faith pledged that they would not borrow at a certain rate; was not the whole thing to proclaim to the holders of the paper, Here is your money, or here is the four per cent. loan?—The people expected that they had sufficient money, and would not require to borrow so soon again at a higher rate.

2372. Did the Government tell them so?—It was said at the time that there were so many millions in the Treasury.

2373. By whom?—It was said in the financial reports.

2374. From where?—From the Treasury or the Government.

2375. What reports?—The reports of the money in the Treasury.

2376. What reports are published of the money in the Treasury in India?—The people have means of knowing it.

2377. Can there be any hardship or want of good faith in offering people to take their money, or take a lower rate of interest which they prefer?—The hardship was in opening a five per cent. loan afterwards.

2378. How is a man who is offered his money damnified by that?—It lowered the value of his loan 20 per cent.

2379. But he might have had his money if he had chosen?—I suppose some of them might, but it was not supposed Government had sufficient funds to pay off the whole of the five per cent. loan. It was reported they had about 15 millions in the Treasury, which would not have paid off half of the loan, if the holders of the five per cent. paper had all demanded their money. Trusting that Government would not require money soon again, and that four per cent. would be the established rate, many people took the four per cent. paper in lieu of the five per cent. loan. There was no war or extraordinary expenses at that time to require more funds, but within 18 months Government again opened a new loan at five per cent., which shows that their ability to pay off the former five per cent. loan must have been erroneous; that step was an immediate loss of 20 per cent. to every person who took the four per cent. paper, and consequently created great distrust among the native capitalists.

2380. How was a man injured or defrauded in any way according to that choice?—Because he afterwards lost 20 per cent. by it.

2381. That was not the fault of the Government?—Perhaps not.

2382. Mr. *J. B. Smith.*] He was induced by a false representation to invest his money?—Partly that.

2383. *Chairman.*] By an erroneous representation?—Yes; I suppose it was the intention of the Government to reduce their interest.

2384. Mr. *Mangles.*] Can you say when, how, and where those false representations were made by the Government?—They were understood if they were not distinctly made.

2385. Upon what authority were they understood?—There was very good authority to show the people that they had not funds to carry on the government, they afterwards so soon opening a five per cent. loan.

Mr. *G. MacNair.*

6 May 1858.

2386. How can you prove that the Government made a representation that they had so much money more than they really had; all they offered was, to pay the money off, or take the four per cent. loan; that was a free option?—It was, but it injured the people who took the four per cent paper.

2387. *Chairman.*] You think the Government should have shown more foresight?—Yes, it would have been very much better for them.

2388. Mr. *W. Vansittart.*] Your evidence gives me the impression that our legislation in India of late years has been with a tendency to degrade and lower the European, and to exalt the native character?—Yes.

2389. From what period do you date this?—From 1836 or 1838; since Mr. Macaulay made the minutes about the Black Acts.

2390. Do not you think it commenced with Lord William Bentinck, and was followed up by Lord Auckland?—No, I thought it commenced with Mr. Macaulay's minutes.

2391. Was not Lord William Bentinck the first Governor-general who threw open all those high appointments, with their large emoluments, to the natives?—He did encourage it.

2392. He commenced it?—Yes.

2393. That was very much followed up by his successor, Lord Auckland?—Yes, a good deal.

2394. The Lieutenant-governor, Mr. Halliday, is of this school, is not he?—I do not know what school he is of.

2395. He is considered to belong to the young India school, throwing open everything to the natives?—No, he seems to put great distrust in the natives; I think his opinion is more to have more European superintendents.

2396. Are not Mr. John Peter Grant, and Mr. Cecil Beadon, and others, connected with the council and the secretariat, of opinion that if anything, we should legislate more to elevate the native character and keep down the European?—I believe very much so.

2397. You consider that the civilians generally are in the hands of the native omlah?—I think very much.

2398. Do not you think that a native is better pleased with a decision passed by a young civilian than by his own native judge?—Yes; generally speaking he has more confidence in an European court.

2399. Does not he think, at all events, that the civilian was not bribed, and that he cared as little for plaintiff Ram Doss as he did for defendant Sham Sing?—Yes, the civilians are just, but they know they have great power with the omlah.

2400. Does he think the native judge is just and honest?—No.

2401. Would it not be necessary for the native to bribe the native judge as high as he bribes the civilian's omlah; if he gives the civilian's omlah 50 rupees, he would have to give the native judge 50 rupees?—Yes; he must bribe both.

2402. After having bribed the native judge, he would have to bribe the native judge's omlah?—Yes.

2403. In point of fact, he has to bribe, under the present system, the native court just twice as much as he does the young civilian's court?—He requires to do it to a certain extent.

2404. I gather, from your evidence, that you think the native character, at present, is in a very low and degraded state?—The class of court omlahs are too much so; but there are many respectable natives in the country, intelligent and trustworthy.

2405. In point of fact, he is corrupt, cowardly, and devoid of all truth and honesty?—Yes; there is a great want of moral courage and independent judgment in that class of natives.

2406. Have not the native officials and judges, namely, the moonsiffs and sudder ameens, behaved very ill during the late revolt?—In the Upper Provinces they have; and I dare say in Bengal they would have done the same, if they had had the opportunity.

2407. Have the police darogahs behaved equally ill?—In some places in the Upper Provinces they have.

2408. Do you think there would be any difficulty in procuring a sufficient number of young men of good education and family in this country, to go out and fill the situations of moonsiffs and sudder ameens?—No, if they had the expectation of advancement.

2409. Would

2409. Would not that be a great improvement?—Very great indeed.

2410. Do you think that by paying those native judges even higher than they are at present, they would become more honest?—A few might, but not generally.

2411. In fact, you are of opinion that, as at present constituted, we can expect no improvement in the native character?—More European superintendence would tend to improve the native character.

2412. Is not a sudder ameen's salary nearly 900 *l.* a year?—From 600 *l.* to 700 *l.*, 800 *l.*, and 900 *l.*

2413. And a moonsiff's?—They get from 200 to 300 rupees a month, some of them.

2414. And some fees besides?—Yes, they get some fees besides.

2415. You say that the zemindars and baboos of Bengal live principally in or near Calcutta, and not on their estates, owing to the maladministration of justice?—They do.

2416. But do not the zemindars in the Upper Provinces live on their estates?—I have not had much knowledge of the Upper Provinces, and cannot speak of them.

2417. Mr. *Villiers.*] When did you return from India?—Last year.

2418. I take it for granted that you only appear here as a man who has been engaged in some of the productive works of the country?—Yes.

2419. You have not written on the subject of India?—No.

2420. You have not studied its history particularly?—No more than other people.

2421. You intend to convey your impressions as a capitalist with respect to the obstacles to the employment of capital and to Englishmen going out there?—Yes.

2422. You do not pretend to speak with confidence that the Government is more degrading to persons subject to it in India than formerly?—I do not think it is more degrading, but there is more wish to enforce these Black Acts among a certain class.

2423. But you do not speak favourably of the former government of the East India Company as compared with the present?—I do not say they are better.

2424. You have heard the evidence given by Mr. Theobald and Mr. Freeman?—Yes.

2425. From what you did hear, and from what you have stated here, I do not collect that there is any difference in opinion?—No, I concur in all that they said.

2426. And you have dwelt peculiarly upon the imperfect character of the civil service?—The want of business habits, and knowledge of the language by some of their service.

2427. I observe you stated that in some respects they are worse now than they used to be, in consequence of those who are efficient being taken away to other employments?—Yes, being very frequently removed; sometimes three times a year.

2428. You have been in India 20 years?—I have.

2429. Has that occurred more of late years than formerly?—Yes; during the last five years to a greater extent.

2430. Is that owing to the greatly increased territory which the Company has acquired, and the necessity of having civil servants sent there?—I suppose so, and more people leaving the country.

2431. Are the employments better in those territories than those where they have been employed?—I believe they are.

2432. Do you infer from that that the civil service have a strong interest in the annexation or accession of territory?—I suppose they are anxious to annex territory; it gives them additional employment.

2433. Their numbers being limited, and they receiving better employments in consequence, they have a direct interest in accession of territory?—I cannot say they have a direct interest in it, but that system seems to be carried on to too great an extent.

2434. You propose to meet this difficulty of not having a sufficient number of efficient servants, by having a general employment of the non-covenanted or of persons who come out to settle?—Yes.

2435. And you have been asked whether that would not run the risk of the

Mr. *G. MacNair.*

6 May 1858.

Governor-general bringing out persons advanced in life who have not done well here, and their favourites; would not that be met by submitting them to some tests previous to employment?—Yes.

2436. You might have some test of their acquirements and capabilities?—Yes.

2437. And some report of their fitness for the special services in which they are to be engaged?—Yes.

2438. And you think you might have efficient men, equal in number to what you required?—Yes, I think so; gradually people would make it their object to go out and qualify themselves.

2439. From your observation of persons that would be available, and also from your opinion that people are ready to go out, you have no doubt that the evil you complain of could be met?—Quite.

2440. Do you know whether these matters have been brought before the Government of India, and whether they offer any objection to the system being adopted?—I am not aware.

2441. Do you express opinions here which you did not express there?—No, I do not.

2442. Are you maintaining the general opinion out there, or expressing the opinions entertained now by settlers there?—I think I am expressing general opinions.

2443. But you say there is no change of system, and you know of none being contemplated?—There has been none yet.

2444. Were you there when Lord Dalhousie was there?—I was.

2445. Were none of these matters brought under his attention?—I believe they were.

2446. We have heard that remonstrances of various kinds made to the Council are not attended to, in consequence of the persons forming the Council being ignorant of the real interests or being acquainted with the feelings of the people?—I have heard reports to that effect.

2447. You are not satisfied with the constitution of the Council?—No. I think there should be a non-official voice in the Council; there should be mercantile and agricultural men in the Council.

2448. Do you state that because you are not satisfied with the knowledge which the present persons there have of those matters?—Yes.

2449. Do you speak of that from personal experience?—Yes, from the laws they bring forward; they are not acquainted with the working of those laws.

2450. Was Sir Arthur Buller appointed by the Company or by the Government?—It is under an Act of Parliament that two of the judges of the Supreme Court should be Members of the Legislative Council.

2451. That is not the kind of appointment you refer to, when you say "non-official"?—No, I would have planters and merchants.

2452. You are aware that Sir Arthur Buller is not a person appointed by the Company?—He is a judge of the Supreme Court, appointed by the Act of Parliament.

2453. He seems to have made a statement there upon general matters?—Yes; upon his knowledge of the country and his observations.

2454. Was his speech delivered while you were there?—Yes; and it made a great impression.

2455. Was that from the novelty of any person in the Council giving expression to the feelings of the settlers?—Yes, partly; and his independent expression.

2456. Was he answered?—He was replied to, I suppose, in the ordinary manner; but I do not think what he stated was refuted or denied.

2457. You are not aware of any result from his speech?—I think it has had a good effect.

2458. You stated that these darogahs do not improve at all, though they have higher salaries; do you think that if the civilians were more competent, that if they knew the language better, and knew how much they were deceived by these people, from being more acquainted with the habits and the language of the natives, that might be some check?—A very great check. An efficient magistrate can improve the people very much.

2459. I think you stated that the Government have not extended a law of contract which they enforce for themselves, which would be very desirable to have enforced?—Yes, to extend to every one.

2460. Has that been brought before their attention, do you know?—Yes, I believe it has.

2461. And no attention has been given to it?—We formally brought to the notice of the Government the imperfect law of contract; there was a better law of contract formerly; that was done away with in 1850, or somewhere about that time.

2462. Is it in the cultivation of opium that they make their advances?—Yes.

2463. Was a better law of contract given by Lord William Bentinck?—Yes, and it was done away with.

2464. By whom?—I suppose by Lord Dalhousie; it was changed about six or eight years ago.

2465. Does it not greatly enhance the cost of production if people pay so highly for the advances that are made?—Yes, and the uncertainty, because there is a great loss to the natives and Europeans by the advances.

2466. There is no means of recovering them?—Yes, if you get a decree; but it takes two or three years to get it, and the people make off, and you seldom recover the amount of your law expenses.

2467. That applies to cotton as much as to indigo?—More to cotton; it would require 12 months before you got the return from that.

2468. You speak of the growth of cotton commercially when you say it does not answer to grow it in Bengal?—It has not been profitable to the people hitherto.

2469. With respect to the roads, you say the zemindars sometimes object themselves to roads being made?—They do.

2470. Have you ever heard of the zemindars of this country doing the same thing when they were not compensated?—Yes, but they have been offered compensation in India in some instances, and have refused it; they do it from a spirit of opposition to you.

2471. You do not mention that as peculiar to India; you have heard of people resisting improvement all over the world, although it was for their own interest?—Yes.

2472. You stated that they objected to novelties, and that those novelties were owing to the various breaches of faith on the part of the Government complained of by the natives?—Yes.

2473. You referred to certain changes in the law, and changes of administration?—Yes, they show a distrust to these things at first, or any new schemes.

2474. That is the reason why you referred to the resumptions?—Yes.

2475. Was that the general opinion of the Europeans out there, that bad faith had been shown with respect to the resumptions?—Yes.

2476. That it was impolitic, as shaking the confidence of the people in the Government?—Yes, it was considered so.

2477. It was an investigation into title, was not it?—Yes, they were ordered to produce their titles, but they had held the land for such a length of time that the titles might have been destroyed, and burnt, and very few of them held them.

2478. There was nothing more extraordinary in holding their land relieved from taxes, than a person in England holding land where the land-tax has been redeemed, or which is tithe free?—No.

2479. To what extent has the scientific survey in Bengal and Behar proceeded?—In Bengal, when I left it in 1857, there were two or three zillahs finished, and the maps had been published of one or two of them. They were doing the zillah of Jessore in 1857, and Kishnagwah had been finished and mapped.

2480. Could you give the Committee any instances where the zemindars employ Europeans instead of natives, in preference; is it done in the case of works of skill, or in some cases where they cannot get natives to perform their works, or is it from mistrust of their character?—It is from mistrust of their character, they place more dependence upon Europeans; they improve the value of their produce; it is worth fully 25 per cent. more.

2481. You say the natives are untrustworthy, I suppose you mean natives of the lowest kind; you do not mean to say that there are not natives of a certain station that are just as trustworthy as Europeans?—There are very many trustworthy and intelligent natives; but the class of court omlahs are not generally trustworthy.

2482. Would you say that that extends to such a degree that you would not have

Mr. *G. MacNair.*

6 May 1858.

have a native preside in a criminal court at all?—I would not; they are not fit for a criminal court; independent judges are wanted.

2483. Do you mean that they are not fit from want of knowledge, or from want of moral character?—Want of moral character and independent judgment.

2484. Those judges now appointed in the criminal court are, besides that, not qualified by learning, are they, for that office?—No; they just have a smattering of the Company's regulations, but they have no legal training.

2485. They have not undergone any special or professional education?—No, they just cram themselves with the Company's regulations.

2486. Would it be possible to submit them to some test, to prove that they are competent?—Yes, it would.

2487. Has that never been suggested; has it never been complained of that they are ignorant men?—Their ignorance is much complained of.

2488. Has anything of that sort ever been suggested?—They have never had a legal education; there is no legal training for them.

Martis, 11° *die Maii*, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Sir Erskine Perry.
Mr. De Vere.	Mr. Danby Seymour.
Mr. William Ewart.	Mr. J. B. Smith.
Mr. Gregson.	Mr. W. Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.
Mr. Lygon.	

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. *George MacNair*, called in; and further Examined.

Mr. *G. MacNair.*

11 May 1858.

2489. Mr. *Willoughby.*] YOU stated that you gave a general concurrence to the evidence of Mr. Freeman?—I did.

2490. Do you also give a general concurrence to his evidence on the cross-examinarion?—I do.

2491. You stated that you were yourself favourable to the colonisation of India by Europeans?—I think it would be very advantageous.

2492. In what localities, according to your experience, would it be practicable?—In Lower Bengal, as much as possible, as overseers and people of skill and capital to develope the resources of the country.

2493. In any other place?—In the upper provinces, in the tea districts, and the other different districts, Europeans could be more employed of a different class.

2494. Are you aware that a reference was lately made to the local authorities by the Government of India, and that reports from the several local Governments on the advantage of holding out settlements for discharged soldiers and other persons resident in India have been published?—I have not seen that publication.

2495. Are not disputes constantly occurring between the zemindars, European and native, and the ryots, regarding their rights of property?—Yes, a good many disputes occur.

2496. And disputes leading to serious affrays, attended with bloodshed?—Not so many of late years. Formerly, when Europeans could not hold property, they were more numerous; but since Europeans have held property, they are much fewer.

2497. But they still occasionally occur?—Not often; very seldom.

2498. You heard what Mr. Freeman said about extinguishing the rights of the cultivators, in order that the zemindars might obtain the fee-simple?—Yes, but I do not think that you would require to extinguish the rights of the cultivators. No person who takes the land would require to turn away the ryots; they are the people who cultivate the land and pay the rents.

2499. Suppose

2499. Suppose the case of a zemindar who wanted to increase the rent of a ryot, and the ryot said, "This is contrary to immemorial custom"?—He can do it by the stated rate of the pergunnah. If there was a fixed rate in each pergunnah district it would be fair to do it.

2500. You do not think the annihilation of those rights either just or practicable?—No; it would not be just to annihilate them to a great extent; but to assess them to the neerick of the pergunnah would be just for both parties. When the perpetual settlement was made by Lord Cornwallis it was a sort of understanding that the ryots should be assessed to the amount of the neerick of the pergunnah, which is a stated rate, probably 12 annas or a rupee a begah, or whatever it is, and that they should not be increased above that.

2501. You say there was an understanding; suppose there is a dispute about that understanding, how would you settle it?—It is generally considered that it is an understanding.

2502. Do you think any increase of European planters as proprietors practicable to any extent in the districts with which you have been connected?—No; the present concerns are all taken up; they are all engaged; but they occasionally change hands and new people come in. There could not be much increase in Jessore or Kishnagur.

2503. In regard to the moral, social, and political advantage which you and Mr. Freeman think likely to arise from the settlement of European colonists, would not that depend very much upon the character of the settlers themselves?—It would be the middle or upper class of Europeans that would settle there, and it would have a good effect upon the natives.

2504. In your opinion, are any, and if so, what restrictions required to secure the ryots in their rights and privileges, in the event of any extensive settlement of European proprietors?—Just the stated rate of rents; not to be increased above that would be of great advantage to them, because the zemindars oppress them in that way, and take them at higher rates, and extort a great deal out of them in all the births and deaths and marriages of their family. They probably pay 15 to 20 per cent. yearly in that way in excess of the rents.

2505. You think a law would be necessary limiting the amount of rent which a zemindar could demand?—I think it would be proper to have the neerick in the pergunnah; the neerick is a fixed rate.

2506. You heard Mr. Freeman's evidence in regard to the precautions taken by Government in advertising estates for sale?—I did.

2507. Do you concur in that?—Yes. I think the precautions are not sufficient; they should be more properly defined, and that would save a great deal of dispute.

2508. What precaution would you suggest, in addition to those now existing?—The tenure should be upheld, and the boundary laid down. When you purchase a property, and are allowed to take possession, one half of the quarrels are about the possession.

2509. That refers to the titles?—To a great extent.

2510. You are acquainted with the sale law proposed by Mr. John Peter Grant?—Yes, I have looked into it.

2511. Why was not that passed into a law?—There was a good deal of discussion about it, and it was postponed at the time, I suppose on account of the mutiny, and the Government being engaged in other things. It was an improvement; but it should extend the protection to under-tenures a little further.

2512. I presume the planters have every opportunity of representing any improvement which their experience enables them to suggest upon that or any other law?—They can do so by memorial or petition, but not verbally, not in a Committee like this.

2513. You say in answer to Question 1978, "If Government wish to retain that Eastern empire, I think they must follow another system, and encourage the settlement of Europeans as much as possible; a considerable number might be employed in Government situations, which are at present filled by natives in whom no dependence can be placed"?—Yes; I think it would be very advantageous to employ a number of Europeans in those different offices; and it would be a training school to bring them up for higher appointments.

2514. In answer to Question 2059, you allude to certain offices, such as the Treasury and the Home and Foreign Departments; and you state "for the present pay of these native establishments, I should say a much more efficient

Mr. *G. MacNair.*

11 May 1858.

European establishment could be kept, which would be a good training school," and so forth?—I think so, because in all those offices they employ 20, 30, or 40 natives.

2515. You think a European establishment could be maintained at the same expense as the present establishment?—I think it could, and be more efficient; one European in that department would do the work of five or six of the natives.

2516. Do you think we could hold India if we acted on the policy of excluding, as far as possible, the natives from public employment?—I would not propose to exclude them; I would employ them where they could be depended upon, and where you could get good people for the appointments.

2517. Then you are not of opinion that such a policy would be just to the natives?—Not to too great an extent; the upper appointments they are not fit for, but many of the inferior ones they are fit for.

2518. Do you consider the rent levied by the Government under the zemindary system excessive?—No; in Bengal it is not excessive, it is moderate.

2519. Have not very great improvements occurred of late years in India, such as the introduction of railways, and the construction of roads, canals, &c.?—In Lower Bengal there have been no improvements in the river or canals or roads; in the upper provinces there have been one or two.

2520. Has not steam navigation been introduced?—Principally by private companies.

2521. Not in the first instance?—No; it was commenced by the Government, and then taken up by private capitalists; but there is a great want of rivers and canals being improved in Lower Bengal.

2522. These efforts at improvements of that kind are being continued up to the present time?—Yes, they are in some respects.

2523. And has not a commencement been made in reforming the police?—No, not in the interior; the Calcutta police have had Europeans put in, but in the interior of the country, in the Mofussil, no improvement has commenced.

2524. Has nothing been done in consequence of a minute which Mr. Halliday drew up?—Not that I am aware of.

2525. Are not efforts being made on a very extensive scale to extend education?—Yes.

2526. Have not some of the most respectable planters been recently invested with magisterial power?—Yes, in some of the districts.

2527. That you think a move in the right direction?—Yes, I think that an improvement; you get men of experience appointed who would be a control over the police; if there are rights, their jurisdiction would require to be confined, to prevent them coming in contact with the covenanted magistrates; there is a jealousy between them.

2528. Do you consider, with Mr. Freeman, that it would be a desirable change to introduce barristers as judges in the Mofussil, and that English law should be administered through the English language, to the exclusion of the vernacular?—Yes, I think that would be a great improvement.

2529. Do you know who brought forward the law by which European functionaries, and, as you state, soldiers and sailors, are exempted from the Act you call the Black Act?—Mr. Peacock, I believe, who is the Legislative Member of the Council, brought it forward; but who made the different clauses I am not aware.

2530. You have stated that selections should be made from the planters, and that they should be substituted in time for the present civil servants. What means would a Governor-General just arrived in India possess of obtaining an accurate knowledge of the character and qualifications of the planters?—From his secretaries and the people appointed to select them; a new Governor arriving is always in the hands of his secretaries very much and of the people who have charge of the department.

2531. How do you account for the zemindaries of Lower Bengal being so valuable under the system of administration of which you have given so unfavourable a picture?—Because the Government, I suppose, had no survey or measurement of them when the perpetual settlement was made, and many of them are assessed very moderately and they have increased in value. They are not equally assessed; some are assessed with very little profit, and some where there is very great profit.

2532. You have stated, on behalf of the respectable class whom you represent, your great objections to the Black Act; is not the Government itself liable to be sued

sued in the Mofussil courts of justice presided over by native judges;—I have not known of a case against the Government in the Mofussil in that way.

2533. Can you state that the law does not render them liable?—It does not, that I am aware of. I think it is only the Supreme Court in Calcutta; I do not think they can be pursued in the Company's courts.

2534. Mr. *B. J. Smith.*] Have you paid any attention to the cultivation of cotton as well as indigo?—Upon a small scale I have tried it. I found that a very good description of cotton could be produced.

2535. In what part of the country?—In Jessore.

2536. Is there much cotton grown there?—No, very little. It is grown in Furredpore and Dacca to a greater extent.

2537. What is the quality of the cotton; is it not a short staple?—A short staple; small cotton; there is little attention paid to it there: there is very little grown in Jessore. If more attention was paid to it, it could be very much improved.

2538. Have you any idea as to the produce per acre of the cotton there?—No; the extent I cultivated was so small, I could not form a proper idea of it.

2539. Do you think it could be extended under the superintendence of Europeans?—I think that it could be both extended and the quality improved to a great extent, if they had a better state of the laws, and better roads, and the rivers open for transport. One of the great obstacles to cotton cultivation there is the want of good roads for transport.

2540. And until that want is remedied, there is not much prospect of any cotton being grown in India?—No, there is not.

2541. The price of the conveyance of cotton to the market being a very large element in its value?—Yes, it is indeed. I have heard natives who got it from the upper provinces say that both the land and water carriage was about equal to the value of the article.

2542. As regards indigo; indigo, which is a valuable article, can afford to pay 1 *d.* or 2 *d.* per pound carriage?—Yes, better than a bulky, less expensive article like cotton.

2543. But inasmuch as cotton is only of the value of 1 *d.*, it cannot afford to pay that?—No; it requires the quickest and cheapest conveyance.

2544. What is the progress made in the railways in your neighbourhood?—In our neighbourhood there is only one railway, just sanctioned; it has been surveyed for two years, but it is not begun yet; there is only one railway in Bengal, that is the Northern Railway, which is open to Ranagunge only.

2545. Is it your opinion that there has been a great deal of unnecessary delay in proceeding with those railways?—I think so; at first both the contractors and the Government had considerable difficulty in organising a proper staff of assistants, and they had considerable delay in getting the lands settled by the Government, and the contracts sanctioned.

2546. But you have no doubt that the completion of those railways will add very much to the prosperity of India?—Not the least.

2547. And lead to a great extension of trade?—Yes, and will allow the Government to govern the country with much fewer troops, because they will be able to move them about better.

2548. You think that railways will be an advantage, not only in bringing the agricultural produce to the market, but in taking back at a cheap rate such articles as the natives want?—Yes.

2549. Particularly such an article as salt?—Yes, and European goods of every description: the natives have a daily increasing desire to use all European goods, and if they could be more cheaply conveyed to the interior, the consumption would be much greater.

2550. Is not the article of salt, which is a necessary of life, very much enhanced in value in consequence of the great expense of transport?—It is.

2551. As regards European manufactures, we have been told that the people in India are very fond of going naked; is that, in your opinion, because they have not the means of using European manufactures, or because they prefer it?—It is the custom of the country a good deal, but it is partly from the poverty of the lower class too.

2552. Do people who are able to afford the use of European clothing go naked?—No; the upper class dress themselves more, and of late years there has been more desire to use European cloth and goods.

Mr. *G. MacNair.*

11 May 1858.

2553. You have no doubt that if the natives in general had the ability, they also would use European clothing to a great extent?—I think they would.

2554. Mr. *Campbell.*] You were asked a question whether or not the process of ruin to litigants in the supreme courts of Calcutta was more rapid than in the Mofussil courts, by reason of the legal extortions and expenses of those courts; is that your opinion?—No; the extortions of the Mofussil courts are greater.

2555. Would you be of opinion that the process of ruin would be more rapid in the Mofussil than in Calcutta to parties engaged in suits in court?—In the case of parties in the Mofussil, when they are summoned from their work and taken away, their ruin might be very great.

2556. Is not a party in the Mofussil required to maintain a fighting establishment in the defence of his property, and to bribe very extensively the almoners of the court, which he is saved in Calcutta?—Yes.

2557. Then you think the process of ruin would be more rapid than in Calcutta?—Yes, I think so.

2558. You are obliged to protect yourselves in the interior?—Yes, sometimes.

2559. Would that remark apply to planters and settlers, and the public generally engaged in trade in the Mofussil?—To all classes of people.

2560. And it arises from the imperfect state of the law, and the imperfect state of the police?—Very much.

2561. Would not the practical effect of opening the service be, to secure in the departments of the Government efficient servants?—I think so.

2562. Would not the efficient servant have an incentive to exertion, which he is at present deprived of by the employment of civil servants on the seniority basis, without regard to qualification?—Yes.

2563. Is it not the case with Calcutta barristers, that the pains-taking, efficient barrister rapidly acquires an independence, and the inefficient man is left behind?—Yes.

2564. That is practically your experience?—Yes, it is.

2565. You alluded to the improvements generally in the districts in the vicinity of your factories; do you attribute those improvements to the fact of your now being able to hold property in your own names since 1833, and thereby being able to direct your attention more to improvements than to defending your property?—Yes, and to the circulation of money.

2566. Mr. Freeman stated in his evidence that nine years ago Rammohun Roy was nearly unable to pay his Government revenues; what would have been the effect of his not paying his revenues upon the planters or zemindars that held putnees under him?—They would have been all disallowed, and it would have been very ruinous to the holders of the putnee.

2567. To what extent may putnees be held in Jessore, Kishnagur, and other districts, from Rammohun Roy?—I suppose to the extent of probably 8 or 10 lacs of rupees of rent.

2568. And all the bonus paid for those putnees would have been lost?—Yes, all the purchase-money would have gone.

2569. What effect would the introduction of the Black Act have upon the value of your own property?—It would reduce it in value very much.

2570. Would not most settlers desire to realise their properties if it were introduced?—They would.

2571. What would you do yourself?—I would desire to realise my property and leave the country.

2572. If that desire were general, what might the value of the properties, all being sellers and there being no buyers, be reduced to?—To a fourth of the present value.

2573. If they were all realisers and no buyers, would not they be reduced more than that?—The natives would take the landed property; but the indigo factories would be reduced to nothing.

2574. What proportion would the vats and works and buildings and boilers, in a factory generally, bear to the landed property?—It is about half and half.

2575. That half would be valueless; you would get nothing for that?—Quite so.

2576. With regard to the employment of a native establishment, do you not think that if the European civil servants were more efficient, you could employ more native establishments with less damage to your interest than you do at present?—Yes; if the European superintendence were efficient the native materials under it would work much better.

2577. They would not have the same opportunity of extortion or oppression?—No, they would not; it is for want of European control that they exercise so much of that.

2578. How long is it since planters have been selected as honorary magistrates?—Within the last nine months or so.

2579. Since the occurrence of the mutinies?—Yes.

2580. It was never thought of before?—It was never acted upon before; it was proposed two or three years before; it was just upon the emergency of the mutinies, I suppose, that it was acted upon.

2581. What is your opinion with reference to the interests of colonists and settlers of the present proposed change of Government from the Company to the Crown?—It would be very beneficial, and would give every one more confidence in the Government.

2582. Would it be desirable that the agricultural or commercial interests of India should form a part of the council for the protection of those interests?—Very much so; it would be very beneficial, I think.

2583. What exactions may planters or other residents in the country be subjected to on surveys being effected of their property, or upon any other work being done in the mofussil that they are deputed to do by the civil authorities?—If the surveys are under the control of the natives, there are considerable exactions to get the work properly done.

2584. And is it not possible for you to have the boundary wrongly defined, and favouritism shown in defining the boundary?—Yes, quite possible; the person who can pay most for it may have it decided in his favour.

2585. Those surveys are not conducted under the immediate eye of Europeans?—Not entirely; they are left a good deal to the natives.

2586. Mr. *Villiers.*] What is it that marks the difference between the European management and the native management of estates, which induces you to give such a decided preference to the European?—The European sees that only a proper amount is taken, and that no extortions are taken from the natives, and he sees that they are paid for the work given and the labour taken.

2587. That is if he is an honest man?—Yes; but that class of Europeans are generally so.

2588. It is rather on account of superior morality than skill that you prefer the Europeans?—It is.

2589. From anything you have seen or heard or read, have you reason to believe that the civil service are averse to the increase of European settlers in the mofussil; is there anything like a jealousy of the settlers?—One case occurred lately where the magistrate recommended that the honorary magistrate's power should be cancelled; and it was appealed to the Commissioner and the Deputy Governor, Mr. Halliday, and they both gave judgment that the magistrate's decision was unwarranted.

2590. I was rather talking of your general impression?—I think they look upon them with jealousy in some respects.

2591. Mr. *Kinnaird.*] What is your opinion of the employment of the Sikhs as police?—I do not think the Sikhs would do well for police in Bengal; they are not acquainted with the manners and habits of the Bengalees, and they are of a more irritable disposition, and would not put up with their manners.

2592. You think they would not be adapted as a good substitute for the native police?—They might do for watchmen, but not generally for the police.

2593. We are told that the natives will render no assistance to the police; to what do you attribute that?—To the trouble and expense they would be put to; they are taken away to the zillah, and may be detained there for weeks.

2594. Do you think a properly protective police would be very acceptable to the people, and obtain their confidence?—Very much so indeed.

2595. Are there any elements among the general native population that the Government could avail itself of for any purposes of local government?—Not in the interior; in the large towns there are many of the respectable class of people who would assist the Government in municipal committees and different things, but not in the interior. There you have not the same facilities.

2596. It is stated that the revenue system of Lower Bengal has acted very oppressively upon the ryot?—It is not excessive; it is more from the exactions and bribery and extortions they take out from the people; the mere rents are not excessive.

Mr. *G. MacNair.*

11 May 1858.

2597. It arises out of the revenue system and the land settlement that they have the powers of oppressing the ryot?—That is from the state of the laws and the police a good deal, because the powerful people oppress the weak.

2598. The native zemindars are in the habit of levying illegal cesses on their tenants?—A good deal.

2599. What are they?—For births, marriages, or deaths of any of their families, they take a small assessment from them.

2600. Have they any right to do so by law?—No.

2601. Is it known to the Government that they do it?—Yes.

2602. Has anything been done by the Government to relieve the population of those cesses?—Not that I am aware of.

2603. Those cesses are deemed to be, and are, a great oppression upon the people?—Yes, they are very oppressive.

2604. Do the indigo planters and occupiers of land levy those cesses?—No, they do not; and they take great pains that they shall not be levied by the servants.

2605. Therefore the effect of the increased number of Europeans settling in the country would be, to improve the condition of the people, and to elevate their social position?—It would, and gradually, too, put a stop to those extortions.

2606. And you think there have been in past times various impediments in one way or another to the settlement of Europeans?—The state of the laws and the police, and the uncertainty of the sale laws have been an impediment to them.

2607. *Chairman.*] You mentioned that the natives show a great inclination to use European goods; will you specify them?—English cloths and umbrellas, and hardware for cooking utensils; those are the things they use to a great extent.

2608. Mr. *Kinnaird.*] Are the umbrellas made up?—Yes, made up; there is a great demand for them now in India.

2609. *Chairman.*] I understand you to say that an infusion of Europeans would benefit the natives in two ways; first, it would raise the moral standard among the natives; and, secondly, inasmuch as a European can do five times as much work as a native, it would teach the natives to work better?—Yes.

2610. With regard to public improvements, such as roads and canals, is it not rather a wonder that those public improvements have not been introduced sooner, than that they are introduced now?—Yes; it has been a great loss to the country that they have not been introduced sooner.

2611. Sir *Erskine Perry.*] I have heard you express a very strong opinion against the Black Act; is not the Black Act founded upon the principle of having one law for all the inhabitants of the country, whether Europeans or natives?—It is putting the Europeans under the jurisdiction of the native courts and juries.

2612. You are aware that Europeans in the presidency are under the jurisdiction of native juries?—No, I am not aware of that.

2613. At the Presidency towns, at Calcutta for instance, the juries are taken from a panel consisting of Europeans and natives?—There may be a few natives in it, but they are the upper class of natives, very different to what you would get in the interior.

2614. You could not put Europeans in the interior exclusively under the jurisdiction of Europeans, could you?—I think a European should have the power of objecting to a native jury. A foreigner in this country has the power to object to an entirely English jury.

2615. At the present moment you have native judges in the civil cases in the interior?—Yes, but not in criminal cases.

2616. In magisterial cases?—They have only a limited power over Europeans.

2617. It would be impossible to place European magistrates in every court in the mofussil?—I think it would not.

2618. You have not considered the financial aspect of the case, have you?—European magistrates could be employed nearly upon the same pay as the natives receive.

2619. What is the average rate of pay of a moonsiff?—From two to three, and four and five hundred pounds a year.

2620. Mr. *Kinnaird.*] You consider that owing to the want of truthfulness and reliability upon the native character, Englishmen going to colonize and settle there ought not to be put under the native jurisdiction?—I do not think they should.

2621. Is that the opinion of those who have resided in the country generally?—It is the opinion of all British inhabitants in India.

Mr. *Josiah Patrick Wise*, called in ; and Examined.

Mr. *J. P. Wise.*

11 May 1858.

2622. *Chairman.*] IN what part of India have you resided?—In Eastern Bengal.

2623. Have you resided in any other part of India?—No.

2624. How long have you resided in Eastern Bengal?—Upwards of 30 years.

2625. In what part of Eastern Bengal have you resided?—In Dacca.

2626. I believe you are a proprietor and manager of indigo and other concerns in the interior of the country?—Yes.

2627. In what districts were you the proprietor and manager of those concerns?—In five districts, Dacca, Mymunsing, Furredpore, Burrisol, and Tipporah, and lately in Assam, Cachar, and Sylhet.

2628. Were they extensive concerns?—Yes.

2629. Were they all established in your time, or in your recollection?—Part were purchased, and part established by myself.

2630. What was the effect of the European establishments and operations, on the prosperity and the condition of the country and people?—Wherever Europeans have settled, the condition and prosperity of the people, with a marked improvement of the country, has followed, and if the settlement of Europeans had been encouraged as recommended by Sir Charles Metcalfe, and other great Indian statesmen, the revenues of India might ere this have doubled. It is true since 1833 we have been permitted to settle, but the Indian Government has never ceased to display hostility towards European settlers, and opposed in place of encouraging all enterprise, and the investment of capital so necessary for developing the resources of the country and civilising the natives of India.

2631. Had the native zemindars and capitalists any concerns like yours carried on, on a large scale?—None.

2632. What was the nature of the revenue settlement in your districts?—The perpetual settlement.

2633. Under that settlement, of course the landowner is called a zemindar?—Yes.

2634. Is that settlement favourable to the investment of capital or not?—It is less so than it ought to be. At present, a person purchasing property must expect to be obliged to contest several lawsuits ; he must be prepared to take possession, and to be opposed in doing so, and he must be ready to pay two or three quarterly instalments of the Government revenue before collecting any rent from the estate. It may look a good investment, but it is not a safe one, for after 12 years, short of an hour after you have had possession of property and improved it, with no little outlay and trouble, a suit may be instituted to quash the sale, and in consequence of the mistake of a collector, the sale may be reversed after 17 years, and not only is the purchaser obliged to give up the property, but he must also pay mesne profits over so many years, with probably 12 per cent. interest ; I would not have property in India if I could help it ; no one purchases it who regards safety.

2635. Does the zemindary tenure admit of improvement, which would make it more favourable for the investment of capital, without impairing the security of the revenue?—Certainly, with a better system, better laws, and better men to administer the laws. With Parliamentary discussion and the admission of men into the Legislative Council who have more at stake in the country than their salaries, give safety to life and property, give freedom to the press, and British capital and energy will flow into India. At present property is not safe. Capital and peaceable Europeans cannot settle in safety ; and to make matters worse, we are periodically threatened with the passing of laws, under which no man of property or respectability could feel secure. We settlers say, Reform your system, improve the courts, give good magistrates and a better police, and then only should Europeans be made amenable to the local courts.

2636. Are there any other and subordinate tenures which are suitable to the European settler besides the zemindaries?—Putnees talooks, and talooks paying rent to the zemindars may be purchased and held by Europeans ; also farms from zemindars and from the Government.

2637. What is the feeling generally of the actual cultivator of the soil towards European planters and settlers?—I think the feeling generally is most favourable. It is always the interest of the European to treat them well, to protect them from

Mr. *J. P. Wise.*

11 May 1858.

oppression either by the landowner or the police; they get constant employment, and are regularly paid by the planter; they borrow money largely for the cultivation of indigo without being charged interest, with which they pay their rents to the zemindars, or the exorbitant dues to the money-lenders. Their differences with neighbours and native money-lenders are often settled by the planter; and in sickness, they find medicine and friendly aid. I believe it is an admitted fact, that wherever Europeans have been settled during the late convulsion those parts have been less disturbed, and probably the peace of many of the districts has been preserved by the European settlers; if so, it is another strong reason for a change towards the settler, and that increasing numbers should be encouraged; and the only way of doing so is by protecting them; making extended use of Christians as officials, court officers, and in the police, to check revolutionary movements; follow an opposite course as in past times, and it may be discovered that there are more enemies than are seen, many, but watching the opportunity. I can corroborate from personal knowledge the following statement: "If anything can more clearly illustrate the sense of security in which Indian officials in spite of all warning have indulged, it is that at the very time when this alarming mutiny was about to burst forth in the Bengal Presidency, it was actually proposed so to remodel the criminal jurisdiction of the country, as to subject the few Englishmen scattered over Hindostan to the anomalies of native law, to the tyrannies of native witnesses, who for a few annas will swear away the lives of their dearest friends, to the ignorance of native jurymen, who do not understand the value of trial by jury, and to the tender mercies of native magistrates, armed with a power of summary jurisdiction, unknown even in England, and by means of which an Englishman might be confined in their vile prisons, amidst all the fierce heat of India, for as much as two years." From the "Times."

2638. You appear to think that the experience which we have recently had in the mutinies confirms the inference which you draw, as likely to result from increased settlement by Europeans?—Yes.

2639. Do the natives resort to Europeans to settle their disputes in small matters?—Yes, they do very generally; and many Europeans pass several hours a day settling little village disputes. I have known planters give up two days in the week to this work.

2640. Do you think that from experience the natives have now more confidence in Europeans than they had 20 or 30 or 40 years ago?—I think that European residents are much more respected now than they were.

2641. Do you think that if Europeans were to extend themselves very much, a still greater confidence would be reposed in them?—I think that respectable Europeans settling in the country will always call forth that respect.

2642. In an equal ratio you think the confidence of the natives in the Europeans will increase?—Yes.

2643. In what way principally do you think that an increased settlement of Europeans would be beneficial to the country?—Throughout Bengal there is a complicated system of oppression. Zemindars, talookdars, ryots, and planters are, for want of protection, driven to self-defensive measures; the young magistrate shifted about from place to place, is no protection; money has its influence, and the powerful succeeds. How can it be otherwise? The magistrate, when yet an inexperienced youth, is put over a large district with perhaps 5,000 towns and a million of people, he is almost a stranger to the language, and only two or three years from college; his points of weakness are weighed to a nicety, and are worked upon by the most crafty people in the world; and upon these people (that is, his omlah) he must trust to allow the machine to work. True, he has the aid of pundits and cazees, ameens and principal sudder ameens, with magisterial powers, and perhaps a deputy magistrate; and from these officials to this young magistrate lies an appeal, which is final in the majority of cases. So that the higher court, that of the Sessions Judge, has little power over the magistrate; he has only to deal with cases of higher crime, such as murder and dacoitee, &c., in which men of property and respectability never appear at all. Thus the whole of the most important duties in a district devolve entirely on the magistrate, who, however talented and zealous, and there are many such, wants original training and experience, and who, however anxious to do justice, must find himself in a most trying situation, and overwhelmed with work. This system is one of the greatest obstacles to the settling of Europeans in the country.

2644. Do you confirm the evidence which has already been given of the incompetency of the magistrates sufficiently to understand the language of the country, and of the magistrate's dependence upon the omlah?—I do generally confirm what I have heard as to the state of the police.

2645. What is the state of the country as respects the safety of person and property?—Neither person nor property is secure. Under the present policy and settlement, I would discourage a friend from going to settle in India. I would not, if I could help it, have property in India; who could live in India in safety under such circumstances as I have above feebly attempted to describe, and with the prospect of still greater powers proposed to be given to such courts and magistrates to imprison a European for two years, or to impose a fine of 100 *l.*? A sudder ameen (a native) to have the power to do so for one year, with fine of 50 *l.*; and an ignorant moonsiff (also a native) to have power of imprisonment for three months, with fine of 25 *l.*; the practical effect of which would be to annihilate the value of all the property belonging to Europeans, valued at many millions sterling.

2646. In the present state of the police, could Europeans dispense with their private establishments for the protection of property?—I do not think they could remove the power to protect yourself, and you would soon find you had little left worth protecting.

2647. Have any measures been adopted within your recollection to improve the police?—Deputy magistrates have been appointed, generally natives, and not generally a good selection. Natives do not make good magistrates; they neither give satisfaction to the Europeans nor to the natives of the country. But I understood in India that a pressure from England for the employment of natives had, against the conviction of the local authorites, induced the trial, and it has proved a failure. Some increase of pay has also been allowed to darogahs and the lower grades of police officers, but the general impression throughout the country is, that this has failed to make them more honest; and this is not to be wondered at, as the same class of people continue to hold these situations. They have, under the system, great temptations to be largely bribed, and their continuance in office is very precarious. The first reform must be in the selection of better magistrates, men of more experience and local knowledge; secondly, their continuance in a place, and better paid; thirdly, not shifted into the revenue department when they become experienced magistrates; and, fourthly, a greater recognition of the European element in the subordinates of the courts, and particularly in the police department. The darogah's place might be taken by a European. Thus the magistrates would be strengthened by an efficient honest police by Europeans, and the lower departments filled by natives not residents of the place. The legislative enactment 18 of 1850 protects the magistrates, which is complained of; whilst the bearing and tendency of all other recent enactments has been to deprive the British subject of the protection of the English law as administered by the Crown judge, a birthright we all greatly cherish, and a privilege we want extended all over the country. The European settler has no security for property, and no certainty of reaping the benefits of any improvements. We have a refined system, unsuited to the wants of the people, which encourages forgery and perjury: and the business of the court is generally done by the native, because the European functionary is otherwise too much engaged, or he is new to the district, or about to leave it, or fresh from college, and generally ignorant of the work he has to do. We want men as magistrates of a certain standing, men who can take a plain straightforward common-sense view of a subject, without going into all the niceties of English law, unintelligible and incompatible with the habits of the people. Europeans of education and character have not been encouraged to take the appointments of deputy magistrates; natives of family and fortune and respectability have not been selected; but worn-out darogahs, of doubtful reputation, and others physically unfit, have been chosen for these most important situations. For these appointments, that is, for the all-important situation of magistrate or deputy magistrate, selection as to qualification and personal fitness ought to be the test; and, when found, no remuneration is too great to keep him in the department. Lord William Bentinck's Act 6 of 1832, of not allowing the police to interfere, has been a great boon to the people, considering the loss of property the lesser evil, than the infliction of a police inquiry. Whereas Act 5 of 1848, empowering magistrates to summon parties into court, and give heavy

Mr. J. P. Wise.

11 May 1858.

penalty bonds upon the simple report of a darogah, has been often much abused. Men of extensive property, finding it difficult to satisfy the magistates' sheriff as to the value of the security offered when he is looking out for his consideration in the shape of a bribe; Europeans have often been seriously inconvenienced by being brought from a great distance to give such securities upon a trumped-up report of a darogah, bribed by a zemindar; and the recognizance of 100 *l.* might be forfeited afterwards by a false case made up by an unscrupulous zemindar and darogah.

2648. Am I right in understanding you to say that the increase in pay has not improved the character of the darogahs, but that on the contrary it has increased their exactions?—It has apparently; I have heard that from many zemindars and other people.

2649. I believe that Europeans are liable only partially to the jurisdiction of the country magistracy?—The magistrate has great power over a European, being likewise a justice of the peace; he has power to cause his attendance in court upon the most trifling charge; he can fine him to the extent of 50 *l.*; he can put him under a heavy recognisance, and if charged with more serious crime, has the power to send him to Her Majesty's Supreme Court in Calcutta for trial. The magistrate, in short, has ample power over the European, and often more than he can with discretion use, and much more than any magistrate in this country holds.

2650. What means would you propose for the establishment of a jurisdiction in the interior over Europeans?—The Legislative Council, I believe, admits the reasonableness of our aversion to being tried by the local courts; but still it appears the Legislative Council deems it unjust to exempt us from trial in these courts, upon the principle, I have been told, that we can if hurt, make a noise; we are told also, that we ought not to have the privilege of the Supreme Court, for, if innocent, the privilege is of little importance, and if guilty the difficulties in the way often enable us to escape. Then our merciful friends add, the district judge is good enough for the native, why should he be less so for the European? Now, with proper courts, having independent judges and a jury of Europeans, it would be right to subject us to the local courts; but surely it is not right, expedient, or just, to put us lower, as has so long and lately so urgently been desired to put us, at the mercy of a native judge and a native jury; the manifest object being to drive us out of the country. It is petty charges more than serious ones that Europeans have to dread; a dozen charges may be got up by a vindictive native, and a native magistrate having the power to imprison, would be absolute ruin to the European, and this might be done by men, now acting as deputy magistrates, admitted by the highest authority to be unworthy of public confidence. Suppose these Black Acts had been carried into law, as was desired just previous to the breaking out of this rebellion, the scattered Europeans as a preparative measure might have been lodged in gaol. It has been the aim of the Government of India to lower the European settler in the eyes of the natives, and also to humiliate the higher classes of natives, who now stand aloof from the European official. Many years ago the higher natives used to visit and be received with distinction and kindness by the officials; but it is not so now, and I think that the marked respect formerly shown towards the European has also diminished.

2651. I think you stated that it was the object to drive the European settlers out?—Yes, one would suppose so.

2652. To whom do you impute that object; was it the effect of the laws or was it the intention of those who passed the laws?—The laws would have that effect.

2653. You do not mean to say that any Government would desire to drive settlers out?—One would suppose not, but practically that is the effect.

2654. Have you individually suffered from the consequences of administration such as you have described?—I have seriously suffered; and by way of illustrating the working of the system, I may proceed to narrate a few instances. In the year 1833-4 the estate of Buldakal in the Tipporah district was put up for sale for arrears of revenue. I became the purchaser and deposited the amount required by the law in bank notes and Company's paper, pending the Commissioner of Revenue's approval of the sale; and on that officer's doing so, I paid into the treasury of Commillah the whole amount, 1,15,000 rupees, and received the collector's order to take possession of the estate. I may observe at that time the law permitting Europeans to hold lands in India had not been promulgated, but it had passed all the preliminary stages, so I

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Mr. J. P. Wise.

11 May 1858.

was obliged to get the permission of Government in anticipation to hold the estate; this was immediately granted by Sir Charles Metcalfe, then Lieutenant-Governor of Bengal. The ex-zemindar appealed to the Board of Revenue against the sale, and the Board had the power to reverse it upon any legal grounds; the petition was sent by the Board back to the Commissioner for his opinion, and that Commissioner was not the same who had previously upheld the sale, but the Collector of Chittagong, temporarily put in charge of the Commissioner's office, and he recommended the reversal of the sale upon grounds utterly unfounded, and in contravention of the law. First, he said the estate had been sold without making it known that the subordinate tenures had lapsed; this was not required, as the Permanent Settlement Laws of 1793 declare this, and every tenant knows it, and one instance of such a notice before a sale could not be shown. Secondly, because the petition stated the estate had been sold at or towards sunset; this was purely false, as the sale took place in open cutcherry about 12 o'clock. Thirdly. That the Collector was a relative of mine, and had favoured me by accepting Company's paper as security for my bid; this, again, was incorrect; but the acting Commissioner did not give himself the trouble of duly inquiring. His thoughts turned upon benefiting the Government, for he reported that it would be fair to the under tenants to give greater publicity; and that as the estate was a very valuable one, he would, in recommending the reversal of this sale, advise the purchase of it on behalf of Government at the next sale. The Board adopted the recommendation, and illegally dispossessed me of a valuable property, and purchased it on the next sale-day, and that estate is now held by Government.

2655. Sir *Erskine Perry.*] What did they purchase it at?—Merely the difference of the increased revenue up to the date of sale.

2656. *Chairman.*] Have you suffered in any other case besides that which you have mentioned?—I have suffered in connexion with other matters in several ways.

2657. Do you consider that the extension of enterprise on the part of Europeans is checked through the circumstance which you have described?—Very much so, I think.

2658. Do you coincide with the other witnesses who have stated the great desirableness of the use of the English language in the courts of law, and the extension of the English language generally?—Yes.

2659. Do you think that an English judge, by means of an interpreter, and using his common sense on a question, would distribute justice better than by hearing through the ears of the omlah, and being obliged to rely on natives for the decision to which he comes?—I think so.

2660. Of course there are large estates and tracts of land in Bengal which were under the Permanent Settlement, but which have reverted to the Government by forfeiture and by other means; in what way are they let?—Generally in farms for a period of years; from five to ten years. The Government let them out in farms to whoever will take them; Europeans hold a great many of those farms.

2661. What is the peculiarity of those large estates?—They are chiefly under the Permanent Settlement. Some of them have lapsed into the hands of the Government; some of the estates have been purchased by the Government.

2662. Do the Government let them out to individuals?—Yes, in farm.

2663. They have reverted to the Government, I understand you to say?—Yes; many estates fell into the hands of the Government in this way; the Government revenue not having been paid, the estates are purchased by the Government.

2664. Are those estates beneficial or otherwise to the settlers?—They are beneficial to the settlers, of course, when taken in farm on reasonable terms.

2665. Do the settlers pay a fixed revenue to the Government?—Yes.

2666. Of course they would rather be zemindars?—Yes.

2667. Are they better or worse than putnees?—They are quite different from putnees; a putnee is a perpetual lease, and this is for eight or ten years.

2668. A putnee is a superior lease?—Yes.

2669. These are like the izaras?—Yes. Izaras are mere farming leases.

2670. Are you acquainted with any of the hill tracts in India, and do you consider them suited for the settlement of Europeans?—I am not personally acquainted with any of the hill tracts; but I have taken some hill tracts in Assam and Cachar for tea cultivation, and I consider them very favourable for the settling of Europeans. Of course the hill tracts near Sylhet, Darjeeling, the Himalayas,

Mr. *J. P. Wise.*

11 May 1858.

and the Neilgherry mountains offer most favourable localities for Europeans to settle.

2671. Mr. *Willoughby.*] Do you speak of that from your own knowledge?—No; I had assistants up in Assam, and I have met people from Darjeeling, but I have never, as I said before, personally visited those places.

2672. What is the tenure of land in Assam?—I believe it chiefly belongs to Government.

2673. Could the Government sell or let it to Europeans?—Of course.

2674. Do the tea districts in the hills afford very great opportunity for the settlement of Europeans?—Yes.

2675. Both on the ground of health and also because there is a great quantity of waste land?—Yes.

2676. And that waste land might be converted to the cultivation of tea?—Yes, or any other produce.

2677. Does not the cultivation of tea offer a great resource of development to India, if it were extended along the Himalayas?—Yes.

2678. Do you think that the natives of India would be likely to extend their consumption of tea?—I think so.

2679. Is there any cotton cultivated in your part of Bengal?—Cotton is grown in large quantities in the Tipperah Hills; it is likewise grown in the Dacca and neighbouring districts, but not extensively. The soil is no doubt suited for producing the finest cotton. We have cheap and abundant labour almost everywhere in India, and it appears to me that capital and Saxon energy is only wanting; assisted, of course, with a ready and remunerative market, and with facilities of getting to it. If Europeans get waste land on favourable terms, and are safe in life and property, India will supply in a few years a large portion of the cotton required by England. India has an abundant population, and no production is better suited for the wives and families to be engaged in than cotton; the soil, the climate, and the requisites for irrigation, when that is required, have only to be attended to, and the result must be, with rail and other means of transport, an abundant supply of the finest cotton, and at a lower price produced, than from any other part of the world. I had cotton growing in a garden near Dacca for many years, yielding three and four crops a-year of the finest quality, pronounced so by men of experience; and from this I am led to think it can be grown of good quality.

2680. That is in that part of Bengal in which you were resident?—Yes.

2681. Are there any obstacles to the extension of its cultivation?—Make it safe for Europeans to remain in India, and give them encouragement by giving tracts of waste land in perpetuity, and India will not be behind Java in productiveness.

2682. Are you in favour of a power of redeeming the land-tax and possessing the fee simple upon the part of European settlers?—European settlers would much prefer it, if they could get the fee simple on reasonable terms.

2683. Has the Company ever tried an experimental farm for the cultivation of cotton within your knowledge?—Yes, they had an experimental farm in Dacca for many years, and expended a large sum of money upon it, but it was totally unsuccessful.

2684. What was the reason of that?—It is very difficult to say why; but one year they wanted seed; another year they wanted money; another year there was a blight come over it; another year a hailstorm came, and at last came a season of caterpillars.

2685. In the districts in which your concerns are situated, what is the state of the roads, and are there sufficient modes of intercommunication in them and between them and Calcutta?—The roads have been much neglected, the small canals for water carriage have gradually been silting up, and the trade and internal communications very much injured in consequence; so bad is it, that for a few thousand rupees a channel might be kept open during the year to a town, or large market, which is now shut for six or eight months. Of course the rivers to Calcutta are always open throughout the year.

2686. Is the country where you have been residing for so many years healthy for Europeans?—Very. I have been there a long time, and I have always found it so.

2687. Have you ever heard of instances of families continuing there for several generations?—No.

2688. You cannot tell how far the experiment may have succeeded, if it has been tried, of families continuing to reside there?—No.

2689. Has

2689. Has your attention ever been called to the circulating medium of India?—I think a gold circulation may be introduced very beneficially. It would draw out vast treasure in silver, which is now buried and out of circulation, to the great benefit of the Government and the population. Sovereigns and half sovereigns would, I think, be a very popular circulating medium; and the value of a sovereign being within a fraction of 10 rupees, the shillings and sixpences might be substituted for rupees, thus securing a uniform currency with this country. The gold mohur is seldom seen, and is always bought up at a premium for hoarding and working up into ornaments. I would also suggest the issuing by Government of paper, something like Exchequer Bills, payable after 12 months, bearing a less rate of interest than Government paper. Such paper would, I think, be of great advantage to merchants, who would use it largely in buying and selling in place of keeping large sums in the banks for which they get no interest.

2690. Would you have a gold coin smaller than the half-sovereign?—You might have a quarter sovereign.

2691. As they have on the European continent at present?—Yes.

2692. Mr. *Campbell.*] What may be the annual value of the indigo produced in India?—The value of the indigo produced in Bengal and the upper provinces may be from 2,000,000 *l.* to 3,000,000 *l.* per annum, varying with the extent of the crops and the market price of the article.

2693. Is that all produced by English capital, and skill, and enterprise?—Nineteen-twentieths of it is produced by British capital and skill.

2694. You have stated that the annual value of indigo produced is from 2,000,000*l.* to 3,000,000*l.*; what may be the value of the properties producing this indigo, and do they belong entirely to English capitalists?—The value of the properties, including the putnees, talooks, and zemindaries throughout India, may be from 7,000,000 *l.* to 8,000,000*l.*, varying with the value of money and price of indigo, and entirely held by English settlers and capitalists.

2695. Has this capital and property been acquired by men who have gone to India with nothing but that capital which a European carries everywhere, namely, perseverance, industry, and skill?—Yes.

2696. How does the quality of the indigo made under European superintendence compare with that made by natives?—That made by natives is from 20 to 30 per cent. less valuable.

2697. How do you account for that?—From the superior care and skill of European manufacture.

2698. Is that applicable to other staple commodities in India, such as silk, &c.?—Yes, to every commodity; silk and sugar, and so on.

2699. The value of silk, or any other commodity, produced by European capital and superintendence is enhanced by reason of that captial and superintendence?—Yes.

2700. Does the cost of capital in India interfere materially with the general production?—It does to a great extent.

2701. On what terms does the native agriculturist borrow from the native banker and capitalist?—He pays from 50 to 75 per cent.

2702. What increase may have taken place, in your experience, in the extent of produce and value in India of staple and other articles of production, such as rice, jute, silk, safflower, oil seeds, &c., by the influence of European example?—The production of nearly all the staple articles has doubled within the last 10 years, and in some of them much more; whilst the price in India has generally increased to a corresponding extent; for example, jute formerly sold at six and eight annas a maund, it now sells at two and three rupees; and in place of 3,000 bales shipped for this country in 1836, the quantity has increased to nearly 2,50,000 bales.

2703. Then you think that this is chiefly owing to the example and the influence and the enterprise of Europeans?—Chiefly so.

2704. And you think that that vast increase within the last ten years may be attributed to the fact of Europeans being enabled to hold lands in their own names to a certain extent?—To a certain extent.

2705. Sir *Erskine Perry.*] I understand that Europeans have not increased in number?—No, I think not in the mofussil.

2706. If that is so, your answer is not quite correct. This increase in the staple article must be owing to native capital and enterprise?—No, I think not.

2707. Mr. *Campbell.*] Have the industrious million participated to a fair extent

Mr. *J. P. Wise.*

11 May 1858.

in the increased prosperity consequent on this increased production and price?—No; I think a very large proportion of the profit has gone into the hands of the money lender.

2708. Differing from other countries, where such a state of things does not exist, increased production and rise in its value, can be taken as no index of the general prosperity of the great body of the people?—It cannot as far as the ryots are concerned.

2709. This, to a certain extent, must be taken as the cause of the exports from this country in exchange for the exports from India bearing no fair comparison?—In the year 1856-7 I observe that the total exports from India exceeded 25,000,000 *l.*, whereas the imports to India were under 15,000,000 *l.*, and the balance of trade consequently had to be made up by bullion shipments from this country.

2710. Would not the increased settlement of European capitalists in India have the effect of adjusting this balance of trade by the natural process of commodity for commodity?—It would doubtless have that effect; and looking at the vast population of India compared with the population of this country, and consequent power of consumption, if the legitimate returns for labour were within the grasp of the million, I consider that the balance of trade should never be against this country, and that if bullion shipments had to be made, they should be from India to this country in place of from England to India.

2711. This state of things must operate prejudicially to the value of profits in two ways; first, in decreasing the rewards of labour; and secondly, from the withdrawal of capital on the retiring of existing incumbents to their native country?—It has that effect.

2712. Then you believe that with better laws, and better protection to property, the planter or settler would retain his interest in such property with as much confidence as if he invested in agricultural pursuits in this country?—Yes, to a certain extent.

2713. Then the practical result of your leaving your capital for such pursuits would be to render the cost of capital more moderate and accessible?—It would; and the large diffusion of English settlers and capital in India would have the effect of improving the habits of the people and increasing their wants. Everything required by India could be better made and introduced from England, leaving India the produce and supply of the raw material. In short, all produce from the soil might be left to India, and manufactured requirements from this country; and this applies as much to the manufactures of Manchester and Glasgow, as to those of Birmingham and Sheffield.

2714. Then you are of opinion that the moral character, and civilization, and material well-being of the entire native population is certain to be advanced by the increase of British settlers in India?—Decidedly so; that is the inevitable result.

2715. Are the natives of India not favourable to such an increase?—Very much so; employment by Englishmen is much preferred to that by their own countrymen, from the general feeling of confidence in the honesty of the European; indeed, with rare exceptions, the word of an European would be preferred to the bond of a native.

2716. What field have you in your own properties for the employment of intelligent Englishmen?—My greatest want at the present moment, and the greatest want of zemindars and planters situated as myself, is steady young men, acquainted with the language. I could give employment at present to a dozen; and vast numbers might find similar employment in the same pursuits throughout India; but the difficulty has been to obtain them, and when you do obtain them, they have no knowledge of the native language.

2717. Do you think that the children of European soldiers, educated in the Hills, with a knowledge of the language and habits of the people, would find speedy employment; and if to the scholastic studies were added the rudiments of agriculture and the useful arts, that they would be valued as assistants and superintendents of all property where capital and enterprise is now embarked, either in European or native ownership?—India has no greater want at this moment than such a class of young men, and they are eagerly sought after by native zemindars and native capitalists, establishing, I think, the fact of the greater confidence they place in Europeans over their fellow countrymen in matters of trust, industry, and skill. Whether we regard India with its vast population, or India naturally beneficial to England, or our soldiers the mainstay

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in India, I consider that a greater boon could not be conferred on all those interests, or one more calculated to yield abundant fruit, than the education and encouragement by well-organised institutions in the hills for the sons of our soldiers. India would benefit by the spread of truth, intelligence, and skill, and the soldier, in the preservation and elevation of his child, would participate and be improved by its beneficial and moralising effect. I may further remark that such a class, as they become largely developed, would be a strong and natural element to bind and strengthen our hold of India, and a formidable barrier against inroads upon that rule.

2718. To what extent may European capital be laid out in other commodities besides those you have mentioned?—In silk it is very largely laid out, and in jute and safflower purchases, and many other ways.

2719. In fact, the general products of India?—Yes, and those products are unbounded.

2720. The class of men to whom you have referred, in your opinion would open out a large field in India for the employment of capital?—Yes; they are very much wanted.

2721. You had the management of the Rajah of Tipporah's estate, had you not?—Yes, for many years.

2722. In the management of that property how may the police laws have affected him in his connexion with the Government?—He found them equally oppressive.

2723. Can you cite any prominent example of that oppression?—The independent territory of Tipporah borders on the Government property in Sylhet, and in that neighbourhood the people of the hills produce cotton and other commodities, and barter with the people on the plains, and they have places where they come and carry on that barter, and very often there are differences between the hill people and the people of the plains; the people of the hills are truthful, straightforward, and honest, but resentful when cheated or overreached, which is often the case when dealing with the Bengalee; on such occasions, from words they often come to blows, wounding, and sometimes murder ensues. These quarrels, often wrongly reported, bring the rajah into disrepute with the Government. On one occasion a police darogah intimated to the magistrate of Sylhet that a murder had taken place, that the rajah's people had murdered one of the subjects of the Company; the rajah was called upon to give up the murderers, and information was sent to the superintendent of police and to the Government. The rajah made inquiries, and found that the party murdered was actually his own subject, and that the place was within his own independent territory. He intimated this to the magistrate, and requested he would go personally or send some person who would give a faithful report. The magistrate sent his nazir, or sheriff, and that man demanded from the rajah 5,000 rupees to give a correct report that the murder had taken place within the rajah's territory. I was asked what to do by the rajah, and of course I told him not to pay the money, and information was sent by the rajah to the Government again, that he was quite positive as to the fact that the murder had taken place within his hills, and that the man murdered was his ryot. The Government ordered the magistrate himself to proceed to the spot; he went, but not to the place; he went a part of the way, and was duped by the nazir and police, and returned and reported to the Government that it had taken place within the Company's territory. Again the Government was addressed on the subject, now evincing great displeasure towards the rajah for persisting to the contrary, after the magistrate's report. Colonel Lyster, in command of the frontier, was ordered then to proceed to the spot with 100 or 200 men, and if he found the magistrate was correct, to proceed at once to the rajah's residence and wait further orders. The fear was that the Company were going to take possession of the whole territory; however, Colonel Lyster, on going to the spot, actually found that all had been correctly stated by the rajah, and that the magistrate had never gone near the place; he returned to Sylhet, and reported to the Government, and the magistrate, I believe, was censured (though I have no public information of that) and the nazir was dismissed the service; he was dismissed the service by the magistrate, but he was immediately put by the collector as nazir into his court, where he was when I left India, as far as I know to the contrary.

2724. Mr. *Danby Seymour.*] How long ago was that?—That was 12 or 15 years ago.

Mr. *J. P. Wise.*

11 May 1858.

2725. Mr. *Campbell.*] Those are facts within your own knowledge?—Yes.

2726. How do the resumption laws act upon property in your neighbourhood, within your knowledge?—They act very injuriously to the people generally, and the effect still exists. People remember them as a blight passing over the country; money was extorted from them in every possible way; the poor natives clung to their ground, and they lost it, and very often lost their money in trying to bribe away the officials from their doors.

2727. Sir *Erskine Perry.*] When was the resumption law commenced?—It did not commence in Bengal till about 1836.

2728. Mr. *Campbell.*] What was the purport of the law; how did it work so as to be destructive of the property of the ryot or settler?—The effect of the law is very injurious, because the boundaries of estates are not known; large rivers pass through, cutting away half the estate, and, on reforming, often taken by Government. I have seen parts of estates carried away from one side of the river and settled upon the other, taken by Government, and churs formed in the centre of rivers in the same way, taken by the resumption officers.

2729. Mr. *J. B. Smith.*] Is not Dacca the place where the beautiful muslins are manufactured?—Yes.

2730. Has that manufacture become extinct?—It is not extinct, but it is not carried on to any great extent now.

2731. Is the cotton of that beautiful manufacture grown in the neighbourhood of Dacca?—Yes.

2732. Might it be procured to a considerable extent?—Yes; by encouragement, I have no doubt, you could increase the cultivation of cotton of that kind very considerably there.

2733. You have never seen any muslins of the English manufacture equally fine with those of Dacca?—No, none.

2734. What kind of land is that beautiful cotton grown upon?—Chiefly upon the alluvial soil of the country about Dacca. Parts of it are very low, and the cotton is grown upon the low churs that are submerged during a great portion of the year.

2735. Have you ever grown any of it?—I have grown foreign cotton, and it answers remarkably well.

2736. Of this quality?—No, I never grew that; I have seen, however, the cotton growing from which the beautiful muslins are made.

2737. What kind of cotton is it?—It is a small annual.

2738. Is it a short staple?—Yes, it is a short staple; soft.

2739. Is there abundance of land in the neighbourhood suitable to grow that kind of cotton?—There is no want of land.

2740. Is there any want of labour?—No, there is plenty of labour.

2741. What is the value of labour there?—About three rupees a month; about 2 *d.* to 2½ *d.* a day.

2742. Did not the East India Company try some experiments in the growth of cotton in that country?—Yes; they had an experimental farm there.

2743. What was the extent of it?—Altogether about 100 acres.

2744. Was that farm on the high or the low land?—Upon the high land.

2745. Is the high land equally suitable for growing cotton with the low land?—Not without irrigation; where the natives sow cotton is generally in the low alluvial soil, which is damp, and they do not irrigate.

2746. Was this experiment tried with the native seed or with foreign seed?—With foreign seed.

2747. Of the American kind?—Yes, chiefly; it was a green seed, if I remember correctly.

2748. That experiment failed?—Yes, it failed.

2749. Who superintended it; was it an American?—No; he was an Englishman, but he had been in America.

2750. How was it that he failed?—I have just stated as I heard myself, that he complained of the want of seed, and sometimes he did not get money, and sometimes he got too much rain, and sometimes hail storms.

2751. Was this seed to have been furnished by the Company?—By the Government; the Government made every endeavour to introduce it.

2752. And the Government were to furnish him with money?—Yes.

2753. But

2753. But he was not regularly supplied with this, and had not an opportunity for carrying the experiment into effect?—That was his excuse; but I know that the Government spent a great deal of money, for several years, on the experiment.

2754. Did you see the cotton grown there?—Yes.

2755. Was it altogether a failure?—Yes; I have seen it left upon the bush unpulled for weeks and weeks together.

2756. Did the Company furnish him with machines for cleaning the cotton?—Yes, there was a machine sent out for cleaning the cotton.

2757. The Company went to a great expense, but there were no results?—Yes.

2758. Is irrigation possible in that neighbourhood?—Irrigation may be very easily made use of, for there is abundance of water from the rivers.

2759. Would not that very much increase the production of cotton and indigo too?—It would, probably. Irrigating for indigo would be very expensive; it covers so large a surface.

2760. What would be the facilities of getting cotton to market from Dacca?—From Dacca the facilities are by river carriage. It is entirely river carriage. There is no road to Dacca. There is a proposal of a railway, which will of course facilitate the movement of produce to the Calcutta market.

2761. Is the cost by river carriage considerable?—Yes; and it has very much increased of late years.

2762. To what is that owing?—To the increased demand for all kinds of country produce, which has been very greatly increased of late years.

2763. Do you think it would be possible, if Europeans were to go to Dacca, that the cultivation of cotton might be made a profitable object?—I think that a European might carry on the cotton cultivation in the same way as we do indigo. He might give the ryots advances, and they would grow it. It would be a favourable employment for the natives.

2764. It would give employment to a great number of women and children now unemployed?—Yes.

2765. Would not the railway also give great facilities?—Yes, very great.

2766. Might not the navigation be very much improved at a small expense from Dacca to Calcutta?—There are great complaints of the canals leading into Calcutta being choked up by a very large number of boats; sometimes you cannot pass for days in consequence; there is that difficulty; but, otherwise, there is plenty of water communication with Dacca all the year round.

2767. Is that owing to the canals being too small?—Yes. There being only one canal, it was proposed to have two canals, one for boats going in, and the other going out, but I believe that has not been carried out.

2768. Have you any idea of the number of boats that go in?—There are many thousands of boats.

2769. You cannot tell the quantity?—No. The whole produce of India comes through those canals for eight months of the year.

2770. You have heard that notwithstanding all the difficulties to which you are exposed, and by which you are harassed by bad laws and bad police, still planters have settled in your district, and made it a profitable speculation; is it your opinion that the speculation would be less profitable if you had good laws and good police?—No; certainly it would be more profitable if we had good laws and a good police.

2771. Do you think that in the present state of things there is an inducement for an increased settlement in that part of the country?—No, there is not.

2772. Is it your opinion that Europeans or Englishmen, with capital and skill, may find equally profitable enterprises in other parts of our dominions without all those harassing difficulties which they meet with in India?—I think so. I would not go to India; I would take another beat.

2773. If you had known the difficulties you would have to encounter would you have chosen India?—No, I would not.

2774. Would you recommend your friends and relations to follow your example?—Not under present circumstances.

2775. You stated that there was a great increased production of a variety of articles, but that the condition of the people was not improved by that increase of production?—I think a great portion of the value of the production has gone into the hands of the money-lenders; that money is very scarce and very difficult to be had, and almost all the ryots are more or less in the hands of the money-lenders;

Mr. J. P. Wise.

11 May 1858.

lenders; they have their crops mortgaged to them, and they generally take a great advantage of the ryots.

2776. Is there any remedy which you could suggest to improve the condition of the people in that respect?—If Europeans were more settled with money, of course they would become the money-lenders, and would advance for articles required, and they would do it at a moderate rate; a great deal of the produce of the country is now raised by money advanced.

2777. Do I understand you to state that the social condition of the people employed by Europeans is better than the condition of the people employed by the natives?—I think in the neighbourhood of factories, the social condition of the people is better than what you see in other parts of the country.

2778. You think they are better clothed and better fed?—Yes.

2779. And that you attribute to their being more honestly treated?—I think so.

2780. You stated that it was a common practice with the natives to submit their disputes to the arbitration of Europeans?—With the lower orders that is the case; they, in many disputes, go to the factory of the European to have him to settle little differences.

2781. There is no obligation?—No, of course not.

2782. But they prefer it to the native courts?—Yes, and it is very useful; Europeans do a great deal of good in that way.

2783. Both parties consent to the arbitration of the Europeans?—Yes.

2784. And do they usually abide by that decision, whatever it be?—Yes, I think they generally do.

2785. Do they ever refer their disputes to natives in the same way that they refer them to Europeans?—Yes, they sometimes do; a zemindar will not take the trouble of looking into those troubles; he leaves them to his gomastahs and people, and they must pay money for it, and they do not so generally go to them to settle differences.

2786. Do you suppose that it is because of the cheapness that they apply to Europeans, or because of the justice which they get at their hands?—I do not say that the natives could not do them justice; but they come to the European to have little differences settled, and have not to pay for it

2787. Mr. *Danby Seymour.*] Do they ever refer their disputes to a punchyett?—I have always encouraged as much as possible punchyetts, because there are many little disputes that the village elders can best settle.

2788. A punchyett is a jury?—Yes, of five men.

2789. Is the number fixed?—"Punch" signifies five, but the disputes are very often well decided by two or three of the village elders.

2790. Dacca is very near the coast, is not it?—It is about 100 miles from the sea.

2791. What is the nearest point?—Naraingunge; that is about eight miles from Dacca, where ships of 300 tons burthen can come.

2792. Suppose cotton is grown in considerable quantities round Dacca, you might ship it straight to Europe?—Yes, but it is rather a dangerous navigation from Naraingunge to the sea.

2793. The navigation to Calcutta is not very safe, is it?—At some periods of the year it is less safe.

2794. Is not there a project for having steamers on the Bramahpootra up to Gowahati?—Steamers now go up there twice a month; it was interrupted slightly by this rebellion.

2795. Is not there a company in existence for navigating that river on more extended principles?—No, not to Assam.

2796. Do you know what the tonnage of the steamers on the river is?—The Government steamers now plying up to Assam are about 200 tons each.

2797. Are there not a great many settlers in the upper part of Assam?—Yes; tea settlers as well as officials.

2798. Is not the time very great that is required to reach Upper Assam now?—They go from Calcutta to Upper Assam in about 12 or 15 days in steamers.

2799. I mean the ordinary traffic?—It would take six months to ascend as far as Upper Assam in native boats.

2800. How long would it take from Naraingunge up to Gowahati by a native boat?—It depends upon whether it is loaded or not, but certainly not under six weeks.

2801. Have you much communication with Assam?—There is a regular communication twice a month.

2802. Is there much trade?—Yes, there is a great difficulty in getting freight; those two steamers are loaded to the water's edge; the trade might be very much increased.

2803. What is the nature of the population round Dacca; is it Mussulman or Hindoo?—About half-and-half; it was a Mahomedan city.

2804. What is the Hindoo population; is it the regular Bengalee?—Yes.

2805. And the Mahomedans, are they a high caste Mahomedans?—No, they are not.

2806. Are they an industrious population round there?—Yes.

2807. You would find no deficiency of labour for any extension of trade?—None whatever.

2808. With regard to the Resumption Law, was not there a committee appointed by the Government to carry out that law?—No, there was no committee appointed; it must be nearly 16 or 18 years now since those laws were put into active operation. I stated that I thought a great blight had been thrown over the whole of Lower Bengal in consequence, and no corresponding advantage to the Government, I have heard.

2809. If there was not a committee, were not there commissioners or some other officials appointed to carry out the provisions of the Resumption Law?—They appointed special commissioners, and resumption officers named special deputy collectors.

2810. Were not there some distinguished civil servants who refused to act in that case because they thought the laws very unjust?—I believe so.

2811. Are you aware who they were?—No, I cannot name them.

2812. It appears that many officers thoroughly acquainted with the country considered the Resumption Laws very inexpedient and unjust?—Yes.

2813. Have you suffered yourself from the Resumption Law?—I have, more or less.

2814. In what way?—The Law of 1793 was set aside; by that law the Government could resume only on proof of its right to resume. The subsequent resumption laws cast on the parties defendants, who had been 60 or 70 years in possession, the onus of proving their titles.

2815. Does not the power of the Government, suddenly to bring forward such a law as that, render the tenure of all property insecure?—It does.

2816. Do you think there should be some general rule by which, after a certain time, titles cannot be inquired into?—It would be of great benefit; the limit is 60 years on the part of the Government.

2817. Do you not think that limit is too long?—Yes.

2818. What limit do you think would be fair both to the Government and to the settlers?—Twelve years.

2819. In the case of the Rajah of Tipporah, do you think that the mere dismissal of the offending nazir was a sufficient punishment?—I do not.

2820. What do you think it would have been fair, in a case of that sort, for the Government to have done?—It would have been fair at the least to have paid the rajah's expenses.

2821. Do you think the nazir should have been punished besides dismissal?—Yes.

2822. Do you think so slight a punishment as dismissal would deter others?—No.

2823. Do you not think that there ought to be a law by which a servant dismissed the Government service in one department ought not to be employed in any other Government department at any time?—He ought not, certainly, and such an order is sometimes given in dismissing from public employment for grave offences.

2824. Do you think that the people seeing that a nazir dismissed by one officer of the Government was immediately employed by another, really believed that the Government wished to set their faces against corruption?—No; but I am not aware that the Government knew anything of this; of course it was the local authorities that put him in employment again.

2825. Would not the dismissal of an important officer like a nazir, be brought under the eye of the Governor of Bengal?—The dismissal was doubtless a Government order, but not the re-appointment.

Mr. *J. P. Wise.*

11 May 1858.

2826. Could a collector employ so important an officer as that without its being known at Calcutta; ought not the Governor to be cognizant of a fact of that sort?—Certainly, but I doubt the Government being cognizant of the appointment.

2827. Do the planters make their advances through money-lenders?—No.

2828. Do the money-lenders become security for the advances made to the ryots?—No, we make our own advances to the ryots.

2829. But you do not make them through money-lenders?—No.

2830. Do you make up your accounts with the ryots, or do you have a running account?—No; we make up the account every year.

2831. Supposing that Europeans came into the country to buy for ready money, would any impediments be thrown in their way by the planters settled in the country?—No; many Europeans are now purchasing in that way.

2832. Has it been done lately?—Yes.

2833. And is doing now much more than formerly?—Yes, greatly more.

2834. And would be done much more if there were roads?—Yes, railroads in particular.

2835. And the more ready money transactions could be encouraged the better for the country?—Yes.

2836. You said the money-lenders absorbed all the best part of the capital thrown into the country of late years; as the capital increases, do you find that the rate of interest diminishes?—No; it still remains much the same.

2837. Is the money monopolised in the hands of the natives?—Yes.

2838. How do the natives, the money-lenders, employ their money?—They give it out to the ryots and carry on extensive mercantile and banking transactions.

2839. If they give out 1,000,000*l.* in one year, and in 10 years they have 2,000,000*l.*, one would expect that the rate of interest would diminish or the production increase?—The production has increased vastly of late years.

2840. Then all the capital that has been accumulated by the natives is put out afresh to increase production?—A great deal of it.

2841. Do the money-lenders invest in Government securities or property?—Many of them purchase land, and many invest largely in Government securities.

2842. Is the money which you advance obtained from firms in Calcutta?—Yes.

2843. Is that the capital belonging to the firms in Calcutta, or are they merely agents for British capitalists?—They are chiefly agents for British capitalists.

2844. Then the capital comes chiefly from England?—Yes, a good deal of it.

2845. And that as much now as formerly?—Yes, more now.

2846. Speaking of the fine manufactures that used to exist at Dacca, they are nearly entirely destroyed now, are they not?—They exist to a very small extent; you can, however, get the same quality at any time by ordering it to be manufactured.

2847. A fine manufactured article is a proof of civilization, is it not?—Yes.

2848. Then looking to the last 50 years in India, you would say that the population of India has retrograded?—The population has not retrograded I think; Europeans are not so numerous as they used to be, out of Calcutta.

2849. Mr. *Kinnaird.*] Was the magistrate who did not do his duty a European?—Yes.

2850. Had the rajah adopted the usual mode of paying a bribe, he would have saved himself a great deal of trouble and expense?—I prevented the bribe being paid, and the rajah was very much annoyed at it afterwards, because he got a great deal of annoyance and was put to considerable expense.

2851. Bribery and corruption seems to be the ordinary mode of settling those things?—Yes.

2852. I think you stated that you had been upwards of 30 years in India?—Yes.

2853. And your health was very good?—Yes.

2854. How many times have you returned home?—I was 28 years out without ever coming home at all, and I never felt ill until I came home.

2855. Therefore, with ordinary precautions and care, what is your opinion of the chances of European life in India?—I think a European residing there and taking care of his health, leading a sober life, and having plenty to do for both mind and body, he is as likely to have good health there as in any part of the world.

2856. Did you require much medical attendance while you were there?—No, I was never seriously unwell.

2857. You

2857. You said that if the suggestions of Sir Charles Metcalfe had been adopted, European settlement would have been encouraged?—Sir Charles Metcalfe was very favourable to European colonization, and if his views had been adopted subsequent to 1814, of course we should have had a great many more Europeans, and the resources of the country would have been very much developed long ago; and the revenues of India would have been increased greatly.

2858. Is the zemindar at all jealous of the European, as a general rule, coming into the district?—He has sometimes occasion to be so; the European getting a zemindary, it is his wish always to do justice as far as possible towards the poor; I have myself had 1,000 houses of ryots transferred over to a property of mine in one year, leaving a neighbouring zemindar because they were oppressed by him. My object was to take none of the exactions which the zemindars do, and as far as possible to do justice towards the ryots. The consequence is, they generally prefer the protection of a European zemindar, and the native zemindars do not like that, because his property becomes less productive if the ryots leave his estate.

2859. You think that the tendency of the European resident is to raise the social character of the ryot?—Quite so.

2860. You have agreed with all previous witnesses as to the disgraceful state of the police?—I quite agree in that respect as to the police.

2861. Can you make any suggestions for its improvement from your experience?—The great improvement is an able magistrate, with as far as possible a large increase of the English element, the subordinates of the police will then be made honest, and there will be no fear. It is an able man at the head that is chiefly required. I have seen a district in a state of misrule, and in the course of a short time an able magistrate would put all right. Darogahs and every one are put right in a few days by an able man. If he knows his business, he has plenty of power, and the laws are sufficient; he only requires to put them in force.

2862. I suppose the very name and reputation of an effective civil servant coming into a district has a good effect?—Yes, a wonderful effect.

2863. You recommend the introduction of the European element more largely into the police; can it be obtained?—There is no want of it. If you make a respectable situation for a European, and give him the hopes of advancement by good conduct, and raise him up to be a deputy magistrate, and a full magistrate, you will get plenty of Europeans of birth and education to take the lower appointments, with expectation of rising to the higher.

2864. The exclusive character of the civil service has tended to keep them out?—Yes.

2865. You told us that a great number of the native magistrates were very badly selected; who is responsible for their selection?—The Lieutenant-governor of Bengal has the patronage.

2866. You told us of some false cases trumped up between a zemindar and a darogah, is that very common?—Very common.

2867. When you hear of such cases it creates no surprise?—None whatever.

2868. It is a melancholy reality?—An every-day occurrence.

2869. You talked about the effect of the policy of the Government being rather to drive the European away. I suppose you meant that there was not only no favour or inducement shown to them, but that every discouragement is rather thrown in their way?—I think so; I think those laws that have been periodically threatened to be brought upon us have been discouraging, and has led to that feeling of dissatisfaction in India.

2870. With reference to your evidence as to Assam, you said that there was plenty of land to be had there. What is the title that you get in Assam?—It is Government land; you get it for 99 years from Government at a very moderate rate of assessment.

2871. Do those two steamers which ply there belong to Government?—Yes.

2872. They have been apparently not sufficient for the wants of the district?—Not nearly sufficient.

2873. May any private company set up?—Yes; and the Government are ready to retire the moment they do so.

2874. Does the tea cultivation in Assam require European superintendence?—Yes, there are a great many Europeans up there; it requires a great deal of care in looking after.

Mr. J. P. Wise.

11 May 1858.

2875. Is labour cheap there?—No; that is one difficulty in Assam; it is not so easily got.

2876. Would it be easy, if there were proper arrangements, to transport labour?—People are not very fond of leaving their homes; they prefer working at home; there is a difficulty in getting labour.

2877. Mr. *Willoughby.*] In what way has the Government of India exhibited their hostility to the European planters?—I more particularly refer to the Black Acts.

2878. That is the only symptom of hostility of which you are aware?—We blame the Government for not giving us better magistrates.

2879. At what rate do the Government grant leases for 99 years in Assam?—I think the first 15 years you pay no rent, and afterwards you pay four annas up to 30 years, and then you do not pay the full rate until 50 years, and that is only eight annas a begah; about one rupee eight annas an acre.

2880. It is by those favourable terms that the Assam Tea Company has been formed?—Yes.

2881. Are you aware that within the last two or three days the Assam Tea Company have divided nine per cent.?—I have heard that.

2882. Does that case support your opinion, that the Government of India is hostile to the settlement of Europeans?—No, not that particular instance.

2883. Do not you know that similar favourable terms have been offered in the Kumaon districts?—Of course, that is a recent event; I am talking of the Government of India for the last 30 years.

2884. Probably you admit that a considerable improvement has taken place on the part of the Government within recent years as regards planters?—It must be very recently.

2885. *Chairman.*] Do you mean that the feeling of the Government is hostile to settlers, or is it the system?—It is the system that we feel pressing upon us.

2886. Mr. *Willoughby.*] You stated an instance where the purchase of an estate was reversed after 17 years?—Yes.

2887. Was that under your own knowledge?—Yes.

2888. Will you state what the circumstances were?—The law prescribes that you will serve the notice at the residence of the party whose estate is to be sold, and in one of the largest towns on the estate. This notice was served upon the man's house; the man's house was his cutcherry where he made his collections; but it turned out after 12 years, which no man ever found out before, and which was not stated in his petition to the judge to reverse the sale, that this place where his house was and where he collected his rent, although it was in the centre of the estate, was actually not a portion of the estate; it was a bit of La-Khiraj land upon which his house happened to stand, and he proved that that bit of land was not a portion of the estate. But the law prescribes that the notice shall be served upon a portion of the estate, and the sale was reversed in consequence after 17 years.

2889. Did you hear the questions which I put to Mr. Freeman as to the precautions taken by Government when sales of estates are advertised?—Yes.

2890. Do you concur that those precautions are taken on those occasions?—Yes.

2891. That they must be given one month's notice?—Yes.

2892. In what year did this reversal of the sale after 17 years take place?—The reversal of the sale took place last year; within the last 12 months.

2893. How could such a reversal take place under the law where all those precautions are prescribed?—It was a sale not for arrears of revenue, but for a decree; and the facts are as I have stated.

2894. Was there a defect in the title-deeds?—No, the law prescribes that the notice shall be given upon a portion of the property to be sold.

2895. Then it was not the act of the Government, but of the court of law?—It was the act of the collector, and allowing the law to take effect in that way; two judges were in favour of reversal, and one much opposed to it, and it was a question raised in the last court, not in the lower courts, and ought not to have been admitted, I think, at that stage.

2896. You state that the sessions' judges have very little power over the magistrates; are there not appeals from the magistrates to the sessions' judges in many cases?—Yes; but in the greater part of the small cases the magistrate's power is final; the judge's power of interference is very little.

2897. What

2897. What is the number of settlers in the districts that you are best acquainted with?—In the five districts in which I am, there are not a great number of Europeans; there are perhaps not above 30 or 40 altogether.

2898. You have expressed your concurrence in the evidence of Mr. Freeman and Mr. M'Nair, that a great change should take place in the courts of law in those districts; namely, that English law should be administered by English barristers through the medium of the English language?—I think the introduction of the English language would be a great improvement and an able bar.

2899. Do you consider the administration of justice in an unknown tongue would be beneficial to the inhabitants of those districts?—It is unknown just now; the magistrates are very many of them quite unacquainted with the language.

2900. I am referring to the population?—I think the people would learn the English language very quickly, and it would have a moralising and good effect upon them, and if so encouraged become generally known; it gives an entirely new and improved turn to the native mind.

2901. In what towns would you establish courts of law of that kind?—In Dacca, and Mooshedabad, and Patna, and all the large central towns.

2902. A court of that kind would occasion considerable expense?—I should think not.

2903. You think that a court of justice, with the chief officials Europeans, would not be more expensive than a court of justice with a European presiding, and the rest of the establishment natives?—Of course there would be an increase of expense.

2904. And the chief advantages of those courts would be derived by the planters?—No, I think better justice would be distributed for the benefit of all.

2905. How would you obtain interpreters on whose honesty and fidelity you could depend?—There are many Christians well acquainted with the language, whom you could use as interpreters; there would be no want of them.

2906. Throughout the districts?—Yes, there are a great number of half-caste Christians well acquainted with the language.

2907. Can you state the year in which the Tipporah case of murder, in which the rajah was concerned occurred?—It must have been about 16 years ago.

2908. You have alluded to the cotton from which the Dacca muslin is fabricated, and you stated that any quantity of land is available for the cultivation of that kind of cotton?—I said there was a large quantity of land suitable, I think, for cotton cultivation.

2909. Is that land waste?—Some parts; a good deal of land is wasted in the Dacca districts.

2910. Is not the reason why cotton is not grown in India frequently that those interested in the land find that some other product is more profitable?—Of course, they will take to what will give the most profitable returns.

2911. Such as indigo, for instance?—Yes, or silk, or anything else; and it would be a question for the ryots and settlers, after trying cotton, whether it was a profitable speculation or not.

2912. You stated that cotton might be grown, and would give the population employment?—Yes.

2913. What is there to prevent it, if the profit derived from cotton cultivation would be equal to or greater than the profit from the cultivation of any other produce?—I alluded to the children and females of the family, that they are doing nothing, and that a crop of that sort would be very profitable, and might be grown without any increased labour or expense to the family.

2914. Of course, the planter would consider what would be most advantageous to himself?—Yes; he will not grow it if it is not profitable.

2915. Is not another reason for the limited production of cotton in India this: the uncertainty of its price when it is imported to this country, that price being dependent upon a plentiful or scarce crop in America?—The question would be, whether we could grow cotton cheaper than they could do in America. A man is paid a dollar a day there, and with slave labour; whereas he gets 2 *d.* and 3 *d.* a day in India, and the question is whether we could send it to England cheaper than they do from America.

2916. Even under existing circumstances, whenever the price of cotton is high in this country, the quantity imported into England greatly increases?—Yes; the higher price induces shipments from India.

Mr. *J. P. Wise.*

11 May 1858.

2917. You stated that you would not go again to India if you had your choice; has your residence in India been profitable to you?—Tolerably so; I would have been a very rich man if the Government had not taken that property from me 20 years ago.

2918. When did the Resumption Law, upon which you animadverted, cease?—It ceased about five or six years ago.

2919. Was not it an inquiry into titles?—Yes.

2920. In allusion to the exclusive character of the civil service, is it not the fact that what is called the uncovenanted service has very largely increased within the last few years?—The uncovenanted service has greatly increased, chiefly natives however.

2921. I mean both natives and Europeans?—Then of course it has very greatly increased.

2922. And without a corresponding increase to any great extent in the covenanted service?—Yes; we complain that there are not more able men of a certain standing in that service.

2923. Has not there been great progress made in improvements in India of late years; what is called in the common phrase attempting to develope the resources of India?—I do not see a great deal of that; I do not see any new roads or canals; I hear of them in the upper provinces and in the north-west, but it is not the case in Lower Bengal.

2924. Have you not heard that 34,000,000 *l.* have been already subscribed for, or are about to be subscribed for, for the construction of railways that have been proposed?—Yes, I have heard so, and it has been going on for a great many years, but has made very little progress up to this time.

2925. Have not steam-boats been introduced on the rivers in India?—Yes; and that is a great improvement.

2926. And have not considerable efforts been made to extend education?—Yes, to a great extent.

2927. Do you concur in the evidence given by a former witness, that Europeans should be employed in the public service in preference to, or to the exclusion of, the natives?—I do not know what departments you refer to; in a great many of the lower departments you would not get Europeans to fill them, but where practicable I think the Europeans would do the work better, and probably more efficiently than the natives, and would be more to be depended upon in the police.

2928. Do you think such a policy would be just to the natives of India?—There are plenty of appointments for both. The effect of employing natives in important positions seems to endanger our power, and not to employ them is considered by many to be unjust. I have heard, the only native officials who have gone against us have been the thorough Mahomedan deputy collectors and joint magistrates.

2929. You have heard the former witnesses upon the subject of extinguishing the rights of the ryots in Lower Bengal with a view of putting the planter in possession of the fee-simple of the land?—Yes.

2930. What is your opinion upon that subject;—I think we have no right to extinguish the ryot's rights; they have been given to him by the perpetual settlement, and he is as much entitled to them as we are to our rights.

2931. Mr. *Villiers.*] Have you ever met with anybody since you have returned that was disposed to go out to India to take his capital there, and who has consulted you upon the matter?—Not one.

2932. Do you think there are any people who are inclined to go there who are deterred by the reports that are brought home of the obstacles and the disadvantages that the Government present to employment of capital?—I think they would look upon them as discouraging to Europeans.

2933. You were there 30 years?—Yes.

2934. Did you find the same defects in the administration of justice and the same disadvantages which you have named to the Committee when you first went out there as when you left?—They appeared to me when I went out to be less. I think the magistrates were much better men in those days; they were abler men; now we have young men as magistrates over districts; there was no such thing 30 years ago.

2935. You attach peculiar importance to the defective administration of justice, is that as engendering a sense of insecurity to persons and property?—Yes.

2936. Do you say that that applies to natives as well as Europeans?—To both.

2937. Do

2937. Do you think the natives would complain if justice were administered in the English language?—I do not suggest it with the idea that we should have any advantage over them; it is only to have better justice for all.

2938. Do you think they would not soon ascertain whether justice was done?—Yes.

2939. And you believe, notwithstanding what has been said of their impurity generally, that they would appreciate a good administration of justice?—Yes.

2940. Did I rightly understand you to say, that when a sale was set aside 17 years after you had purchased it, the Government took it to itself?—No, that was another property; the sale there was reversed immediately, within five or six months.

2941. The Government did take the property where the sale was reversed?—Yes, the Government purchased it, as recommended by the official who deprived me of my rights.

2942. Has it been profitable to the Government?—Very much so.

2943. Did you make any complaint; had you any reason to suspect that there was unfairness, or did they merely apply a defective law, and take the benefit of it?—The gentleman to whom it was referred to make inquiry did not make inquiry; if he had done so, he would have found that the three allegations were quite untrue; I was no relation of the collector. I paid in the amount stipulated for; and the law was not infringed in any way by the under tenures being upset.

2944. What is the condition of that property which the Government holds itself; is there a good deal of it?—Yes.

2945. Is it a profitable way of holding land?—Government might sell, and be freed from litigation as zemindars with their subjects.

2946. What is the nature of the tenure under them; is it that of a tenant of a zemindar?—Yes.

2947. Do those who pay the rent also pay the revenue?—Yes.

2948. Who manages these properties?—The collector of the district.

2949. Is there much unappropriated land in the province which you are acquainted with?—Yes; but the uncultivated land is not so much where I have been residing; it is more towards the hills.

2950. Does the Government set up that land at so much; can anybody purchase it?—No, they can farm it.

2951. In Assam you say a great deal is unappropriated?—Yes.

2952. Did I rightly understand you to say that there was inconvenience from not making a gold currency as well as a silver currency?—Great inconvenience.

2953. You mean that gold is not a legal tender?—No, it is not a legal tender; the Government will not receive it in payment of the revenue.

2954. And you cannot pay your debts in gold?—No, and the consequence is, that boat loads and cart loads of silver are sent when you have a very small payment to make. The Government will not receive more than one-third of the revenue in bank-notes.

2955. Do the Government issue notes?—No, the Bank of Bengal issue them.

2956. They are convertible notes?—Yes.

2957. I think you stated as your opinion that if gold was currency as well as silver, it would correct the great inconvenience felt in this country, and indeed in Europe, from those constant drains of silver to rectify the exchanges?—There is a very great quantity of silver buried in India, and if there were a gold currency, the natives would immediately convert that into their deposit, and the silver would come into circulation.

2958. Do you mean that they would prefer gold to silver?—Yes.

2959. It would not be so available for their ornaments?—It is chiefly gold they turn into ornaments.

2960. What is the objection to gold being the standard as well as silver?—The impression of the Government is, that gold being largely brought in from New South Wales, it might be given in of a lower value to the Treasury, and cause a loss; that was their impression, and they refused to have a gold coinage in consequence.

2961. What did they expect; have they not a mint there?—Yes; but they might very well have the same coin as we have here; the sovereign is a very favourite coin all over the world, and would be preferred to the present coinage in India.

2962. You do not think that that alone would correct the exchange. Suppose the exchange is generally against us between our trade and India; does not that

Mr. *J. P. Wise.*

11 May 1858.

arise because there is not consumption enough of our products?—Yes, it would not correct it; other mediums must be brought into play to do that; our manufactured articles must go to India in exchange for the raw material.

2963. You are of opinion that it would improve the condition of the consumer in India generally if settlement took place more than it does now; that there would be more capital, more employment, and their consuming power would be greater?—Yes, I think so.

2964. And that, you think, would increase the demand for our manufactures?—Yes.

2965. You state that the natives are well disposed to the settlers, and that they feel that their condition is improved?—Yes.

2966. Has there been any manifestation of that better feeling towards them than to other Europeans during the late mutiny?—In all Lower Bengal there has been no disposition to mutiny; the lower orders have cultivated their fields the same as in former days, and have not sympathized with the mutineers.

2967. And it is in the lower provinces where the indigo planters are principally settled?—Yes, including Tahoot.

2968. Are there any records of those cases that take place in the courts of justice; can you find a report of what has occured in any particular case?—You can in civil cases more freely. In criminal cases they generally burn all the records at certain stated periods, keeping one or two of the principal papers.

2969. Is there anybody on the part of the press who attends in those courts?—No.

2970. There is no supervision of that kind?—No, it is much wanted.

2971. Has not there been a cheap native press circulating in those provinces?—No; there are several newspapers published in Calcutta in the native language.

2972. But not in the Mofussil?—No.

2973. Is that prohibited?—No.

2974. Would it not be attended with some advantage?—Yes, it would be useful.

2975. Have not the Europeans encouraged it?—No.

2976. Have not the planters had a press of their own?—No, they chiefly look to the European papers which are published daily in Calcutta.

2977. Would the press circulate in the Mofussil amongst the natives in their own language?—Yes, they are very fond of news.

2978. Has not the native press been abused in some respects?—Yes.

2979. It has been circulated to the prejudice of natives against the Europeans?—Yes.

2980. Mr. *Danby Seymour.*] Is not there a "Dacca News?"—Yes, lately established.

2981. Mr. *Villiers.*] When you stated that the money-lenders got such an exorbitant interest, to what do you ascribe that; is it to the want of security they receive for their money, or to the scarcity of money in proportion to the demand?—There is an insecurity in lending the money too; but it is the want of money among the European settlers to lend out; we have not the means, and we pay a high rate of interest ourselves when borrowing money.

2982. Is there any want of capital in India, supposing any person wanted, in order to increase his work, to borrow money?—There is great difficulty, seeing they pay 12 per cent., besides other commissions, bringing it up to 17 or 18 per cent.; and no European can get it for less out of Calcutta.

2983. Is that because they offer the security of property in the Mofussil?—Yes; in Calcutta you can get it upon property there at six and seven per cent., and in the Mofussil it is double that.

2984. I think you have confirmed everything that has been said before upon the prospect that the country would present to capitalists going out there, if they were not deterred by bad laws and the spirit of the Government?—Yes.

2985. And that, up to the outbreak of the mutiny, there continued a jealousy or something like a spirit of detraction of those persons who came out from Europe to settle there?—Yes.

Jovis, 13° die Maii, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Sir Erskine Perry.
Mr. De Vere.	Mr. Seymour.
Mr. Wm. Ewart.	Mr. J. B. Smith.
Mr. Gregson.	Mr. Wm. Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.

WILLIAM EWART, Esq., in the Chair.

William Theobald, Esq., called in; and further Examined.

W. Theobald, Esq.

13 May 1858.

2986. *Chairman.*] I believe you wish to make some indispensable correction in the statement which you made on a former occasion?—Yes; I think it is quite indispensable, in one point of view. I took the liberty of stating my opinion of the effect of Act 4 of 1837 on the restriction which was contained in the statute of 1834. The statute opened India in point of fact only as regards the provinces acquired during the last century. I stated that my opinion was that the effect of Act 4 of 1837 was to repeal the restriction in that statute as respected provinces acquired during the present century; in point of fact, to open the rest of India to Europeans; and I was asked by Mr. Willoughby whether I was aware of the decision of Ouseley *v.* Plowden. I stated that the effect of that decision was to confirm my opinion. At that time I had only seen the remarks of the judges at the trial of the case of Ouseley *v.* Plowden; there were points reserved for their consideration; and I have since obtained a copy of their final judgment, and I find that they held that the restriction upon the right of settling in India remains as it was under the statute of 1834; that is, that India has been opened by that statute only as to those provinces which were acquired previously to the end of the last century, and that we have the right to enter the provinces acquired this century only by licence. The Court does not appear to have given that judgment with very much confidence, and they expressed anything but satisfaction as regards that state of the law.

2987. Did the Court deliver that opinion on a question brought directly before them, or was it an *obiter dictum* as it were, a collaterally given opinion?—No; it was expressly given upon the construction of the statute, consequently the law requires to be altered by Act of Parliament.

Mr. *Josiah Patrick Wise*, called in; and further Examined.

Mr. *J. P. Wise.*

2988. Sir *Erskine Perry.*] YOU have given an opinion upon the unacquaintance with the native languages of the European magistrates. Bengalee, I believe, is the language of the country in which you lived?—Yes.

2989. The population of that country is about 30,000,000?—Yes, that is the population of Lower Bengal, speaking roundly.

2990. What has been the language used in the courts of justice and the police courts?—Hindee chiefly, but Bengalee is the language of the country.

2991. Persian used to be used within a few years?—Yes.

2992. How long ago is it since Persian was abolished?—About 10 years.

2993. That was in Lord William Bentinck's time, I think?—Yes.

2994. That is more than 10 years?—Yes.

2995. Up to that period the administration in the courts of justice was carried on in a foreign language?—Yes, in the Persian language.

2996. It was the language of business of the Moguls, the former owners of the country?—Yes.

2997. Since that period the magistrates and the judges have used the Hindee language?—Yes, chiefly in conducting the court business.

2998. But the Hindee language is not intelligible generally by the Bengalee population?—Not by the lower orders.

Mr. *J. P. Wise.*

13 May 1858.

2999. Not by the bulk of the population?—No.

3000. Hindee is not the vernacular language of the province of Bengal?—No.

3001. Nor is it intelligible to the bulk of the population?—The lower orders do not understand it well.

3002. Have you ever seen either a magistrate or a judge administering his functions in the Bengalee language?—I have; I know several.

3003. How many cases do you think you have heard?—Not many; I know one or two judges who can read the language, but very few of them do.

3004. The great majority of the judges and magistrates use the Hindee language in dispensing business?—Yes, chiefly.

3005. Then in point of fact the objections that have been made to the use of the English language, as the language of business, are equally applicable to the Persian language as being a foreign language, and also are in some degree applicable to the Hindee language?—Yes, it may be considered so.

3006. Have you been much in attendance in the courts of justice in the Mofussil?—No, very little; I have had a good deal to do with them, but personally I have been very little there.

3007. You have stated that you do not think the European judges and magistrates are very well acquainted with the native languages?—Not generally, particularly the young magistrates.

3008. Did you ever, in the course of your experience, hear or know of any judge in Bengal who was capable of giving off a judgment in the Bengalee language, with the reasons for his decision, so as to make himself intelligible before the audience?—There are very few that can do that.

3009. Do you believe that there is a single judge in Bengal who is able to give off a judgment in a language intelligible to the crowd, in the same manner that a judge in this country is able to do?—I know one judge who takes home cases and reads them off as freely as English; that is an exception; I do not think it is general.

3010. Have you ever been in attendance on the Supreme Court at Calcutta to see how the proceedings are conducted there?—No.

3011. You probably are aware, from your experience, that the mode is by having two interpreters in the court?—Yes, I am aware of that.

3012. And that every question put in English by the advocates is translated into the native language to the witness, and heard by the whole court?—Yes.

3013. And the answer in like manner is handed up to the judge, who takes it down in English?—Yes, I am quite aware of that.

3014. The consequence is, that every word of evidence that is delivered in the Queen's courts is intelligible to the whole of the crowd of natives who are assembled?—Yes.

3015. Is it not the fact, also, that the judges in English procedure only judge of the case upon the evidence brought to them in court?—They do so.

3016. Therefore, in point of fact, the evidence upon which the judge makes up his mind is exactly the same as the evidence which is given before the whole of the public assembled?—Yes; but a judge who knows the native character, and the native evidence that is often brought before him, does not, I think, go entirely by that evidence.

3017. He goes, as judges in this country do, by his knowledge of human nature, and the habits of the people?—Yes, perhaps so.

3018. The evidence is patent to the whole world, exactly in the same manner as it is made known to the judge?—Yes.

3019. And you think that is a satisfactory mode of doing business in a country, circumstanced like India, with a few Englishmen placed in authority?—At particular courts; it would not do over the country in the Moonsiffs' courts, for instance.

3020. Not in the small courts where the judge comes in contact with the witnesses, and is obliged to be their advocate as well as judge?—No; and the bar must also be acquainted with English to admit of it.

3021. Suppose this system were introduced into the principal courts, the zillah courts for instance, in the Mofussil, do you see any difficulty in introducing it?—No, you would get interpreters very easily.

3022. The establishment required would be two to three interpreters?—Yes.

3023. Those men are to be got upon very small pay; from 20 to 25 rupees a month

a month would obtain the services of very intelligent young men, educated in Missionary and Government schools?—A larger salary than that would be required for so important a situation perhaps.

3024. Are you not aware that in the Bombay police courts, and the small cause courts, rates of pay like that have been found sufficient to secure the services of competent men?—There are translators in the zillah courts who translate papers for the judge, who get about 100 rupees a month; but of course a better description of men is required for these situations.

3025. If such men are translating the evidence in a zillah court, does it consist with your knowledge, that in such a court, presided over by a European judge, there would always be a number of persons acquainted with the native language and with the English language to detect any mistranslation or misinterpretation upon the part of the interpreters?—Particularly if the bar knew English; they would understand it, and the audience generally would do so.

3026. In using the English language as the language of business in those superior courts, would it not also be very easy to require the judge to record all the evidence, as it is taken at the time, in English?—He would necessarily do so, and always, I believe, does so now; they put down the evidence in English as the case proceeds.

3027. That is the course pursued in the Queen's courts and in the courts of this country?—Yes.

3028. Would not that make a most excellent record of the proceedings in the case upon the very cheapest terms?—It would. I think all records ought to be kept in the English language.

3029. Therefore would not one of the advantages of conducting the business in the English language be that it would afford facilities for appeals to the courts above in the cheapest and simplest manner?—Yes.

3030. If the interpreters were to be corrupt, and give false translations to answers given in open court, are you not of opinion that they would be at once detected by some of the persons in the court?—Yes, the judge and the jury, the advocate and attorney would know immediately.

3031. Would it not also be competent to the Government, if the English language were used in those courts in the interior, to require the judge, whether a native or a European, to be conversant with the language of the country?—Yes.

3032. And you would also think it desirable that he should be conversant with it?—I should.

3033. Do you think there would be any difficulty, with salaries such as are now given to the zillah judges, of 3,000*l.* a year and upwards, to require that barristers appointed to those posts should make themselves conversant with the native language?—No, I do not.

3034. And would there be any difficulty if such a reward were held out?—None.

3035. You do not think the proficiency of the Europeans in the native languages is ever likely to be so great as the proficiency of the natives in the English language?—The natives very easily learn the English language, and they are very desirous to learn it, and this would be a great encouragement to learn it.

3036. They begin at a much earlier period than Europeans, do not they?—Yes, they begin at a very early age and learn it very quickly.

3037. Has not the chief stimulus to the natives to go to the Government schools been the hope of learning the English language?—Yes, with the hope of getting situations in the Government employment, which are greatly valued.

3038. And they do, in point of fact, learn it at an early period of life, and become conversant with the language?—Yes; in Dacca College there are 500 scholars all learning English; the same in Calcutta, and all the provincial towns.

3039. Have you heard some of the native speakers at public meetings in Calcutta?—No; I have seen reports of them.

3040. You are aware that some of them speak English as well as we English do?—Yes.

3041. And sometimes better?—Yes, perhaps so.

3042. As to the native judges, you do not seem to give a good opinion of the native morality generally?—I think their morality is below that of the European, and when beyond the reach of bribery they are too often swayed by personal feelings.

Mr. *J. P. Wise.*

13 May 1858.

3043. And especially you distrust the natives in offices?—I particularly refer to the police offices.

3044. In the police offices the pay is very low?—Yes.

3045. And the powers very large?—They are open to bribes.

3046. And probably in all countries where the power has been great, and the salary very small, a great deal of official immorality is the result?—They are very often turned out of employment; the situation is not very certain; petitions are put in against them, and they consider the place unsafe, and take advantage of that to get as much money as they can.

3047. Do you know enough of the history of India to know that up to the end of last century the pay of European officials was very small?—Yes.

3048. And in those days the complaint of the corruption of Europeans was very great?—Yes.

3049. In the present day probably your opinion would be, that English morality in office stands very high in India?—Yes, it stands very high.

3050. The pay also being very high?—Yes.

3051. Are you of opinion that if the same process was applied to the natives, if those invested with great powers also got adequate pay, there would be an improvement in their morality?—Of course that would be the case.

3052. The reasons why Europeans receive greater pay than natives, are founded a good deal upon Europeans having to leave their own country and to make a great many sacrifices?—Yes, and upon their education and expensive habit; the native judge in his own country has a high social position amongst his countrymen, and 600 *l.* a year is as much as 3,000 *l.* to the European judge.

3053. Is that paper, which you hold in your hand, a return to the House of Commons?—Yes, a judicial return.

3054. Can you state from that return what is the number of uncovenanted Europeans and Indo-Britons in the revenue and judicial service?—The sum total is 3,082.

3055. The number of natives in the same year amounts to how many?—The number of natives is 2,846.

3056. What are the salaries of the natives in the judicial and revenue establishments there, under 240 *l.* per annum?—There are 1,377 and 856.

3057. How many does that make altogether?—Two thousand one hundred and nine.

3058. Out of 2,846 employed, 2,109 get salaries under 240 *l.* per annum?—Yes.

3059. How many natives are there on salaries of 600 *l.* per annum?—Forty-three.

3060. How many are there from 840 *l.* a year to 960 *l.* a year?—Two.

3061. And from 960 *l.* and upwards, how many are there?—Four.

3062. Is it the case that those native judges have the whole bulk, 95 per cent., of the civil business in their hands?—Yes, I believe so.

3063. They have therefore, of course, numerous means of being corrupt, having the whole of the business of the country before them?—Yes, that is the civil branch, but the corruption has been more particularly applied to the criminal branch in my evidence.

3064. And 2,109 of them, the great majority, have salaries under 240 *l.* per annum?—Yes.

3065. Are you aware what the salaries of the European zillah judges are?—£. 3,000 a year.

3066. Do you think there would be any difficulty in making it, to a native judge, a condition precedent of being appointed to office, that he should be thoroughly acquainted with the English language?—No difficulty at all.

3067. And you would have him keep all the records of his evidence, and the judgment he gives, in the English language?—Yes, most decidedly.

3068. So that an appeal should go up to the Court of Appeal in the way I described before?—Yes.

3069. With respect to the Europeans who are settled in the Mofussil, you object to such Europeans being placed under native judges; have Europeans increased, within your experience in the Mofussil?—No, I do not think they have increased.

3070. The districts in India in which they are situated are, in point of fact, very few, are they not?—It is chiefly in Bengal.

3071. Do you think there would be any difficulty in making Europeans in the Mofussil subject to the European courts only; that is to say, to the courts presided over by Europeans, placing down for that purpose a few more European judges in the districts where the planters are located for the transaction of business?—There would be no difficulty; there are only four or five places.

3072. Four or five good judges would be sufficient?—Yes.

3073. Do you think there would be any difficulty in obtaining from the Calcutta bar gentlemen acquainted with the Hindoo language, who would give satisfaction to the Europeans if they were there placed?—No.

3074. If at the same time the salaries of the native judges were somewhat raised, do you think there is reason to believe that with the European example, and with the publicity of their proceedings, an improved purity and official morality would be obtained?—I think so, in time.

3075. Then if those improvements took place, if the planters got competent judges of their own colour and morality, what objection would there be in placing the whole of those provinces under one system of law?—There would be no difficulty if we had good judges and an English jury, and the English language; there is no objection to it.

3076. Do you not think, therefore, that the principle by itself is quite sound of placing the whole districts under one law, provided competent judges be appointed?—Quite so.

3077. And you think the salaries I have mentioned, namely 3,000 *l.*, are sufficient to procure competent men?—Yes. well-trained English judges.

3078. Mr. *Willoughby.*] How many European judges of the kind you have advocated would be required for Lower Bengal?—I fancy there would be five or six zillahs; Dacca and Moorshedabad, and Patna. I speak of the large towns in central positions, where courts of that kind might be established.

3079. Sir *Erskine Perry.*] How many are there now?—There is a judge at each zillah.

3080. You would not by my plan increase the number, so much as the quality?—Exactly.

3081. Mr. *W. Vansittart.*] Dacca is a very fine city, is it not?—It was a large city, and is still a large city.

3082. I suppose there are very many rich Mahajans, and other influential natives, residing there?—Yes, a great many.

3083. Do you consider that they are as respectable and intelligent as their equally swarthy brethren in Calcutta?—Yes, I think so; in Dacca itself there are a great many respectable natives of great intelligence and worth.

3084. It has been stated to the Committee that an European in Calcutta does not like to be tried by a jury composed partially of natives; does that hold good with reference to his feelings towards the natives at Dacca?—I think a European would prefer a jury of his own countrymen, and would consider that he was entitled to have that indulgence.

3085. You say you know the Rajah of Dacca, Tipperah?—Yes.

3086. He is an intelligent, opulent, and advanced-minded native, is he not?—The present one is not; the former one, who is dead, was very much of that character.

3087. How is it that there are so few of these intelligent and advanced-minded natives?—You find a good number of very superior men in India, men of great intelligence and worth.

3088. Do you know Chittagong?—I have been there once only.

3089. Was not there a colony of Christians there?—Yes; Portuguese.

3090. What is the condition of that colony?—It is not in a very favourable state. We have also in the Dacca district large colonies of native Portuguese: they have married and intermarried, but they are not a very good class of people.

3091. They have all deteriorated very much?—Yes; they are uneducated, and have bad habits.

3092. Do not you think that Lower Bengal and Eastern Bengal generally are much more unhealthy than the Upper Provinces?—I never was in the Upper Provinces, but I do not think Lower Bengal is unhealthy.

3093. Not Jessore; Pubna and Purnea?—The natives do suffer occasionally with cholera and fever, particularly after the rains.

3094. Some of our police thannahs, for instance, are very unhealthy; they

Mr. *J. P. Wise.*

13 May 1858.

are under water nearly half the year, from inundations?—Yes, and they are very unhealthy, in consequence, at some places and seasons.

3095. Is it possible, therefore, to get a better class of darogahs, jemadars, mohurrihs, and burkundauzes to be induced to be stationed there than we have at present?—No, if you give them good pay; they are very fond of getting into the employment of Government in the police department.

3096. You think you might get better police material, and burkundauzes particularly?—Yes; there are places of course where they would suffer; I know of several unhealthy thannahs, where they do suffer very much, and they are always anxious to avoid going to those places.

3097. Messrs. Theobald, Freeman, MacNair, and yourself, all seem to agree as to the wholesale bribery and corruption going on amongst the native omlahs; is not that the case?—There are exceptions, but they are few, and they are well known, and it depends altogether upon the magistrate, the great or less corruption of the police.

3098. Do you not think that the natives generally aré very poor?—They are comparatively poor.

3099. Do you not think that, owing to their poverty, the system of bribery is greatly exaggerated?—No; I have a great knowledge of the state of the bribery, and I must say it is very bad in Bengal.

3100. With regard to the resumption laws, you say they have acted very oppressively towards the natives?—Yes.

3101. You must allow that a very large portion of those rent-free or lakhiraj lands had been fraudulently obtained, and that the holders had no sort of right or title to them?—I quite admit that as fact, but after so many years the question of right and the policy became very doubtful; and the practical effect, as seen by myself, was the ruin of many, and the feeling universal that the Government was dealing harshly and unjustly.

3102. They had been fraudulently obtained in very many cases?—They may have been fraudulently obtained. I knew of one instance where property had been pledged to the Government, and it was sold to meet the security; it was bought by a person and was resumed by the Government afterwards, and I thought it a great hardship.

3103. Many of our magnificent provinces, during this late revolt, have been overrun and ruled over by our paid Mahomedan officials and others?—Yes.

3104. Do not you suppose, knowing as you do the native character, that many cases have occurred, and will be proved to have occurred, where they have forcibly alienated large tracts of the estates from zemindars, and made them over in perpetuity to their favourites and retainers?—It is a possible case.

3105. On our reconquering those provinces, would there be anything unjust in our collectors refusing to recognise those tenures?—Of course there would not; but such a case appears to me very different to that in respect to the resumption laws, where certain rules of procedure and registration were prescribed by the law and neglected by the Government, and after the lapse of so many years, where the property may have changed hands many times. In the Chittagong district it was a wholesale sweeping away of the rights of the whole population, nearly causing an insurrection. In the Dacca district it operated very injuriously.

3106. If the special deputy collector, namely, the resumption officer, made an unjust resumption, his decree was appealable to the special Commissioner?—Yes.

3107. And the aggrieved party had an appeal from the special Commissioner to the Sudder Deewanny Court in Calcutta?—I think the special Commissioner's decree was final.

3108. It is now some five or six years since those resumption laws have ceased, so they cannot now operate to the prejudice of any European settler?—No.

3109. Do you agree with Messrs. Theobald, Freeman, and MacNair, as regards the ignorance of the civilians of the language of the country?—Yes, I agree with them generally, that they know the languages imperfectly, referring particularly to very young men now holding the situation of magistrates.

3110. Do you know the Calcutta paper called "The Friend of India"?—Yes.

3111. Is not that a very fair and ably written paper?—Yes.

Mr. *J. P. Wise.*

13 May 1858.

3112. Since you were examined on Tuesday I have received my edition of it, dated March the 11th, and I find this fact stated, "The 'Hurkaru' states that a conspiracy to murder all the Europeans of Baraset"—that is about 16 miles from Calcutta—"and release the prisoners, has been detected at that station. The chief conspirator was an up-countryman, esteemed by the natives as a jogeee. He was supposed to be a person of particular sanctity. The plot was disclosed by a jemadar, at whose suggestion the magistrate of Baraset so secreted himself as to be able to overhear the pretended jogee attempting to inveigle others into his plans. When the man said, 'Should the magistrate come to know of our conspiracy, sooth him with gentle words; should he still doubt, slay him;' the magistrate leapt from his hiding place, and the villain, with an accomplice, a mooktear, was apprehended." How do you reconcile this fact with the ignorance you and your friends above-named represent the civilians as possessing of the native language of the country?—It would not require a great knowledge to know what he said.

3113. We have been told that, except in three instances, no civilian can hold a conversation with a native more than five minutes; this would take more than five minutes?—Perhaps so; that is a single case; with one or two exceptions, I have never known a judge able to take home a record of a case, read it, and write off his decision; but I do not say that this perfect knowledge of the language is all that is required to make a very good judge, for I know to the contrary in many instances.

3114. How do you reconcile this statement with the well-known test that a young civilian has to undergo, namely, that before he can accept an appointment he must be able to read and write an order?—I have not seen a young civilian who could read and write the Bengalee language in that way.

3115. To carry out this system of substituting English in the zillah and Mofussil courts, do you think that a few English interpreters only would be sufficient to conduct the business?—With a good English bar, and publicity, I think they might be well able to conduct the business as proposed.

3116. Would not it be necessary to substitute Europeans for the native omlah?—No, I do not think so.

3117. Do you think bribery and corruption might be stopped by merely having a few interpreters and still keeping up the native omlah?—I think that if the judge is a good judge, or the magistrate a good magistrate, very little bribery can go on, and very little does go on; it is stopped immediately by officials well up to their work.

3118. Do you think that if the native judges were to be paid as high as the English judges, they would be honest?—Very likely they would.

3119. That opinion is not shared in by Messrs. Theobald, Freeman, and MacNair, is it: Mr. MacNair seemed to think that the higher you paid a native the more bribes he took?—That has been the effect with respect to the thannahdars; it is often said that the higher you pay them, the larger bribe they require, but I question this very much.

3120. Some of the sudder ameens, and principal sudder ameens, receive as high salaries as 1,000*l.* a year; and yet are there not instances of their joining in this revolt; for instance, Khan Bahadoor Khan, the sudder ameen of Bareilly, in Rohilcund?—Yes, and there are many other instances, I am afraid.

3121. Mr. *De Vere.*] You have spoken of two sales in which you were concerned, in which reversals took place?—Yes.

3122. One was reversed after 17 years?—Yes.

3123. Did I rightly understand you to say that the cause of that reversal was the irregular service of the notice?—It was upon that account.

3124. Was not that notice required for the protection of the party whose estate was sold?—It was an objection that was brought up; not at first; if it had been brought up at first, of course the sale might have been reversed earlier.

3125. Is it not the fact that the law which requires the service of such a notice was intended for the protection of the seller?—Of course it was; but you ought also to protect a purchaser.

3126. Then the irregularity in this case was, that a notice required for the protection of the selling party had not been properly served?—Yes.

3127. With regard to the second sale, you said that it was reversed after a few months?—Yes.

3128. Had you no appeal from the order of reversal in that case?—No, there was

Mr. *J. P. Wise.*

13 May 1858.

was no appeal against that; I might, perhaps, have appealed to the Governor-general in Council, but I doubt it; it was from the Sudder Board; the Sudder Board recognised the stopping of the sale.

3129. Then you had an appeal, and did not make use of it?—There is no appeal from the Revenue Board as to a sale; I believe they have final powers.

3130. The property was subsequently purchased by the Government?—It was afterwards purchased by the Government.

3131. Was it purchased at an open sale?—It was purchased at an open sale.

3132. Did you bid at that sale?—No. I was put to great inconvenience at the former sale; I had to bring the money from Calcutta, having great difficulty in getting the money; and I was obliged to send it up under guard a great distance, and to send it away again under a guard, which cost a great deal of money. It was during the rainy season, and I suffered great inconvenience; and I did not go to the second sale.

3133. Due notice was given of the second sale?—Yes.

3134. You said that if you had not lost that large property, you would have been a very rich man?—Yes.

3135. Did not you state that the sum paid by the Government was a small advance upon the sum you had paid?—It was merely the revenue that had accrued between the two sales.

3136. Then it must have been a very profitable purchase on the part of the Government?—Yes.

3137. And due notice having been given, you did not bid?—No.

3138. You have suggested the substitution of the English currency for the Indian currency; is there not a closer analogy between the Indian currency as now existing and the decimal system which has been proposed in this country, than between the present English currency and the decimal system?—I believe there is a very small fraction betwixt the Indian currency and the present currency of England. I thought it might be substituted very easily; that is, 10 rupees is about 1 *l.* sterling, the value of a sovereign.

3139. In case the decimal system should be adopted in this country, would not the fact of having substituted the present English currency for the Indian currency form a difficulty in the way of introducing the decimal currency in India?—I think it would.

3140. You said, alluding to your own case, that a settler may have very good health in India; to what part of India does that observation apply?—To Lower Bengal.

3141. The plains of Lower Bengal?—Yes, the plains.

3142. Would you go so far as to say that settlers would have a reasonable prospect of bringing up a family in good health there?—I know a great many who have done so.

3143. What has been the health of their children?—They keep pretty good health.

3144. And do they arrive at the age of manhood there?—Yes; I have known several families.

3145. Have you known any case in which the third generation of settlers remained there?—No; I have often heard that disputed.

3146. If the second generation of a settler can attain the age of manhood, why is it that we have no instance of a third generation found upon the land?—I believe they deteriorate; the second and third generation would be inferior to the first.

3147. Do you mean to say that the children of a settler who arrive at manhood in a state of perfect health are inferior?—I do not think they are equal to those born in this country, and those that are sent home to this country have all the benefits of an invigorating climate, education, and associations so beneficial to develope the mental and physical powers.

3148. Do you mean that they are deteriorated in body or in mind?—Both, but particularly mentally.

3149. To what extent has that deterioration taken place?—Not to any very great extent in the first generation, but the education is not so good in India as in this country; the companions, the associations of England altogether are of very great use to a youth educated at home.

3150. You have spoken of the corruption of the native judges; have you known

known any instances in which that corruption has been proved, and punishment awarded against the judge?—I do not think that I expressed myself so strongly that the native judges were corrupt.

3151. Have you known any instances in which corruption has been proved against native judges, and punishment awarded?—I know of one instance, and the judge was removed from office; but it is not very common.

3152. What was the nature of the corruption charged against him in that case?—He was charged, I believe, with having, through his family interests and servants, taken money; and he was removed from office in consequence.

3153. There was no proceeding against him on the part of the person who supposed himself injured?—Yes, there was a proceeding; no judge can be removed from office without being tried. There was a commission appointed to try the case; the sudder ameens are always tried under a commission.

3154. He was not punished, except by removal?—He was dismissed the public service.

3155. Mr. *Gregson.*] At Question 2929 you were asked, "You have heard the former witnesses upon the subject of extinguishing the rights of the ryots in Lower Bengal, with a view of putting the planters in possession of the fee-simple of the land?" to which you reply, "Yes."—"What is your opinion upon that subject?" "I think we have no right to extinguish the ryot's rights; they have been given to him by the Perpetual Settlement, and he is as much entitled to them as we are to our rights." Do you object to interfere with the rights of the ryots under any circumstances; for instance, by an arrangement to pay the value of those rights?—No.

3156. Is it practicable to make an arrangement with them to purchase their rights?—Yes, there is no difficulty about that.

3157. Sir *Erskine Perry.*] It is done every day?—Yes.

3158. *Chairman.*] You referred to the English language being used in the courts by means of an interpreter; if the courts were worked by means of the English language and by means of an interpreter, would that, in your opinion, do away with the necessity of employing the native omlah?—Of course they would not be required.

3159. Mr. *W. Vansittart.*] Who would take charge of the records, and write out the evidence?—Of course you would require to have omlah for that.

3160. Mr. *Willoughby.*] Is it usual with the planters in Lower Bengal to retain their children without sending them to England?—No; as far as they possibly can they send them to England, when they are able to do so.

3161. About how many instances have occurred within your knowledge of the children of planters remaining in India up to the age of 21?—I have known half a dozen instances.

3162. Mr. *Villiers.*] When you speak of the natives, do you refer only to the Hindoos?—Both Hindoos and Mussulmans.

3163. Your opinions apply to both equally?—Yes, I have a better opinion of the Hindoos than of the Mussulmans.

3164. *Chairman.*] Do you know of any cases where a third generation has been found?—No; it is a question that has been very much mooted whether the third generation would live in India up to the age of 21.

3165. In your experience have you known a third generation in India at all?—No, not up to the age of 21.

3166. Mr. *Seymour.*] What is your opinion upon the subject?—My opinion is, that they do deteriorate in the Lower Provinces of Bengal.

3167. *Chairman.*] Do you, or do you not, think that the apprehensions of the deleterious nature of the climate of India have been much exaggerated?—I think so.

Mr. *James Dalrymple,* called in; and Examined.

3168. *Chairman.*] WILL you be so good as to state in what capacity you were in India?—As an indigo planter and silk manufacturer, and largely connected with sugar.

3169. Were you in the management or partnership of any firm?—I was in the management of the firm of J. & R. Watson.

3170. How long were you in India?—Upwards of 30 years.

Mr. *J. Dalrymple.*

13 May 1858.

3171. Always in the same capacity, as manager?—No; I went out as an assistant first, and then I became a manager and partner.

3172. How long is it since you returned from India?—Three years.

3173. To what part of India was your knowledge confined?—Moorshedabad, Rajshaie, Pubna, Kishnagur, Maldah, and Midnapore.

3174. Your experience is confined to Lower Bengal?—Entirely to Lower Bengal.

3175. Have you many European assistants in your concern?—Yes, we have upwards of 50 in the concern.

3176. Have you had any difficulty in keeping up the number of those assistants?—Yes, we have had great difficulty in keeping up the same class of men.

3177. What was the cause of the difficulty?—The uncertainty of getting on in India, the uncertainty of the laws, and the annoyances of the police.

3178. What was the nature of the business of your firm?—Indigo, silk, and sugar.

3179. In what districts or parts of Bengal were your concerns, and did you employ a large working capital?—We had a very large capital.

3180. Can you state the amount of the capital you employed?—Upwards of 200,000 *l.*

3181. Annually?—Yes, annually.

3182. What do you consider to be the amount of the property the Messrs. Watsons invested in their concerns?—Upwards of 300,000 *l.* in block.

3183. That is exclusive of the annual outlay?—Exclusive of the annual outlay.

3184. How much is the whole annually?—Upwards of 200,000 *l.*

3185. Does that make 500,000 *l.* altogether?—The block is upwards of 300,000 *l.*, and the annual expenditure is 200,000 *l.*

3186. Have you also capital invested in land tenures?—We have.

3187. What kind of tenures?—Zemindaries, putnees, pottahs, izarahs, and all the under tenures common in Bengal.

3188. You have heard the evidence given by several of the witnesses before this Committee?—Yes, I have.

3189. Have you heard Mr. MacNair's?—Yes; I have heard all his, and all Mr. Wise's, and part of Mr. Freeman's.

3190. Do you generally confirm the evidence given by those witnesses?—Yes, I generally agree with their evidence.

3191. With regard to the police and magistracy and the law courts, do you confirm their evidence?—Yes.

3192. The police is entirely native, is not it?—Entirely native.

3193. Do you, with those witnesses, think it would be desirable to have an infusion of European superintendents into the police?—Very desirable.

3194. On what grounds, from your experience, do you complain of the state of the police at present?—They are extortionate; they are corrupt in every sense of the word; they extort from all classes, and get up false cases; they instigate quarrels; they instigate both the lower orders, over whom they have great power, and also the zemindars, to quarrel, and principally with Europeans.

3195. Have you had personal experience of that extortion and corruption?—I have.

3196. Could you briefly and clearly give us a specimen of such corruption and extortion which you yourself have undergone?—Yes, in the case of a darogah; he applied to me for allowance, which he said he had been in the habit of receiving from the former proprietor of a concern that we had just purchased. It was on our taking possession the man came to me for the money. I refused to give it him, and he was dissatisfied. Shortly afterwards he left the district; but before the manufacturing season commenced, the most particular time of the whole year for an indigo planter, when the river is rising, he was re-appointed to the station. He again applied for the money, and I still refused; we had only worked a few days when he shut the factories, by preventing the people from working; he came to me in the evening and asked for his money again, and after much consideration, and seeing that the concerns were stopped through his opposition, I gave him a certain sum of money, the sum of 60 *l.* We got on very well till the manufacturing was about closing again, when he demanded the balance of what he said was due to him, and I again positively refused; he completely

completely shut the factories, and we did not work another day after that; the plant went all under water, and I had only recourse to a magistrate, 54 miles distant. I went to the magistrate, and he happened to be from home; he was out in the district. It was 10 days before I had a hearing. After hearing me he called for the darogah; the darogah came to the station, accompanied by 150 working people and small cultivators, and presented a petition as from them against me, accusing me of murder, arson, rape, and every offence that could be committed, and the magistrate took up the case; but on allowing me to cross-examine them they got confused, and said they did not even know what was in the body of their petition, and they acknowledged that the petition had been written by one of the lower officers of the thannah. For 18 months my case against the darogah for extortion was undecided, and I had several trips to Kishnagur, being called in by the magistrate, and no hearing was given, and the magistrate was shortly after removed; and a new magistrate came, and he called up the case and decided it without giving me any notice, or calling for any of the witnesses. He exculpated the darogah, re-appointed him to another station, and recommended the Government that I should be severely punished for having acknowledged bribing the darogah. We lost a very large sum from not being able to work off the plant.

3197. Was it the original sum of 60*l.* which you gave the darogah to which the magistrate referred?—Yes; that was the money I gave him to allow the workmen to come to the factories; we lost many thousand rupees besides that in being unable to work off the plant.

3198. How was the darogah exculpated?—Merely that the magistrate disbelieved the statement, and said that I should not have bribed a policeman.

3199. On what ground did the magistrate find you guilty of bribing the darogah?—On my own acknowledgment that I had given him the 60*l.* I made a statement of the whole facts as they took place.

3200. Supposing you had not given the 60*l.*, what loss would you probably have incurred?—We lost about 2,000*l.* eventually.

3201. What would have been the loss if you had not paid that 60*l.*?—About 6,000*l.*

3202. Mr. *W. Vansittart.*] In fact you bribed the darogah exactly one year's salary; they get 50 rupees a month?—No, they got 30 rupees at that time.

3203. Then you gave him two years' salary?—It may be; I know that he was in the habit of receiving 150 rupees a month from the factories before we purchased them.

3204. *Chairman.*] In what year did this happen?—It is some 20 years ago; but it is a common thing to this day.

3205. Do you give this case as a solitary instance, or as a general specimen of what may occur to a gentleman situated as you have been, in the part of Bengal with which you are familiar?—I have known many such cases.

3206. Up to the present time?—Up to the present time.

3207. In the long time you have been in the country have you marked any improvement in the state of the police?—No, not generally.

3208. In what way, in your opinion, could the police be improved?—By a greater number of Europeans being employed; by European supervision. The darogahs ought to be under a European nearer than the magistrate.

3209. Have the magistrates, as a body, improved since you have been in India?—No.

3210. Do you generally concur in what former witnesses have said respecting the covenanted magistrates?—Generally.

3211. What is the character of the class called deputy magistrates?—The native deputy magistrate is very unfit for the police.

3212. In what respects?—They want energy; their caste is much against their being able to detect robberies, and they are generally unfit for the police.

3213. Do you complain of them both as protectives and as detectives?—They are not protectives.

3214. Are they good detectives?—No; they are not good detectives.

3215. Is it your opinion, in confirmation of what other witnessess have said, that it would be beneficial to have a more extensive employment of Europeans?—Certainly.

3216. If the uncovenanted service were put on a more independent footing,

Mr. *J. Dalrymple.*

13 May 1858.

could qualified Europeans be found in the country to fill the office of magistrate?—There would be no difficulty I should think.

3217. What salaries do you pay to the persons engaged in your concern?—They vary from 150 to 1,000 rupees a month, with commissions.

3218. Would you be much benefited by having the power of employing a greater number of Europeans in your concern?—Certainly.

3219. That is what you want, in fact?—Yes.

3220. Would the infusion of a certain number of Europeans into your establishment be of utility to the natives in bringing them forward, and almost acting as a means of instructing them?—Yes.

3221. It would be advantageous to you, to the Europeans employed, and to the natives?—Yes.

3222. Have you suffered from the want of a good law of contract in your interest as a European capitalist?—We have suffered.

3223. Will you state how you suffer exactly?—The system of Bengal is all on advance; we advance for everything; when we advance we take a contract in writing from the native that he is to perform certain duties, and if he refuses to do so afterwards, then we have no redress in the courts; we have in our concerns upwards of 20,000 yearly contracts.

3224. And you have not adequate means of enforcing those contracts?—No; we cannot enforce the contracts.

3225. Are you of the same opinion as the preceding witness, that the Government, where it is itself a manufacturer, as in the case of opium, has a separate law of contract, and do you think it would be just to you as an independent planter to have the benefit of that law of contract?—Yes.

3226. What has been your experience of the conduct of the covenanted civil service with regard to yourself and your property in India?—I think the covenanted civil service are very deficient in the language; they are much too young; they have no knowledge of the native character, and they have much greater powers put into their hands than their knowledge warrants.

3227. With regard to the language; are they familiar with the language?—They are very deficient in the language; they are put in power before they have a knowledge of the local language, though they may know the languages as they are taught them, but not to speak them in the country.

3228. Would you draw a distinction between the knowledge that is required for exchanging ideas in common conversation in language, and diving into the difficulties of a case at law in a court of justice?—There is a very great difference between the languages taught in the colleges and the languages spoken in the Mofussil.

3229. Therefore a man passing a very good examination may not always be found equal to the difficulties he meets as a magistrate upon the bench?—Certainly.

3230. Do you speak of that from your own experience?—Yes.

3231. Of course you have known some superior men acquainted with the languages?—Many.

3232. Upon the whole, which way does the majority incline, on the side of the deficient or the superior men?—The very inefficient.

3233. In your recollection can you state that the number of European settlers in the part of India where you have been has increased or diminished, or continued the same?—It continues about the same.

3234. Has it continued the same in Calcutta?—No.

3235. Has it much increased?—Yes, much increased.

3236. To what cause do you attribute the small number of European settlers in the part of the country where you have resided?—To the police laws, the revenue laws, and the difficulties altogether in the country; you are subject to all sorts of false charges and extortions.

3237. Supposing you were a newly-arrived Englishman at Calcutta, with some idea of settling in Bengal, and you went, as you naturally would, to some person of experience to inquire about the country where you were to settle, would the account you would receive from that person of experience be such as possibly to deter you from settling there?—It certainly would.

3238. You agree generally with other witnesses as to the insecurity of property in that part of the country?—I do.

3239. Have you made any observations on the working of the sale law?—I have; I have had much to do with the sale laws.

3240. Do you complain of those sale laws?—Yes

3241. On what account do you complain of them?—In purchasing property, you have many difficulties to contend with as to getting possession; you have disputes about the boundaries, and about the many under-tenures which there may be in the estate; and they are not upheld by the sale law.

3242. In that respect you confirm the statement of former witnesses, that the sale law is not sufficient to give security to the under-tenures under the zemindar?—No.

3243. Have you anything to add to the evidence given by the previous witnesses upon that subject?—No.

3244. You confirm it only?—Yes.

3245. With regard to roads, do you confirm the opinions of the witnesses given upon that subject?—Yes; there are very few roads in Bengal.

3246. Are roads very much required?—Very much required.

3247. Are the roads in Bengal sufficient for the purposes of traffic and intercommunication?—Not at all.

3248. Is it your opinion that a greater number of European settlers, if they were induced to settle in the country, would be one means of improving the roads?—There is not a doubt of it.

3249. The superior civilisation of an old country is impatient of that backward state of intercommunication which exists in a country like India, is not it?—Yes.

3250. Therefore they would have on the one hand a desire to mend the roads, and on the other the capital to improve them?—The roads in our own concerns the planters generally repair, but they do not answer for general traffic, which requires continuous lines of road.

3251. Would you think it possible that the road system in your part of Bengal might be conducted by a road committee; I refer to the cross-roads, not the great roads?—Certainly.

3252. If there were a greater number of European settlers, would there be the materials for forming committees between the natives and the settlers to secure the formation of cross-roads?—Yes, not a doubt of it. The Government for the last two years have been making some local roads through Moorshedabad and Kishnagur, to employ the natives; there was a famine two years ago, and it was to employ the natives, and the money was generally laid out through European settlers.

3253. Do you think it desirable, in a part of the country like that where European settlers place themselves, to encourage, if it were possible, some such means of local self-government as might be given by managing their own roads, and to a certain degree their own concerns?—Yes; if the Government were to make the roads I have not a doubt that they would be kept up by the inhabitants, both European and native.

3254. And that would be a good opportunity of initiating the natives and confirming the Europeans in the habit of managing their own local affairs?—Yes.

3255. You think it desirable that they should learn by degrees to manage their own local affairs?—Yes. They understand making roads; I have known a native make a road for 100 miles, from a religious motive.

3256. Do you think that it would be possible to encourage such a spirit among the natives of India?—Yes.

3257. The planters would naturally be inclined to adopt it from their national habits, and the natives would borrow it from the planters?—Certainly.

3258. Do you know the Nuddea River?—Yes.

3259. Do you confirm the statements of previous witnesses upon that subject?—Yes.

3260. That you might save an immense circumnavigation by a simple line of improved river transit, and that that improvement has not been made?—Yes.

3261. Have you suffered personally from the unimproved state of the Nuddea River?—Yes, in the transport of goods.

3262. Is it a commercial state of suffering, common to all those interested in that part of the country?—It is complained of by all India; the Nuddea Rivers being shut up for certainly nine months in the year.

Mr. J. Dalrymple.

13 May 1858.

3263. But you probably are of opinion that means have been used by the Government to keep the rivers open?—The means used have been very small.

3264. Are you of opinion that those means admit of further improvements?—Much.

3265. Considerable?—Considerable.

3266. What is your opinion of the general state of cultivation where European settlements take place?—Since I went to India it is very much improved, and certainly quadrupled.

3267. You have no hesitation in ascribing that improvement to the settlement of Europeans?—It is entirely owing to European energy.

3268. Is the condition of the natives improved also in those districts where European settlement takes place?—Yes, it is; the lower orders are much better fed and better clothed, and the houses are much better.

3269. Then you naturally draw the inference, that if there were further settlement there would be further improvement?—Yes.

3270. Do you think that if settlement went on to a greater extent, there would be a desire among the European settlers to improve the intellectual condition of the natives by means of schools and elevating their moral character?—Certainly.

3271. Much has not been done in that respect hitherto, has it?—A good deal has been done amongst European settlers by subscriptions.

3272. We have heard of schools in Jessore?—Yes; you only hear of schools at stations, but those who are distant from the stations subscribe.

3273. Do you know any instances of English settlers who have established private schools of their own?—No.

3274. Do you think that if there was a very considerably increased number of British settlers, there is a probability that such schools and such improved means of communication would be extended in proportion to the increased number of European settlers?—There is not a doubt of it.

3275. Mr. *W. Vansittart.*] You have concerns in Maldah?—Yes.

3276. Do you know anything of Darjeeling?—No.

3277. You say that the Europeans in the Mofussil do not increase, owing to the defective state of the laws and the police?—Yes.

3278. Do you not think that it is to be attributed to the superior advantages held out in Australia, Canada, and other possessions for the investment of capital?—No.

3279. Do you mean that there has been no increase of indigo factories and other manufactories in the Mofussil, or do you merely refer to Europeans?—To Europeans merely. There has been a considerable increase in manufactories of all kinds, but there is a greater number of country-born employed now than used to be the case.

3280. If there are more of those factories and manufactories built, surely that would bring more European men and a greater investment of capital; if new factories spring up, surely that must increase the European community?—It has not hitherto increased the Europeans; there are several grades between the European and the native; it has increased the Christians.

3281. I referred to settlers and men of considerable property, like yourself?—No.

3282. Mr. *Lowe.*] Do you think that the British colonies do offer greater inducements than India to settlement?—Yes, I do.

3283. And yet you do not think that those inducements keep people away from India?—The laws in the Mofussil certainly keep more from settling in the country.

3284. If the laws and police were as good in India as in Australia and Canada, are the inducements held out by India as good as those held out by Australia and Canada?—I think so.

3285. Do you think the climate is as good?—Lower Bengal is perhaps not so good; Europeans could not labour in Bengal.

3286. People could not bring up their families there, could they?—Not generally.

3287. Is not that a great drawback?—It is a very great drawback.

3288. Is not a residence among a heathen population a very great drawback?—A very great drawback.

3289. Instead of having a working class of the same elements as at home, the same as in Canada and Australia?—Certainly.

3290. Is not there an element of uncertainty in India that does not exist in Australia and Canada, from the possibility of native risings and rebellions?—Yes.

3291. Do not all those reasons show that, even if those reforms which you mentioned were to take place, it is not very probable that there would be a large European emigration?—No; there may be a larger European capital.

3292. But a large European emigration you do not think there would be?—No.

3293. A young man having his fortune to seek would prefer to go to an English colony, supposing all were done to improve India that could be done?—I am not certain upon that point.

3294. Can you suggest any remedy for the land tenure; you are aware of the land tenure in Australia or Canada, are you not?—No.

3295. A man buys his land in fee-simple, and pays nothing to the Government; could anything be done in India to make the tenure approximate to that?—No; the tenant-right of the ryots stands in the way.

3296. What remedy do you suggest for the grievances you complain of?—That the under-tenures should be recognised by the Government; and that in the event of a Government sale they should be upheld.

3297. How would you prevent the Government being defrauded of its revenue in that case?—By giving notices beforehand; the different tenures would be registered, and it might be easily known what claims there were against an estate before the sale came on. There is a great practical difficulty.

3298. I suppose in a zemindary each party is liable for the whole rent; every acre is liable for the whole rent?—Exactly.

3299. Would you propose to disturb that arrangement, or would you leave it still liable?—It involves a great many questions. I have considered it a good deal. There is the protection of the Government rent. An extensive zemindary might be divided into 50 different tenures by the holder, and in the event of a sale those tenures would be all upset.

3300. Would you propose to relieve any part of the zemindary from the Government rent, or should it be leviable over the whole, as now?—Over the whole.

3301. Each putneedar would be liable to pay the whole rent in default of everybody else?—The whole estate would be sold.

3302. Supposing a small part of a zemindary is upon putnee, the putneedar is liable still for the whole rent; would you propose that that should be continued?—When one portion of the estate is to be liable the other would also be liable.

3303. Each is liable for the whole?—Each is liable for the whole.

3304. Would that be a great discouragement to settlement in itself?—It would.

3305. Supposing every householder in Belgrave-square were liable to the Marquis of Westminster for the whole rent of Belgrave-square, would not that be a great discouragement to taking houses in that square?—Yes.

3306. Is not that the case?—Yes, but under different circumstances. Most of the sales are from fraud; they are not, generally, from being unable to pay the rents, but from fraud, to dispossess some other shareholder or party.

3307. You cannot suggest any remedy which would secure the Government their rents, and protect each putneedar from not being liable for more than his share of rent?—Only that the putneedar should be recognised by the collector. A remedy was suggested by the Indigo Planters' Association.

3308. That would save his putnee from sale?—Yes.

3309. But it would not save him from an unfair proportion of rent?—No; but he would get back what he paid in excess of his own share, through the collector.

3310. With regard to the magistracy, do I rightly understand you to adopt the sentiments of those witnesses who agree with Sir Arthur Buller in his speech in the Legislative Council?—I agree generally with the evidence given on that subject.

3311. You object *in toto* to any European having any case, civil or criminal, tried before a native judge?—Yes, I do.

3312. Do you think it possible entirely to do away with native judges, and replace them by Europeans?—I would not do away with civil judges.

3313. You think there must be some native civil judges?—Yes.

Mr. *J. Dalrymple.*

13 May 1858.

3314. To what extent do you think so; up to sudder ameens?—Yes, and principal sudder ameens.

3315. And moonsiffs?—Yes, and revenue officers.

3316. Do you object to appear before them in your own cases?—No; we generally do appear before them.

3317. Do you consider it a grievance that you do so?—No, we do not consider it a grievance in appearing before a civil judge; it is appearing before a criminal judge that we object to.

3318. You do not object to appearing before a native judge in a civil suit. If one of your men sues you on a contract, do you require that it should be heard before an English judge?—No, we generally take the course the law provides.

3319. Are you content with that, or is it a ground of complaint?—The little chance of a European being heard in those courts is a ground of complaint; he cannot defend his own case except through the mooktears.

3320. Do you wish that done away with, or is it possible to do away with it?—I do not think it is possible to do away with it.

3321. In criminal cases you claim that you should only be brought up before an English judge?—Yes.

3322. You object to appearing before a native judge even in the smallest case?—Yes; but in small cases we have no exemption, and are tried before natives.

3323. Suppose the case of a trifling assault?—Yes, we are tried by natives.

3324. You do not object to it, do you?—Yes, we object to it.

3325. What is the point that you do object to in what is called the Black Act?—That we shall be liable to be tried by natives, and put into gaol by them, if that is passed; at present that cannot be done.

3326. It is the difference between fine and imprisonment that you object to; you do not object to incurring a small fine under the native magistrate, but you do object to a power of imprisonment; is that it?—We object to the natives trying those cases where they can imprison or impose heavy fines; we entirely object to the natives.

3327. You admit that for smaller offences, where fines only are levied, it is necessary that Europeans should submit to native jurisdiction?—Not in criminal cases.

3328. Sir *Erskine Perry.*] If competent English judges were placed down in the districts where the planters are settled, would they be sufficient to provide for those cases brought before them by Europeans?—They would be competent certainly; the present judges have very little knowledge of the laws.

3329. Therefore if the Black Acts were established in India, the appointment of a few English judges in those districts where the English are settled would suffice to remove all those objections that you now have against the Black Acts?—If we were to be tried by English judges, according to English law.

3330. It is only in Bengal and Tirhoot that English planters are to be found in any numbers?—Yes; but that is a very large country.

3331. There is a return before Parliament from which it appears that there are only about 300 settlers altogether in India; have they increased within your recollection?—No, they have not, but they are much more numerous than that.

3332. Do you think that the objections of the planters to the introduction of the Black Act, that is to say, the introduction of one uniform system of laws, would be removed if a few competent English judges trained in law were established amongst them?—I say raise the natives to our standard, and do not reduce us to theirs.

3333. Therefore what you object to is incompetent or corrupt native judges and incompetent English judges?—Yes; we object entirely to native judges.

3334. Would your objections be removed, and would the interests of the natives be promoted, if competent English judges were placed there?—Yes, judges and magistrates.

3335. Then do you think that the objection of the planters to the Black Acts would be removed?—Yes. I mean by the Black Acts the power of the natives over us.

3336. Have you ever been located in any other provinces except Bengal?—Never.

3337. In Bengal, under the perpetual settlement, there is a great facility for purchasing land, is not there?—No; there are very few estates for sale; they are only now and then for sale.

3338. When

3338. When those estates are for sale is there much competition for the purchase of them?—It depends upon the estate; sometimes there is.

3339. How many years' purchase is an estate generally sold for?—It is sold for 10 or 12 years', but putnees and other tenures are sold for much less.

3340. A zemindary is sold for 10 or 12 years?—Yes.

3341. For how many years is a putnee sold?—It differs in different parts of the country; in my part of the country it is only a year and a half or two years' purchase; but then we pay the rent according to the collections, with a small discount for collecting. There are so many different ways of taking tenures in India.

3342. How do you account for a putnee tenure fetching so very small a sum?—Because you pay for the profit on the estate besides the Government rent. By buying at the Government sale, you have only to pay yearly the amount of rent paid to the collector, while in the case of the putnee, you have to pay what the zemindar has been in the habit of collecting.

3343. And that varies from year to year?—Yes.

3344. Do you find that in those sales natives come forward to compete with Europeans for the purchase?—Yes.

3345. And are they generally inclined to go as high in the purchase as Europeans?—They go higher.

3346. In point of fact, you generally get outbid by the natives?—Yes.

3347. Suppose that the Government assessment was set up absolutely for sale for redemption, do you think that that would induce Europeans to buy more largely, assuming that the ryot's tenure remained?—No.

3348. Why do you not think so?—They would have so many difficulties to contend with after purchasing.

3349. If they purchase now, why would not they purchase more freely if they could buy the land out and out, paying the Government a redemption for the land tax?—I have never thought of the matter; I foresee many difficulties with respect to the under-tenures with the ryots.

3350. You of course do not advocate that the ryot's rights should be disregarded by the law?—Certainly not.

3351. You are not aware as to the power of purchasing land in the Upper Provinces?—No.

3352. Mr. *Villiers.*] Do you mean to state that the difficulties of procuring land constitute one of the obstacles to European settlement?—No.

3353. You do not attach so much importance to the law in that respect?—No.

3354. You dwell most upon the administration of justice?—Yes.

3355. I presume you would state in private what you have stated to the Committee?—Yes.

3356. Is not your report of the disadvantages under which settlers labour concurred in by almost every one under the same circumstances who has returned to England?—Yes.

3357. And is not that report calculated to deter people from going out?—Yes.

3358. And if you could give a better report, do not you think that that would encourage settlement?—Yes.

3359. May we not suppose that the very few settlers who go to the Mofussil is to be accounted for from the fact that they make some inquiries beforehand, and are much discouraged by the accounts that they receive?—Yes.

3360. You stated that you had some difficulty in keeping up the number of your assistants?—Yes.

3361. What was the reason of that?—There are fewer Europeans now who go to India than went formerly.

3362. Why is that?—It is from the difficulty of getting employment.

3363. A witness who preceded you stated that he could have given a great deal of employment to Europeans if they had come out?—Yes, but fewer Europeans go out now.

3364. The inducement is not sufficient?—The inducement is not sufficient to take them into the country.

3365. You do not know that they are deterred by the climate?—No; many people who go to India go to invest money, not to become assistants; and in the country the want of security prevents many persons from going.

Mr. *J. Dalrymple.*

13 May 1858.

3366. What would an assistant earn in the way of salary?—It depends upon his experience; we give salaries varying from 150 rupees to 1,000 rupees a month.

3367. Do you know any instance of Europeans being offered to go out to India, where they have been found disinclined to do so?—No, I have not.

3368. Then how can you speak to there being a disinclination on their part to go out?—From the difficulty of getting them.

3369. Would it answer the purpose of any person in your position to send out Europeans?—I have sent out already one or two, but many more are wanted. I am not able to hold out prospects to them which would enable them to make a competency.

3370. There is nothing in the treatment which they receive from the civil service in any way, or from the character of the Government, that would deter them?—Certainly; the whole behaviour of the civil service towards Europeans has a deterring effect.

3371. Did I rightly understand you that the language that is learned in college by a civil servant is not the language which is spoken in the Mofussil?—It is very different.

3372. Therefore no European judge understands the proceedings which take place in the court?—It is only from experience that he can acquire that language.

3373. Are the proceedings conducted in a different language from that which is spoken?—No; the proceedings are conducted in Bengalee, but it is spoken very differently from what it is written.

3374. Do not you know that a civil servant learns the Bengalee language?—Yes, but I have never seen one able to converse with the natives on his coming to the country from college.

3375. That is from an imperfect knowledge of the language, not from being altogether unacquainted with it?—Yes, it is from an imperfect knowledge of the language.

3376. You have spoken of incompetent magistrates; have you ever seen the difference between a competent magistrate and an incompetent magistrate?—I have seen many competent magistrates.

3377. What has been the effect of having a competent magistrate?—A competent magistrate's district is in order. There are few dacoitees, few quarrels, and everything goes on smoothly.

3378. Can you say that the police is better in that case than when the magistrate is incompetent?—Much better. I know several magistrates whose police I should think it impossible to bribe.

3379. You attach peculiar importance to the competency of the magistrate, as far as removing those minor evils which you mentioned connected with the police?—Yes.

3380. What is the opinion among the planters and settlers as to the attention paid to their remonstrances or applications to the Government at Calcutta?—They generally think that no attention is paid to their remonstrances and applications.

3381. These grievances to which you have referred with respect to the police, the administration of justice, and the state of the communications, have been brought before the authorities at Calcutta?—Yes.

3382. They have been brought before the Council by way of petition or memorial?—They have been.

3383. What is the impression amongst settlers with respect to the attention which the petitions received; is it that the petitions are unheeded?—Yes.

3384. To what reason do you ascribe that?—Disinclination, and perhaps the difficulty of being able to comply with them.

3385. Do you mean that they do not appreciate sufficiently the interests and wants of the settlers?—No.

3386. With respect to the Nuddea rivers, has that question ever been considered?—It has often been discussed in the papers.

3387. Has it been brought before the authorities; is there any official report made upon this complaint, that for eight months in the year those rivers are unnavigable?—I believe it has been brought before the Government by the Indigo Planters' Association.

3388. And nothing has been done?—Nothing.

3389. Do you think that it is possible to do anything?—The mouth of the three

three rivers runs through our property, so that I know it very well; and I believe that a great deal might be done.

3390. Would it require a great expense?—It would; not the amount which they collect from the tolls for that purpose.

3391. You are of opinion that, if roads were made, they would be supported by an assessment on the natives, or, at any rate, at their expense?—In the original decennial settlement there was so much assessed for roads, but it was afterwards added to the rent, and not applied to the roads.

3392. Do you mean to say that there was a special rate for the maintenance of the roads?—Yes, I think there was; it was a separate item under the decennial settlement.

3393. When was it discontinued?—Many years ago it was merged in the rent.

3394. Do you believe that there would be any disinclination on the part of the natives, looking at the great advantage of having good roads maintained, to pay something towards their maintenance?—It was proposed some years ago, and that was the objection which the natives made, that they had already paid for that in their rent-roll; what is called the jumma.

3395. Are you alluding to the revenue, or the rent?—To the revenue.

3396. Who do they conceive should keep up the roads?—The Government.

3397. In consequence of the payments which they make for rent?—Yes.

3398. You stated that you had known an instance where a man, from a religious motive, had made a road for 100 miles?—Yes.

3399. Then there is no want of knowledge as to making roads?—No; they are inclined to give the expenses. The road I have referred to was from the Jessore district towards Moorshedabad.

3400. There is no kind of difficulty in procuring the labour for making the roads?—Not in the least.

3401. There is no difficulty in getting labour for any purpose, is there?—At some seasons there is a scarcity of labour.

3402. Do you agree with those gentlemen who have preceded you that the natives are grateful for employment generally, and become attached to the settlers?—Yes, they are. There is a great improvement in the lower orders since I went out to India, in this respect, that the great anxiety of a man who would be called a ploughman in this country is to get a plough of his own; and when those men get ploughs of their own, few of them will work for other people; they will not work for hire.

3403. They become cultivators?—They do.

3404. Do not they become also general consumers of manufactures and everything else if they are better employed?—Yes.

3405. Do you believe that there is a power of consuming more English manufactures than are now consumed?—Yes.

3406. Do you think that that would be the result of allowing English settlers to establish themselves?—Certainly.

3407. Mr. *Willoughby.*] You went out to Bengal, first of all, as an assistant?—Yes.

3408. Did you afterwards become a partner in the factory to which you have alluded?—Yes.

3409. Then you were not disappointed in the expectations which induced you to go to India?—No.

3410. Sir *Erskine Perry.*] Does it consist with your knowledge that a great many planters have been unsuccessful in India?—Many more than have succeeded.

3411. You think that the majority have been unsuccessful?—Yes.

3412. Mr. *Willoughby.*] You stated that you employed 50 Europeans, and that you were in want of a great many more. Does not that arise partly from your not being able to hold out sufficient inducements for them to proceed to India?—No; it is the difficulty after they get to India. A man of small capital can do little or nothing.

3413. Is it not the case that because you are not able to hold out sufficient inducements to Europeans to leave this country to take service in your own concern, that is one of the causes of your want of Europeans?—A man going out to India looks for something beyond merely an assistantship. A small capital in India is of little use.

Mr. *J. Dalrymple.*

13 May 1858.

3414. You state that the covenanted servants of the Government are totally incompetent; are you not aware that the Government endeavour to insure competency by a test on first appointment, and afterwards on promotion?—Yes.

3415. You have alluded to the insecurity of the tenure under the sale law; are you aware that Mr. Grant proposed a sale law which was to recognise under-tenures, provided a certain portion of the revenue due to the Government was put upon the tenure in proportion to its size?—Yes.

3416. Can you state why that law was not passed?—There was so much to be done in order to effect the object of the law, that it could never have been accomplished.

3417. It was in consequence of the objections raised to other parts?—No; there were so many forms to go through.

3418. The planters objected to it upon that account?—Yes.

3419. Did they suggest remedies?—Mr. Grant's sale law was since I left India, or just about the time I was leaving, I think.

3420. You alluded to the want of roads: are not materials for making roads in Bengal very scarce?—There are bricks; they are no great expense.

3421. Is the Government rent in Lower Bengal excessive under the zemindary system?—In many instances it is.

3422. In what part?—On the Ganges, for instance, where the assessment is modern.

3423. Do you concur in the statement which was made by a former witness, that in many cases the zemindars levy eight or ten times what the Government levy?—No, I have never been aware of that.

3424. Are you not aware of any cases in which the zemindars levy more than the Government?—They do.

3425. You state that the rate is excessive; at what rate is it per begah?—I have had particularly to do with the assessment upon the resumption lands.

3426. What rate per begah is levied upon the zemindaries with which you have been connected?—Rice in many zemindaries is only four annas a begah; about three begahs make an acre. The higher lands again have let for eight annas. Then the mulberry and sugar cane lands are much higher. I know some mulberry lands that let for two rupees, and sugar-cane lands for three rupees per begah.

3427. Levying the rent upon the crop and not upon the productive powers of the land has ceased, has not it, in Bengal?—No; the zemindars levy upon the crop, but the Government do not levy upon the crop.

3428. What do the Government do?—They levy upon the soil.

3429. And you are of opinion that those rates which you have mentioned are excessive?—Yes, on the resumed lands; the newly formed alluvial soil.

3430. I am not talking of the resumed lands?—In the zemindaries the revenue is not excessive.

3431. With respect to the making of roads, how would you provide funds for that purpose; do you think that the whole expense should fall upon the Government?—The making of the roads should fall upon the Government.

3432. You think that the whole expense of making the roads should fall upon the Government, although the zemindary is, to a great extent, private property?—Yes; it was provided for in the decennial settlement.

3433. Was it provided that the zemindars should not be compelled to assist?—The zemindars after the settlement were obliged to make and keep up the roads. An assessment was made upon the estates to provide for that, and the Government took it into their own hands, the same as they did with the embankments.

3434. Is not there a fund set aside by the Government for the repair and construction of roads, called the Toll and Ferry Fund?—Yes, there are funds, but I am not aware of their being set aside for roads in my districts.

3435. Is not there a committee appointed in every large town, consisting of some of the principal natives, and the collector and judge, by which those funds are now managed?—Not in large towns; only at stations. Many ferries do not belong to the Government at all, but those roads that are repaired are seldom connected with the general traffic of the country; they are more about the stations.

3436. You have alluded to the Nuddea rivers; you state that they are shut up for nine months in the year, and that the Government have neglected certain means of improvement which they might have adopted; to what means of improvement

improvement do you refer?—They are left to one superintendent, with a few natives under him, and the work is seldom commenced until the inundation has gone down so far that there is no strength of current to keep the channel clear.

3437. To what work do you refer?—To the keeping open of the rivers.

3438. Do you mean by dredging?—No, there is no dredging; there are mats and bamboos placed in such a way that the current strikes them, and carries off the sand.

3439. Would not the expense of such an engineering work be very great?—It would be, but there is a provision for that; there are the tolls; they were instituted to keep the rivers open. Every boat that passes down those rivers pays a toll.

3440. Are not the tolls appropriated for the improvement of the navigation of the rivers?—Not the twentieth part of them.

3441. Then to what are they appropriated?—The Government appropriates them.

3442. They levy a toll for one purpose, and appropriate it to another?—I believe the tolls realise about three lacs of rupees a year, and I think that the expense is not 50,000 rupees a year.

3443. You have stated that education would be greatly extended by an increase in the number of European settlers. Your factories, you state, are worth 300,000*l.*, and you expend 200,000*l.* a year upon them; have you any schools attached?—We have native schools paid by ourselves, and native doctors.

3444. To what extent are European settlers subject to the criminal jurisdiction of the native magistrates; what punishment can a native magistrate inflict upon a European planter?—The native magistrates are of many grades. The only exemption of Europeans is that they cannot be imprisoned by natives.

3445. But you have known him inflict fines?—Yes.

3446. Have any persons on your estate ever suffered punishment by the sentence of a native magistrate?—Natives have, but not Europeans.

3447. Do you know any instance of a European planter having been fined and imprisoned by a native magistrate?—Not to my recollection, but a native magistrate might fine.

3448. I wish to ascertain whether you or your class are subject to the criminal jurisdiction of the natives?—We are subject, in a great respect. The higher punishments cannot be inflicted, but the fines are.

3449. And the imprisonments?—I have never known a European imprisoned by a native.

3450. Although Europeans may be liable, there cannot be any practical grievance, if you, with all your 30 years' experience, are not aware of any case of the kind having occurred?—No, I think they are not liable.

3451. You state that when zemindaries are sold they realise 10 or 12 years' purchase; are you aware that for every acre of ground which the Government has purchased under contract with the companies who are constructing railways, they have paid 20 years' purchase?—No, I am not aware of that.

3452. Assuming that to be the fact, that proves that the value of land has very much increased?—No; it is a very different thing cutting a railway through a man's property and giving him an estate to look after.

3453. Would the railway double the value?—The railway might in some cases go through the best part of the estate.

3454. When you have attempted to obtain European assistants, were you ever told in this country that the conduct of the civil servants was a bar to those Europeans going out?—No, not in this country.

3455. You have alluded to memorials not being attended to by the local government; is it not the fact that all laws, previously to being enacted, are published in the Government Gazette?—Yes.

3456. And has not everybody a right, whether European or native, to make any representation upon the subject of those laws, if they think they are likely to affect their interests?—Yes, they might represent.

3457. And they do so?—In many cases they do.

3458. Do you concur with the previous witnesses in thinking that Europeans should be employed in preference to natives in many situations, which are now filled by natives?—In many cases.

Mr. J. Dalrymple.

13 May 1858.

3459. You are not an advocate for excluding natives from public employment?—No.

3460. It is the higher class of situations that you would give to the Europeans?—Yes.

3461. Do you think that that would be just to the natives?—If a better class of natives could be found it might be considered unjust; but it is seldom that you can get the better class to take employment.

3462. You agree with the former witnesses with regard to the precautions now taken under the old sale law, that is, where a zemindary is put up for sale, there must be a certain notice given?—Under the old sale law notice was given in the Gazette, that the estate was to be sold within a certain time.

3463. And objections must be made within a month after the sale?—Yes; objections by those to whom the property belongs.

3464. What other precautions would you suggest to obviate the injustice of which you complain?—In the case of the zemindaries, which are divided and subdivided into under-tenures, if those tenures were recognised by registration, or there were some court to look properly into their value to see that they were not collusive tenures, then the estates might bring much more money.

3465. Have not much greater efforts been made of late years in endeavouring to develope the resources of India by the local authorities, than was the practice when you first went to India 30 years ago?—Yes, certainly, very much greater.

3466. Mr. *Seymour.*] In the case to which you referred in regard to bribing the darogah, when the darogah first came to you to ask you for money, why did not you go immediately to the magistrate instead of giving it to him?—If I had not given it the factory would have been shut up.

3467. Why did not you inform the magistrate immediately after you had given it to him?—The magistrate was 54 miles off, and I could not go immediately. Magistrates are perfectly aware that bribery is common.

3468. You think that it would have had no effect if you had gone to the magistrate and said, "I am obliged to give this man money, because otherwise he will stop my factories, but I disapprove of it, and I only gave it to him till I could come and tell you"?—I did so in the second instance, and what was the result? the whole of the crop was destroyed, and I got no redress.

3469. Do you think that the Government should have a separate law of contract for their own commercial undertakings, such as opium?—No.

3470. Supposing that they make any alterations in the sale law for their own benefit, do not you think that they should give the planters the benefit of them?—Yes.

3471. If they did so, would not that be a guarantee for the improvement of the law?—Yes.

3472. Do you approve of the exemption of all the civil servants from the law?—No.

3473. The Government, on the whole, has become more despotic of late, has not it?—Yes.

3474. This alteration was introduced only a few years ago?—Yes, in 1850 I believe.

3475. Do you object to having a separate revenue jurisdiction for property, having all questions with regard to the payment of revenue decided by a revenue authority, instead of being brought into the civil courts?—No, I think there must be separate revenue courts, as at present, with an appeal.

3476. Do you think that the servants of the Government look upon independent planters with a kind of suspicion?—Very much so.

3477. Do you think that that feeling might be removed?—It might.

3478. What do you think would tend to remove it?—If the European authorities were made more responsible for their acts, I think it might be removed.

3479. Do you think that the admission of independent Europeans to the Council would have a tendency that way?—Yes, I think it would.

3480. Do you think that an infusion of persons not in the civil service into offices of trust under the Government has a tendency that way?—Certainly.

3481. Do you think that that acts as a check upon the civil service?—It would if it were done to a greater extent; it is not carried out much at present.

3482. If some high appointments were open to uncovenanted servants, do you think that that would make a balance between the two services?—Yes.

3483. Are

3483. Are you aware that the roads about London, where there is the clay, are made with half burnt clay, which answers remarkably well?—No.

3484. Do you not think that by half burning the alluvial soil of Bengal, you would get a good material for making roads?—No, there is too much rain.

3485. If you burnt the soil to the consistency of bricks, you think that it would make capital roads?—Yes, we do so now.

3486. Are the bricks laid down regularly, or are they broken up for making roads?—The usual custom was to lay them down whole, but now they lay them down broken, in the same way as macadamised roads are made here.

3487. Are you aware that in Holland whole bricks are laid down?—Yes.

3488. With reference to the rivers, are you aware that dredging machines have been sent out to Calcutta?—I have seen them in Mr. May's time, 30 years ago, but not since.

3489. Are you aware that some machines have been lately sent out?—No.

3490. Are you aware that the Government have had under consideration the improvement of the canals leading into Calcutta?—Yes; but that is very different from improving the two rivers of which I spoke.

3491. It is proposed to make great alterations with regard to the canals leading into Calcutta?—Yes.

3492. The question of the Nuddea rivers becomes daily more important, because of the great increase of the commerce of Calcutta, especially within the last three years?—Yes, if the Nuddea rivers were put under Europeans, serjeants for instance, they would be kept open much longer; that is to say, if men were to live at the mouth of them.

3493. The great obstacles which now exist to produce coming by the rivers into Calcutta ought to engage the attention of Government very seriously, ought it not?—The attention of the Government has often been called to those rivers.

3494. Are you aware that they have had under recent consideration the Mutlah project, which is a project for making a new port?—Yes.

3495. Would that obviate some of the defects?—No.

3496. Is not every encouragement given to self-government, as far as possible; has not a Municipal Act been passed, by which all towns are encouraged to govern themselves?—I am not aware of that.

3497. Should you say generally that the population of Bengal is under-fed and under-clothed?—It depends upon the weather; in the winter they are certainly under-clothed.

3498. What is their food?—Rice.

3499. But do they get rice?—Yes.

3500. Is there a good metalled road six miles out of Calcutta?—The roads about Calcutta are very good, and they are metalled, but the metal is all brought there, and they do not reach far.

3501. On the road to Jessore, is there six miles of good metalled road?—I never travelled that road.

3502. Are more Eurasians and natives employed by independent planters of late years than was the case formerly?—A good many more.

3503. As you say that you would wish a separate jurisdiction for European planters, would you have any objection to a separate tax being laid upon the planters to pay for those judges?—I dare say that the planters would very willingly pay if they could get justice.

3504. Are there large tracts of waste land in Bengal?—None to my knowledge.

3505. Not even in the Sunderbunds?—There may be in the Sunderbunds.

3506. If you got a tract of rich land, might you not attract labour to it?—Yes.

3507. The wealthier natives live in the European fashion, do not they; they would use the commodities and the manufactures which are made in England to a considerable extent, would they not?—Yes, they wear English clothing.

3508. Do you think that the magistrates in Bengal often keep people in prison unlawfully?—Very often.

3509. Have you known an instance of a person having been kept for six months in prison unlawfully?—I cannot bring any case to my recollection at present.

3510. But it is very common?—Yes.

Mr. *J. Dalrymple.*

13 May 1858.

3511. Do you think that it would be possible to have some kind of habeas corpus, or that the magistrate should show a reason, if he keeps a person in prison for a certain time without bringing him up for trial?—Yes; I have known witnesses kept in confinement for six weeks.

3512. Is it not the common practice to manacle the witnesses?—They are very often put in the stocks at night.

3513. Have you ever seen large bodies of witnesses left for a considerable time till the judge is ready for the case?—Yes.

3514. Guarded by the police?—Guarded by the police.

3515. Why are the witnesses put in confinement?—To prevent other people from mixing with them, to bribe them, or to make them say what they choose.

3516. Is that the only reason?—That is the only reason that can be given.

3517. Do not they very often come unwillingly?—I have never known a respectable native give evidence willingly.

3518. The police carry them off, and oblige them to give their evidence?—Yes, in cases of dacoitee principally.

3519. Have you ever seen as many as 200 or 300 witnesses huddled together and guarded by the police?—No, I have not.

3520. Mr. *Willoughby.*] In what respects has the Government of India become of late years more despotic?—The civilians are much more despotic now than they used to be.

3521. You said the Government of India?—The Government of India and the civilians are about synonymous, I should think, so far as we are concerned, in the mofussil.

3522. In what respects have the local authorities become more despotic of late years?—They are much more against Europeans now than they were 20 years ago.

3523. Mr. *Seymour.*] Are the servants of the Government so responsible now, if they do wrong, as they were formerly?—No, they are not.

3524. Is there not an Act which exempts their conduct from being investigated now?—Yes, I think there is.

3525. Passed within the last few years?—Yes, in 1850.

3526. Cannot the Government now take land without the consent of the owners, which they could not do formerly, for any public purpose; has not the collector a power to do that, or is it only in the Presidency towns?—I am not aware of that.

3527. Mr. *Campbell.*] You say that the police, instead of protecting property, are a fruitful source of quarrel in the mofussil?—Yes.

3528. Would that evil exist to the same extent if you had efficient magistrates?—No.

3529. The police would not have the same means of creating those quarrels as they have with inefficient magistrates?—No.

3530. You have known of several cases where there have been efficient magistrates, where crime and the power of the police to create disputes does not exist?—Yes, I have.

3531. I believe it is an ordinary course with natives in the police, when they are sued, to become plaintiffs instead of defendants, to remove suspicion?—Yes; they make their reports, but that does not make them plaintiffs.

3532. You mentioned also that the previous proprietor of the property which you purchased had this police force in pay?—He had.

3533. Then I suppose it is a very economical way of getting justice to support a police force at your own expense at the factories?—Yes, but it is a bad necessity.

3534. That is a cheap way of having justice, in fact?—Yes.

3535. You are aware that the Lawrence Asylum exists in the hills for the education of the sons of European soldiers?—Yes.

3536. Would young men educated at that asylum, having a knowledge of the native language, be efficient assistants for you to employ?—No doubt.

3537. Would not they be better than men arriving from England without any knowledge of the customs, habits, and languages of the people?—Yes.

3538. Would you recommend an extension of those schools for the education of the children of European soldiers in the hills?—I do not know how far it now goes.

3539. You are aware that in your own concerns there is ample scope for the employment

employment of such persons?—I have not a doubt that most of the assistants would prefer the employment of the Government, were it made worth their while, to remaining as indigo planters.

3540. You mentioned that you advanced for all your indigo and silk works?—Yes, everything.

3541. Large balances may accumulate?—Yes.

3542. What balances, in your experience of 30 years, have accumulated against the ryots?—A crore of rupees, or million sterling.

3543. You think that balances to the extent of nearly 1,000,000*l.* have accumulated from the time that you have been manager and owner of those properties?—Yes.

3544. What amount of those balances have you remitted to the natives?—Many lacs of rupees; more than half the amount perhaps.

3545. You mentioned the difficulty of civilians understanding the local provincial languages of the districts in which you have been, with respect to the law; do not you think that the introduction of the English language would prevent that difficulty?—Yes, it would.

3546. In fact, the law is carried on at present in the Hindee, in the Bengal territory; whereas the language spoken is the Bengalee?—Yes, the Hindee is the language of the court at present.

3547. The Hindee is as little understood by the generality of the Bengal population as the English?—English is less understood, because there is no attempt to make them understand it.

3548. With regard to the subject of health, you have never suffered much in your health, have you?—No.

3549. With reference to the labour market, you were asked if a difficulty did not exist as to colonization by reason of Asiatic labourers being there; do you think that that is any difficulty to the settler?—No.

3550. Do you know any place where labour is more abundant than it is in India?—It is very abundant.

3551. And with more perfect laws, and the facility of roads, canals, and rivers, you yourself know of no other place where better fruits for enterprise exist than in Bengal?—Certainly not.

3552. In your long experience you have realised those results?—Yes.

3553. Would not the registration by a putneedar of his putnee, and his liability to pay the rent to the Government, get rid of the difficulty to which you are now exposed?—It is done in many instances where there is only one putneedar in the zemindary.

3554. If instead of the Government, as at present, making you liable to the whole extent of the zemindary for a forfeiture in case of sale, you had the power of paying your own portion, would not that remedy that difficulty?—Yes.

3555. If the Government allowed you to pay the portion of the revenue that belonged to your putnee, and did not hold you liable to the rest of the estate, would not that be a benefit?—It would.

3556. Would it not secure the putnee?—It would.

3557. This would entirely free you from the responsibility of paying the zemindar's rent?—Yes; the collector already has the power of recognising the putnee in the event of a sale.

3558. With reference to the administration of justice, what effect would your imprisonment when in the superintendence of your works have upon your property at the commencement of manufacturing?—It would be complete ruin.

3559. Are you aware of the value of the produce, both export and import, that passes the Nuddea rivers by the Ganges and up to Delhi and Gurmuctiesur, down to Calcutta, annually?—No; it is a very great amount.

3560. How many boats daily pass those rivers?—I do not know, but the collection of the three Nuddea rivers is upwards of three lacs of rupees.

3561. The boats that pass the Nuddea rivers to Calcutta, by the Sunderbunds, make a circuit of a month, do they not?—Rather more, I should think.

3562. Would not a canal from Rajmahal to Calcutta, and a moderate toll imposed upon boats passing, remedy this?—No, I think it is not wanted.

3563. Is not there a considerable risk and loss in making the circuit by the Sunderbunds?—Very great.

3564. Were you a sufferer during the operation of the resumption laws in India?—Yes.

Mr. *J. Dalrymple.*

13 May 1858.

3565. Do you support any schools at the stations?—Yes; we subscribe for schools.

3566. Do you teach the English language in those schools?—Yes.

3567. That is, in addition to those schools in which you teach the native languages within your own factories?—Yes.

3568. Do you know of any case of torture; has any case come under your observation?—I have known many cases of torture.

3569. *Chairman.*] By the natives?—By the natives.

3570. Mr. *Campbell.*] Do you think that the agricultural and commercial interests might well be represented in the Legislative Council in Calcutta?—Yes, I think they might.

3571. Mr. *Gregson.*] With regard to the Nuddea rivers, you say that the channels are imperfectly kept open by the Government; could those rivers be rendered generally navigable at a moderate expense?—Only for part of the year.

3572. For boats?—For boats. If they were to expend even the amount which they collect upon the rivers they might keep them open for at least five months in the year.

3573. You think that that might be done for all purposes of navigation?—Yes.

3574. *Chairman.*] You have been asked whether a European, thinking of going to Calcutta, would be deterred from going out in your service in consequence of what he had heard happening in your part of Bengal; do you think that a European, hearing of the chance of a false accusation being made against him, as was made against you, accusing him of rape, murder, and arson, would be likely to be deterred from going out?—Yes, I think most probably he would.

3575. Do you think that any man would be disinclined to go out under those circumstances?—Yes.

3576. Are the European settlers on good terms with the natives?—Yes.

3577. With the ryots particularly?—Yes, with the ryots particularly; the ryots are the objects of their care.

3578. And the good understanding between the two keeps increasing?—Yes.

3579. And you think that a greater extension of settlers would habituate the ryots to European intercourse?—Yes.

3580. And would they get attached to the settlers?—Yes, so far as a native can get attached.

Martis, 18° *die Maii,* 1858.

MEMBERS PRESENT.

Mr. Campbell.	Sir Erskine Perry.
Mr. De Vere.	Mr. J. B. Smith.
Mr. William Ewart.	Mr. W. Vansittart.
Mr. Gregson.	Mr. Villiers.
Mr. Kinnaird.	Mr. Willoughby.
Mr. Lowe.	

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. *James Thompson Mackenzie,* called in; and Examined.

Mr. *J. T. Mackenzie.*

18 May 1858.

3581. *Chairman.*] HOW long have you been in India, and in what part?—I was 11 years in India; in Lower Bengal.

3582. When did you return to this country?—Six years ago.

3583. In what capacity were you in India?—I was an indigo planter and a merchant.

3584. Had

3584. Had you indigo factories and zemindaries?—I had indigo factories and zemindaries of my own, and I had the general management of several other indigo concerns and zemindaries.

3585. In what districts were the villages with which you have been acquainted situate, and what amount of Government revenue did they pay?—The villages which I held on lease and zemindaries were principally situate in Jessore, Kishnagur, Pubna, and Baraset. The yearly Government revenue was about 20,000*l.* The indigo concerns which I had the management of were in most of the districts in Lower Bengal, the annual outlay on which being about 60,000*l.* Upon sugar and silk there was about 60,000*l.* a year more; and the Government revenue upon the zemindaries was also about 60,000*l.* a year.

3586. Since your return from India have you kept up any connexion with India?—Yes, I have still property in India. I have been a merchant at home for six years, and am a director of two East Indian railways, and a proprietor of East India stock.

3587. You have heard a good deal said about the defects of the criminal Courts; what are the principal defects of the criminal Courts where you have been?—Expensiveness of the suits; useless forms; the multiplying of appeals and consequent delay; corrupt native officials; no reliance to be placed upon native testimony as given in the courts; inexperience of the young Anglo-Indian magistrates, who are made from the youngest members of the service, in place of the oldest and most experienced; and the utterly inefficient and mischievous system of police.

3588. Under this system, you do not consider that justice is done to the cultivators?—They neither expect, nor have they any chance of it.

3589. Do you mean by the cultivators the farmers?—Yes.

3590. Do you include the labouring class as well as the farmers?—Yes.

3591. What is the smallest cost that a criminal action can be brought for?—About nine shillings; which would be equal to a month and a half's pay for agricultural labour.

3592. When you state that no reliance can be placed upon native testimony, do you apply that to all natives?—I applied it to the evidence given in the Courts, which, as a rule, is generally hired and false, as no respectable native can be induced, under scarcely any circumstances, to go into court to give evidence.

3593. You say that the native officials are corrupt; do you believe the natives look upon corruption as any disgrace?—They do not; any native having authority always expects to make money out of that authority. I believe that the cultivators and farmers are a very hard-working, sober, and industrious class, and perfectly truthful if you go into the villages and ask any question; but give them any authority, and they immediately seem to change their nature and become tyrants, and I believe the real difficulty in legislating for Bengal is in respect to the habits of the people.

3594. Do you mean that they think corruption is one of the ordinary perquisites of authority?—Entirely.

3595. Then it is a perverted sense of right and wrong in the minds of the people?—Corruption is looked upon by a native in quite a different way to that in which we look upon it; the native looks upon it as a perquisite.

3596. Are you of opinion that innocent people are convicted before the criminal tribunals?—I should think, of those convicted of minor offences, at least from a third to a half of the people are quite innocent, but in the more heinous cases it is difficult to get a conviction.

3597. How do you arrive at such a calculation?—For two or three years I took a good deal of trouble inquiring into it.

3598. How many villages had you?—About 200 or 300 of my own, and the general management of from two to three thousand.

3599. And you drew your inferences and made your calculation from them?—Yes.

3600. And you arrived at the inference that one-half were innocent?—I should think one-half of them in minor offences.

3601. This must give the people a general distrust in the distribution of justice?—A very great distrust.

3602. Whose fault is it that innocent people are convicted?—In the first place, I think it is a very great mistake that, latterly, we have made the youngest and

Mr. *J. T. Mackenzie.*

18 May 1858.

most inexperienced members of the Civil Service magistrates in place of their seniors. No reliance can be placed upon the evidence; and if the magistrate were merely to convict upon the oral testimony before him, it is no criterion whatever to go by. A judge ought to be well acquainted with the customs and habits of the people, and decide chiefly upon the probabilities of the case.

3603. You think that this conviction of the innocent arises from two causes, the corruption of the natives, and a want of familiarity with the language and usages of the people, on the part of the magistrate?—Yes.

3604. Do you consider that the police are efficient, or not?—So inefficient, that it would be the greatest blessing to the country to dismiss them all, and there would be much less crime.

3605. Do you consider that the police oppress the people?—Most grievously.

3606. In what way?—The great power of the police in oppressing the people arises from the horror that any respectable native has of giving evidence in a Court; so that whenever a crime is committed, the police pretend that all the respectable people round about are required to give evidence in that case, and they then go and extort enormous sums of money from them to be released from attending at the Court.

3607. Does the system which you have described induce the people to hoard their wealth?—It is to some extent the cause of that.

3608. Do they do it largely in that part of the country with which you are acquainted?—Very largely.

3609. That you know from your familiarity with such a number of villages?—I am quite aware of it.

3610. Can you give us any idea of how far the system of hoarding extends in that part of the country with which you are acquainted?—In the part of the country that I am particularly alluding to at present, in the centre of Jessore, the working classes for the last 10 or 12 years have made very large sums of money by being engaged in the cultivation of date sugar, and what were formerly common labourers have saved a little money; I suppose upon the average they clear 6*s.* to 8*s.* a year, which they hoard.

3611. Do they bury it?—They bury it.

3612. That habit has been long prevalent in India in consequence of the oppresion of the governments under which they lived?—From time immemorial; it has become a habit of the people.

3613. Do you consider that the consumption of any British goods has the same chance among the people in the state of those which you describe, as it would have if such evils did not exist?—I think it is the principal cause of the small consumption of British goods; because any sign of wealth would be an additional motive with the police, the zemindars, and the money lenders to oppress the people.

3614. Will you state what you consider would be the most efficient and simple manner of improving the police?—I should think to abrogate a great portion of the regulation laws which we have introduced, and which are quite unfitted for the customs and habits of the people. I would introduce the system that has answered so well in Scinde and the Punjaub; and in addition to that, I think we ought to have a large introduction of European superintendents. A very good class to select from would be steady sergeants of European regiments, who had passed an examination in the native languages.

3615. With regard to the system of civil suits, have you any fault to find with that?—Yes, the expenses are much higher and the delays far greater than in criminal actions.

3616. Have you had any personal experience yourself in civil suits?—Yes, involving property of from 200*l.* to 30,000*l.*, and I have had appeals to the Privy Council.

3617. Do you complain of the high costs in those courts?—Yes; before final realisation, I have seldom known a case where the expenses of the suit did not exceed the amount in litigation; I mean the legal expenses and the expenses in addition to them, which you are compelled to pay, in order to get the cases through the courts. You have enormous sums to pay for copies of the proceedings; and all must done upon stamped sheets of paper of very small size. Then you have to pay large sums to the mookhtears, vakeels, and amlahs.

3618. Mr. *Villiers.*] It is like dispatch money in this country?—Yes.

3619. *Chairman.*] What do you consider the principal ingredients in the cost of

of civil suits?—The principal ingredients are the sums you are compelled to pay for copies of proceedings, and the dispatch money.

3620. On gaining a decree in a civil suit, can you realise?—No, that is only just the commencement of a series of appeals, all of which you have to go through; and having gone through all this series of appeals, if you attempt to realise the decree, the defendant brings into Court a number of false witnesses to prove that whatever property you attach belongs to some one else. Then the Courts make a long inquiry about it, and if you were to put up that property for sale, it would be sold subject to all those different claims made upon it, and indeed very few will purchase any property sold for a decree in a civil suit; and it is the cost of all these vexatious proceedings that makes the expenses of the suit so enormous.

3621. What number of appeals can there be upon the decision of a civil suit?—Upon the suit itself there might be three, but then it is the multitude of the stages whilst the suit is going through the courts; it is there that the enormous delays are. Unless you have seen a suit in the Mofussil carried on, no one could comprehend the cost and vexation of those delays; it is quite different in this country.

3622. Do you not think that the speedy decision of suits and the stoppage of appeals, is almost indispensable in a semi-barbarous state of society?—The contrary state of things is the greatest evil that can be endured.

3623. If it is bad in a highly civilised state of society, is it not much worse in a semi-civilised state of society?—Much worse.

3624. Are many false actions brought?—I believe the great majority of the small actions are false.

3625. Those are brought against the ryots, are they not?—By the money-lenders, principally, against the ryots, or by a zemindar against any of his ryots, with whom he has any dispute.

3626. The difficulty of procuring money at a reasonable rate of interest is one of the evils in your part of India, is not it?—It is the great evil to the cultivators.

3627. Would the addition of a number of Europeans facilitate the means of borrowing capital?—The natives, as a class, are so unpunctual in their money engagements, that it would be very injudicious for Europeans to lend to any natives, unless they were his own farmers, because of the difficulty of realising your claim by civil process.

3628. Under this system, I conclude that the rights of the poor are not protected?—They are not.

3629. Are the cultivators generally in debt, or otherwise?—Very many of them, I believe, hopelessly.

3630. Do you lead the Committee to infer that the people generally are becoming impoverished under such a system?—The better class of farmers under our rule are generally becoming impoverished; we are creating a small class of farmers. Within the last 40 or 50 years there has been a very large extension of the ground under cultivation; but the better class of farmers live in less comfort than they used to do under the Hindoo and Mahomedan dynasties.

3631. To what do you attribute that deterioration?—In the first place there is no security for property.

3632. Are the debts, which you describe the money lenders as claiming, real debts or false debts?—The majority of them may have some foundation, but the sums that they claim are, as a general rule, quite fictitious.

3633. What are the terms that they charge?—For money advances from 50 to 100 per cent., but when they advance in grain they generally charge from 100 to 200 per cent., because they have to be repaid in kind.

3634. Is there a fixed legal rate of interest in Bengal?—Yes, 12 per cent.

3635. When the money lenders charge so much higher, do not the cultivators appeal to the Courts?—They cannot; because, to evade the law, the sum in the bond is never that actually advanced; besides which, the delays and expenses of civil process are very deterring.

3636. They are deterred by the delays of justice?—By the enormous delays and expenses.

3637. Do you attribute any of those defects to the revenue system?—Not to the revenue system.

3638. Do you agree with the opinion already given to the Committee that the zemindars have too much power?—I look upon the zemindars as having a great

Mr. *J. T. Mackenzie.*

18 May 1858.

deal too much power, particularly in the case where the zemindar pleases to compel the attendance of his farmer at his own house whenever he chooses, although he may live 40 or 50 miles distant; that is a great means of oppression, because if the zemindar wants a present from his farmer, the zemindar's servant goes and says to him, "If you will not pay it you must come to his house."

3639. Sir *Erskine Perry.*] Is that by law?—By law the zemindars can compel the attendance of any farmer they choose; they can compel by force if they choose, under the pretext of requiring an adjustment of the accounts for rent alleged to be due.

3640. *Chairman.*] That is an abuse of power not countenanced by the English landowners?—That power, is, as a rule, less abused by them.

3641. As a class, when they have the means, are the natives willing to meet their money engagements?—I believe, as a class, there are no people so unpunctual in meeting their money engagements as the natives of Bengal.

3642. Is there any practical law by which a zemindar in Bengal can summarily collect his rents?—There are many, but they are not readily available if carried out according to the proceedings of the courts.

3643. If I understand you correctly, both the law is defective and the means of carrying the law into execution?—I blame more the means of carrying the laws into execution than the laws themselves.

3644. Do you believe that this difficulty in the prompt collection of the rents is a great cause of disputes and affrays in that part of the country?—I think it is one of the causes of those affrays; because when a village is in arrear, the zemindar sends out a body of men to collect the money forcibly, and they generally go and plunder the village as well as collect the rent.

3645. How do the English zemindars do in such a case; have they recourse to forcible means for collecting their rents?—In some cases.

3646. Then that leads to such laws as the Affray Bill?—Yes, naturally; that is one of the causes.

3647. The revenue laws we may conclude are bad?—Some of the revenue laws are very good, but it is the inefficient administration of them that I complain of.

3648. Do you believe that new revenue laws are necessary?—No; I would rather repeal a number of the existing laws, and give efficient administration to those most in accordance with the habits and customs of the people.

3649. Your principal reform would be confined to the administration of the laws?—Yes.

3650. What do you believe to be the average extent of cultivators' farms in Bengal?—They vary very much according to the quality of the land; but I assume, as the average through Bengal, 12 acres.

3651. What is the average rent per acre?—Taking the average of Bengal, I should assume that the farmers pay about 4 *s.* of rent, and 2 *s.* of illegal exactions; that would make an average of 6 *s.* per cultivated acre per annum.

3652. Is that the English acre?—The English acre.

3653. To whom do those exactions go?—To the zemindars, their servants, and the police.

3654. Of course they would not be made by an English zemindar?—Not by the zemindar himself; but even with the English, with the very best intentions, their native servants will exact perquisites from the people.

3655. It is a deeply seated vice in the constitution of society that causes the evil, and not always superior power?—It is so.

3656. It is the machinery by which the power acts, even when it is not the power itself?—Whenever a native gets power, he always abuses it.

3657. What is the average gross produce per acre?—I should estimate the money value gross produce per acre at about 32 *s.* through the whole of Bengal.

3658. What is the average gross produce per acre which the Government receive as revenue?—In Bengal about from a sixteenth to a twentieth of the gross produce is revenue.

3659. Would there be difficulty in now legislating to give complete security to under tenures of cultivators with ample security for the Government revenue?—There would be the greatest difficulty, if not impossibility, arising from the habits of the people: for unless a sale for arrears of Government revenue were to cancel nearly all the under tenures, fraudulent titles would be given to an extent that would interfere with the value of the estate, and prevent the Government revenue being collected.

3660. Has not the very stringency of the sale laws of 1845 prevented frequent resort to sales of zemindaries?—It is the only instance on record that has caused punctual payment by the native.

3661. Do you believe that any slight change in the sale law of 1845 would give security to under tenures?—I think the extension of the 26th clause would; under that clause all leases granted in good faith at fair rents, if registered within two months from the date of execution, and approved of by the revenue collector, stand good for 20 years, even although the property is sold for arrears of Government revenue; now if that clause was extended to such cultivation as date trees, where the farmer only gets his remuneration after six or seven years, but for a subsequent period of from 50 to 60 years; I would make that clause apply as long as those lands were under such cultivation.

3662. Are the date tree plantations specially excluded from the benefit of the law?—No; upon date trees, for the first eight years, the farmer gets no return, but he gets a return afterwards for from 50 to 60 years; so that a 20 years' lease is not sufficient for him. I would considerably extend the time.

3663. Is new legislation on the subject of sale required, or would it be advisable?—I do not think new legislation on the subject of sale required, nor do I think it advisable.

3664. Why not?—Because since the time of Macaulay's commission, we have been in India making a wholesale manufactory of laws. The laws we have introduced one year, we have repealed the next. We had the Legislative Council making laws; we had the Sudder Court of Calcutta giving the construction of the law, and in many cases the terms of the law and the construction were quite opposed. That the Government afterwards stopped; and I think the great mistake we make in legislating for India, is that we legislate for the people of India after our ideas and the habits and customs of this country, quite forgetting that they are entirely inapplicable to those of the natives.

3665. Then might not you by an infusion of adequate experience of the native character among the Legislative Council that make the laws render it possible to frame laws to meet the exigencies of the case?—I look upon it that in Bengal it occasionally is not laws that are required, it is justice; it is much better to have a summary injustice than the certainty of a long tedious delay of litigation.

3666. Then am I to understand that to leave the sale law as it is, would be better than to reform any mischiefs complained of in the present state of the law?—The objection I have is a political one, and that is shared in by many of the oldest and most experienced officers of the Company. Since the enforcement of the resumption laws, the only standard we have in India with the natives, is the law of the perpetual settlement, and if we commence changing and abrogating that, I think the natives will lose all confidence in us and our legislation, and the zemindars might think that by-and-bye we intended to do away with the perpetual settlement altogether. The most experienced people in India have been very averse to tampering with anything that related to the perpetual settlement for merely political reasons.

3667. Could you suggest any legal method by which the cultivators might again become the real possessors of the land?—I would permit the zemindars to purchase the fee simple of the Government revenue, they would then be able to re-sell the farms to the cultivators in perpetuity. This would give a free trade in land, and either the settler or the farmer, if he wished a portion of the land, could secure the fee simple as in this country.

3668. Are the cultivators of India desirous of acquiring land?—I believe there are no people in the world that would make such sacrifices to acquire land.

3669. At how many years' purchase do you suppose the zemindars would redeem the Government revenue?—At from 25 to 30 years' purchase.

3670. Have you any data for supposing that they would give 25 to 30 years' purchase?—I have frequently talked upon the subject with the principal zemindars in Bengal, who are all in favour of data that would give 25 to 30 years' purchase. I infer that from the very high prices which are paid for released Lakhiraj land, which is the only land that would be in analogy with such a title as could then be obtained; also the extreme price paid for the putnee talooks; and the zemindars objected, and very properly in my opinion, that 20 years' purchase that the Government paid them for land taken for the railways was not sufficient; they wanted 25.

3671. If the zemindars redeemed their land revenue at 25 to 30 years' purchase, would

Mr. *J. T. Mackenzie.*

18 May 1858.

would they have a large profit in reselling the farms to the cultivators at a smaller number of years' purchase?—A very large profit, because the gross sum which the zemindars collect from their estates in many cases bears no proportion whatever to the revenue they contribute; and as they would only have to redeem the Government revenue, they would sell out at the gross rental which they receive from the farmers.

3672. The Lakhiraj lands are free?—Yes; they were originally granted for religious purposes, both by the Hindoo and Mahomedan dynasties, and these grants have since been confirmed by us.

3673. Have the people in India the means, and have you any data for believing they have sufficient funds, to meet such payments?—There must be ample means; for the annual gross produce of Bengal at the place of production is estimated at from 70,000,000 *l.* to 90,000,000 *l.*; and within these last 20 years there has been a balance of trade in favour of India, amounting for that period to 140,000,000 *l.*, and for the adjustment of which about 40,000,000 *l.* has been paid to Bengal in bullion, the difference being required for the home charges of the Company.

3674. How do you make that calculation of 40,000,000 *l.* going to Bengal?—From the Custom-house returns.

3675. Would this bring the hoarded wealth out into circulation?—I believe it would be the most efficient or the only means of bringing the hoarded wealth into circulation. The farmers in India being so desirous to procure land, they would at once resort to their hoarded wealth to buy their farms.

3676. You think, I infer, that there is a great deal of hoarded wealth in India?—Yes, a great deal.

3677. And that the circulation of that hoarded wealth might be a great boon to the country?—Yes; and with respect to the hoarded wealth, there is a general belief in Bengal that an immense quantity is lost. The men go and hide it, not telling their own families where it is, and when they get imbecile or in their dotage they do not tell about it, and it is never found.

3678. Would there be any political advantage in the cultivators becoming in this manner possessors of their farms?—Yes; I believe it would be of the greatest political advantage, because both the zemindars and the cultivators would then have a direct interest in the supremacy of our rule and its continuance, having purchased up their portion of the Government revenue; for they would know very well that if any new conquerors took India they would re-assess them.

3679. You wish to give the cultivators as well as the zemindars an interest in the proprietorship of the soil?—Yes.

3680. And you think that would be a guarantee against internal disturbance as in other countries where there are small proprietors, as in France?—Yes.

3681. What do you propose should be done with the money so realised?—As security to those who had redeemed in this manner their portion of taxation I should apply it, in the first instance, to paying off the existing loans. I would even take a portion of the money in payment of the loans at a fixed rate, and as the average interest we pay at present on these loans is about 4½ per cent., if the land was redeemed at 25 years' purchase, there would be a saving to the Government of half per cent, and the surplus might be invested in profitable irrigation works, which where they have been adopted have yielded a return to the Government of 30 to 50 per cent. besides immensely benefiting the people.

3682. Are you overstating the probable results?—I have thought well upon it, and talked with many people, and that is the result I have come to.

3683. Are the present zemindars of Bengal generally descendants of old families?—No, the zemindars of Bengal are, many of them, contemporaneous with our rule.

3684. Do you believe that under the Hindoo and Mahomedan dynasties wealthy families remained for many generations?—I think it was the same as under our rule; wealthy families remained for only two or three generations; the real old families of Bengal were the cultivators, who were the real proprietors of the soil.

3685. Did they hold their property in direct descent from the earliest ages?—Yes.

3686. Did the perpetual settlement do any injustice to this class?—It did the greatest injustice; in no history do we ever read of such a spoliation of a people.

3687. How is that?—By it we transferred the proprietary rights from those cultivators

cultivators to the zemindars. It is a great question whether the latter were hereditary tax-gatherers or not, but we transferred the real proprietary rights of the farmers to those tax-gatherers.

3688. You do not question the fact of their being tax-gatherers, but whether they were hereditary tax-gatherers or not hereditary tax-gatherers?—Yes.

3689. Therefore the present race of zemindars are all new men?—Nearly all new men. The principal man, the Rajah of Burdwan, is I believe descended, like many others, from the native officials engaged in the perpetual settlement, and by which they made enormous sums of money.

3690. Do the zemindaries frequently change proprietorship?—Very seldom.

3691. Do the zemindars live as absentees away from their property to a great extent?—Since the law subsequent to 1840, and particularly by the law of 1849, which was most injudicious in conferring enormous powers upon young magistrates, they have compelled absenteeism in a great measure. The respectable natives do not like now residing upon their estates.

3692. Is there a great difference between the management of the European estates and the native estates?—There is a considerable difference in some, but it depends in a great measure upon the European; of course there are good and bad European as there are good and bad native zemindars.

3693. Are the estates better managed where the proprietor, whether a native or a European, employs European superintendence instead of native superintendence?—Unquestionably.

3694. Am I to understand you to say that the European superintendence very much increases the value of the property?—It very much increases the value of the produce, gives greater security to the people, and in some degree relieves them from oppression.

3695. It therefore follows that it is the interest of the native zemindars to employ European superintendents?—As much as they can.

3696. Is it the interest of the ryots that European superintendents should be made use of by the zemindars?—Of the greatest interest to them.

3697. Do you consider the civil service, take it as a whole, in Bengal an efficient body?—When I was in India I imbibed the general prejudice that the civil service as a body were not efficient, but since I have been at home, and have had more experience, I should say that, as a body, there is none under Her Majesty's Government so efficient as the superior servants of the Company. I may be permitted to say that we never hear of the public money being squandered in India in the way it is in this country.

3698. You speak of their moral character, do you?—I speak of the inefficiency of the heads of departments in this country. In India every man has risen by his experience, and, upon the average, is efficient; whilst in this country it is quite the reverse.

3699. Do you complain of the proceedings of any members of the civil service in suits where natives and Europeans are parties; is partiality shown where the Government are parties to the suits?—Amongst the younger members of the service, when there is a case between a native and a European, I think there is always a leaning on the part of that young member in favour of the native, but the higher courts are quite impartial as between the native and the European. Where Government is concerned in a suit, I think there is a partiality shown to the Government by the young Collectors; but where the natives are the judges there is the most gross partiality shown. They do this from a mistaken belief that if they acted independently, Government would be displeased with them; but nothing could be more impartial than the higher courts of the Company, where Government is concerned; and when a case comes before the Governor-General in Council, it is decided entirely upon the equity of the case, and all legal technicalities are thrown over; but it is a long series of appeals, in most cases, before you reach that point.

3700. To what do you attribute the leaning of the younger members of the civil service in favour of the natives?—The native cases are always most complete in false evidence, and they, being strangers, believe this evidence; and it is only after a man has had a little experience of the native character that he does not believe their statement. As he gets more judgment and experience he acts more independently.

3701. It is the superior organisation of falsehood on the part of the natives?—Yes, he has not had experience of that.

Mr. *J. T. Mackenzie.*

18 May 1858.

3702. Then, so far, I understand you to modify your former answer with regard to the complete efficiency of the civil service, by the representation which you make of the inexperience of the younger servants?—It is the younger members who are magistrates that are inexperienced; the higher members, such as Collectors and Judges, are very different.

3703. From your experience, do you believe that any defects exist in the civil service, and if so, what are they?—I believe the principal defects are: that they make the youngest and most inexperienced the magistrates, and the whole safety and security and happiness of a district depend upon the efficiency of the magistrate. Next, they promote a man from being a magistrate to being a Collector. Now, during the time he was a magistrate he had very little, and in some cases no experience whatever of revenue suits. Then, from being a Collector he is promoted to be a Judge; and having, in his capacity as magistrate and Collector, had no experience whatever in any civil suit, he is called upon at once to decide the most difficult and intricate civil suits, and questions of inheritance and possession of property and land.

3704. Do you consider that a previous education in law is required on the part of those persons who are to be judges afterwards in civil cases?—The earlier system that prevailed in Bengal 35 to 40 years ago, was far preferable to the present one.

3705. Do you think it desirable to unite the magistrate and collector in one?—I would go further, and make the magistrate the oldest and most experienced officer in the district, and at the highest pay, instead of being the youngest at the lowest pay.

3706. Would you recommend a union of the two offices?—It would be preferable to the present system.

3707. In some cases, or generally?—In the perpetually settled districts I think it would be more desirable than in others.

3708. Are you of opinion that any higher revenue could be raised than at present?—I believe that a much higher revenue could be raised with less pressure upon the people than at present, because both in Akbar and Shah Jehan's time, they received double what we do in revenue.

3709. Do you consider it desirable to raise a larger revenue?—By bringing an immense extent of land in the North Western Provinces under cultivation, and getting a revenue from them, you might do it; you could not increase it in Bengal; but it might be desirable to impose an income tax upon the now untaxed money lenders.

3710. Would your proposal be rather to extend the area of cultivation than to raise the assessment in Bengal?—Entirely; we could not increase the assessment on land.

3711. Do you believe that in former times the internal communications of the country were better than now?—Unquestionably; during the Hindoo and Mahomedan dynasties the interior of the country was intersected by roads; during our rule we have merely made great military roads.

3712. Are the remains of those roads which existed under the Hindoo and Mahomedan dynasties, traceable in your part of the country?—Yes, they are traceable.

3713. What do you consider the best means of increasing the revenue?—The first means to increase the revenue would be to give an efficient magistracy and police, to give security to property; next to intersect the country with good roads, to open up the means of communication, and bring lands into cultivation which are now lying waste; and in districts that require irrigation I would have a large and comprehensive system of water supply.

3714. Do you think that a summary and equitable system of administering justice with few appeals would be a very great advantage?—I am quite convinced that it is the chief thing that is required. You want a simple system of Courts by which you can enforce engagements freely entered into, and that will induce capital to go into the country; but at present if any man advances money to a native, other than his tenant, it is lost.

3715. Is it better to run the risk of occasional injustice in the case of abolishing appeals than to have prolonged delay by means of an extended system of appeals?—In a country like India, unquestionably the shorter system is the best.

3716. Can you give us any idea of the sort of notion which the cultivators entertain of their relationship to the East India Company?—The general belief amongst the cultivators is this: that India belongs to our Queen, but that she has leased

leased it to the Company for a certain sum of money, and after they have defrayed the expenses of collection and all the expenses of Government, whatever sum is over belongs to them as a body of shareholders; they look upon them exactly as a lessee.

3717. Can you state how you arrived at the opinion of the natives?—I had 140,000 people in the villages, which I held of my own, and I was in daily intercourse with them, and took a great deal of interest in their affairs and opinions, and talked to them freely.

3718. Was this idea entertained by the better educated natives?—Yes, even by the large zemindars; it is the nearest approach they can make to the fact.

3719. Of course your opinion upon this subject is strictly limited to the country where you have been living, that is, Lower Bengal?—Yes, all my remarks are entirely limited to that district.

3720. Is the name of the Queen as well known in India as that of the Company?—Quite, because the rupees are struck in the name of the Queen, and bear her effigy.

3721. Do you think that the transfer of the Government of India to the Crown would or would not increase the stability of our rule in that country?—Ever since I have been in India, and at home, I have constantly advocated that; it would give a great stability to our rule, India being governed in the name of the Queen; because, as the natives look upon the Company as simple lessees, they would, no doubt, look with much higher respect upon the *employés* and servants of the paramount power.

3722. Do you think that such a transfer would be favourable to the increased settlement of Europeans in India?—Unquestionably it would, if added to good Government.

3723. In the villages, with so many of which you have been acquainted, were there any Christian cultivators?—There were a few, and they were very industrious.

3724. With what feelings were those persons looked upon by the natives?—The natives looked upon them in this way; they seemed indifferent whether they turned Christians or not; and as for the missionaries coming amongst them, they were very glad indeed to see them. But if any of the Government officials took a prominent part in missionary matters (as the natives cannot draw a distinction between what a Government officer does in his public capacity and what he does in his private capacity), they would immediately say, "The Government are interfering with our religion," and a great apprehension and fear would be got up; but where perfectly unconnected with the Government employées, the natives are very glad to see the missionaries; they do not mind about natives turning Christians, so long as they suppose there is no pressure from Government upon them.

3725. An entire freedom of missionary effort, uninfluenced by the Government, you think would not be objected to, and would find its best security in such freedom?—I am quite confident of it, and it was the opinion of Bishop Heber that any seeming assistance on the part of the Government would be fatal to missionary efforts.

3726. Would not the free and not unduly influenced extension of Christianity be an advantageous thing for the encouragement of settlement in India?—Yes, it would, if unaided by the Government, either directly by grants, or indirectly by its servants.

3727. I draw from your evidence that you have had considerable experience in the cultivation of date sugar; can you give us an idea of the extension of the cultivation of date sugar in your part of India; is it increasing much?—There is a small area of about 100 miles by 200. Date trees will flourish all through Bengal, but it is only in this small area where they will produce sugar; that area runs from Calcutta in a north-east direction; they require to be within the actual influence of the sea-breeze, and neither too near nor too remote; that would give you an area of about 20,000 square miles; the date produces upon an average about a ton and a half of sugar per acre, and if one twentieth of this land that is fit for the cultivation of the date tree were under such cultivation, it would give about 900,000 tons, say three times the annual consumption of Great Britain.

3728. Has the cultivation of the date tree much increased in your experience?—It has very much increased, and it merely wanted the security of the land to have had a further enormous increase; the security of land to Europeans would have increased it tenfold.

3729. Do you allude to the security that would be given by an extension of the

Mr. *J. T. Mackenzie.*

18 May 1858.

the 26th section of the Sale Law?—Yes, that would have given a sufficient security.

3730. And what other security was required?—Good police and good criminal courts.

3731. Is not the sugar produced from the date tree of an inferior description?—No, there is more saccharine matter in it than in cane sugar.

3732. Does it require a more artificial process in the production?—No; it is made into what is called goor, and then khar, and that is turned into sugar. The sugar which comes to this country, and is known as Dobah and Chowgah sugar, is principally date.

3733. Where are the refineries?—There are some at 70 and at 150 miles from Calcutta, and there are three very large refineries near Calcutta.

3734. Do you think the increased cultivation of the date tree sugar is likely to have an extensive influence upon the sugar market?—It would be the greatest benefit to the people of India and to this country; when once the tree is under bearing it is not subject to climate. After heavy European outlays upon the extension of the cane cultivation in Bengal, it was found to be so liable to the white ant, that it did not pay to plant; but when once the date trees come into bearing, they last from 50 to 60 years, and you can grow other crops between them.

3735. And so simple a system of making sugar as that would require small European superintendence?—The natives make it into the rough sugar, and they sell it to the European refineries, where one European might be capable of making from 1,500 to 2,000 tons a year.

3736. It would be an encouragement both to the native cultivator and to the European refiner?—It would be the greatest encouragement both to the native cultivator and to the European refiner, and would lead to the settlement of many more Europeans as refiners in India.

3737. These trees are held in small lots, are they not?—Two other Europeans and myself planted very largely, but I do not know of any other Europeans having done so; they are principally held by the smaller farmers.

3738. I believe there is a remarkable increase in India, as elsewhere, in Manchester and Liverpool, and other places, of the number of Greek traders who now act as merchants in various parts of the world?—Immense. When I went to India first scarcely a Greek was known; now about one-third of the trade between Calcutta and this country is carried on by Greeks. I believe in a few years it will be the same as in the Mediterranean, the Levant, and the Black Sea, that the Greeks will have beaten the Europeans completely out of the Calcutta trade.

3739. To what do you attribute that?—Our principal London Indian houses now are not merchants, but merely agents, doing very little upon their own account. The smaller houses have introduced the expensive system of hypothecating their bills of lading to the banks. The Greeks appear to have large available capital, and assimilate more with the habits of the natives than we do; their habits and customs of deception are much more in accordance with those of the natives than those of Europeans.

3740. They are two nations long debased by despotism, and therefore more congenial in their minds and characters than a free nation and a despotically governed nation would be?—That is the answer I wish to convey.

3741. Mr. *De Vere.*] What is the practice on the expiration of the leases of the occupiers as to re-lettings or renewals?—In India if you occupy a farm for 10 years without a lease, it gives you a right of occupancy, and the zemindar cannot turn you out; he may increase your rent legally only to the pergunnah rates. If your lease has expired, and you take a new lease, you can enter into new terms for it, if you wish to renew it; but in India I believe it has been held that the right of occupancy by a cultivator, at a fixed rent for 10 years, gives him the right of occupancy in perpetuity; the zemindar cannot legally turn him out, but he may increase his rent as a farmer.

3742. When the occupancy ceases, are the lands let again by competition; I refer to the occupant of the soil?—It is a very rare case where the occupier of the soil occupies it upon a lease at all; because when he has occupied the soil for 10 years he has a right, as long as he pays the rent, to hold it; the zemindar cannot turn him out.

3743. What is the course of inheritance by which the land descends in the family

family of the occupiers?—It depends entirely upon whether it is a Hindoo or a Mahomedan; it follows the custom of the Hindoo or the Mahomedan law.

3744. I think you said that a man's duties in the office of magistrate give him no experience that can guide him when promoted to be a judge?—None whatever; he has never had a civil suit before him.

3745. Has the magistrate no function for hearing small civil cases, such as wages?—That is merely a question of contract; in a question of contract he has.

3746. Would not the hearing of those cases give him some experience when he came to decide more important cases?—Not the slightest, and the cases are very rare and unimportant.

3747. Does not his experience as a magistrate enable him to judge of the value and bearing of evidence, and is not that knowledge particularly important for a judge in India, where false evidence is prevalent?—It is necessary, of course, to have that, but it gives him no idea of the law of inheritance, &c.; and, moreover, parol evidence, which is everything in criminal cases, is of the slightest possible value in civil suits as they are conducted in India.

3748. It must give him experience as to the value and bearing of evidence?—It gives him experience as to the reliance that may be placed upon evidence not documentary, but none as to the value of documents.

3749. You have recommended a comprehensive system of irrigation; would it be possible to organise a system of irrigation by which advances should be made for that purpose by the Government, and repayments by instalments with interest to be made in certain proportions by the owners and occupiers of the soil?—I should think that it would be very complicated; I believe that the present system of the Government of making a fixed water rate is much better. The parties benefited by the water pay a water rate for the water they use.

3750. You think that a better system than that of making Government advances?—It is much more simple.

3751. Mr. *Gregson.*] You spoke of the works of irrigation yielding a profit of 40 to 50 per cent.; in what district was that?—In the North-Western Provinces, in Madras, and in Bombay. The Government returns show a profit derived averaging from 30 to 50 per cent., besides enormously benefiting the people. We do not so much require extensive works of irrigation in Bengal.

3752. What is the length of time before this profitable return of 30 to 50 per cent. is realised?—In some of the instances in the Upper Provinces they have had a return upon the second year.

3753. But generally, what is the average time?—We are quite in our infancy at present with regard to the question of irrigation. The Ganges canal is a very great work, and has commenced giving a very large return.

3754. Do you know to what extent capital has been applied to works of irrigation?—I believe about 800,000 *l.* has been applied by the East India Company, exclusive of having sanctioned an outlay of 2,000,000 *l.* for the great Ganges Canal; I am speaking from memory.

3755. Has much capital been expended by individuals?—I am not aware of any.

3756. You spoke of date sugar, and you said that the produce might be easily raised to 900,000 tons; what is the present produce?—In Bengal the Government wished to get returns upon that, and they sent into the districts to count the trees; but the natives were immediately apprehensive that there would be a tax; that the Government were going to assess the trees; so that the returns which were made up were false. But I made an estimate on my own account, and I assume when I left India that it was about 80,000 or 90,000 tons. I should think, at present, it might be about 150,000 tons. In any other country the export of the sugar is some criterion; but in Bengal, as the great consumption is amongst the people, the export is no criterion of the quantity raised.

3757. What is the produce of cane sugar?—We have five different descriptions of it.

3758. Speaking generally of the whole, what is the produce of it?—About a ton and a quarter per imperial acre, against a ton and a half of the other.

3759. What is the total produce of that cane sugar?—The greatest part comes from the North-Western Provinces, with which I am not so well acquainted.

3760. Do you know the relative cost per ton of the date sugar and the cane sugar?—You must form a judgment in this way: where the planters have grown the cane sugar upon their own account, they found that it was so expensive that they

Mr. *J. T. Mackenzie.*

18 May 1858.

they could not do it. I believe there is no place in the world where you can make sugar so cheap as from the date trees of India.

3761. Do you know the relative cost of the cane and the date sugar?—I should say that it would pay the ryots very well to grow date sugar that would not cost them above 12*l.* a ton.

3762. And how would it be as to cane sugar?—I should think not under 20*l.* or 24*l.* a ton.

3763. And you say that the date sugar has more saccharine matter in it than the cane sugar?—Yes, so the return shows.

3764. You mentioned that the Calcutta houses are not merchants but agents, and you stated that the Greeks are rising rapidly in consequence of their deceptive practises; do you not think that the absence of deception upon the part of the English houses would be rather an inducement to the natives to deal with them in preference to the Greeks?—The Greeks assimilate more with the people; they go in themselves amongst the natives, and look after all the little details of the things.

3765. Is not that rather annoying to the natives than otherwise?—No, a native rather respects a man who is a good cheat, if he does it effectually and is not found out.

3766. He rather admires him, and prefers him to a European who does not cheat?—Yes, it would seem so.

3767. With reference to caste, are you of opinion that the Hindoos and Mahomedans do equal justice to the Christians as to their own people?—It is quite out of the question to suppose that a Mahomedan judge would do so, because his prejudices are entirely opposed to those of any other sect.

3768. Are the natives as much prejudiced against the mixed race of Indians as against the Europeans?—I am not aware that the natives are prejudiced against Europeans.

3769. I thought you said that the natives generally would not deal equal justice to Christians as to Mahomedans and Hindoos?—A Mahomedan may be very much attached individually to a person, but when it comes for him to deal with the Europeans as a class, he is entirely opposed to them.

3770. Do you speak in the same way with respect to the Hindoos?—Not so strongly. They are much more liberal in their religion and manners than the Mahomedans.

3771. What is the feeling of the Hindoos and Mahommedans towards the mixed race, as compared with the feeling towards Europeans?—The natives as a class despise the mixed race, but they do not the Europeans.

3772. Would you on that account provide European magistrates and European Courts for Europeans and East Indians as Christian courts?—I would allow no European to be tried by any native, for I am convinced that he does not get a fair trial; I should make the highest European officials try the Europeans and East Indians in the district Court; I mean such as the Commissioner.

3773. You would exempt East Indians and Europeans from the native official Courts entirely?—Not from the civil Courts, but I would exempt them entirely from the jurisdiction of the native criminal Courts.

3774. Mr. *W. Vansittart.*] I gather from your evidence, that your general views coincide with those of Messrs. Theobald, Freeman, Machair, Wise, and Dalrymple, namely, that the system of police is as bad, corrupt and useless as a police can be, and that the laws, with the exception of the sale laws, are very badly administered?—I go still further than they as to the police. I approve of the sale law, but think it might be improved upon. The administration of all the other laws is decidedly and notoriously bad.

3775. I understood you not to find fault with the sale law?—Not as a law, it is simply with the administration of it.

3776. I thought that you did not think that there was any alteration necessary in the sale law?—No.

3777. Have you seen a letter in the "Times" newspaper, regarding the employment of some native Christians by the magistrate of Hooghly as a police for that district?—Yes.

3778. What do you think of that arrangement?—I do not quite comprehend the letter. If they are to be employed as an exclusive class, I think it injudicious; if the guard is to embody Christians with all other denominations I think it very judicious.

3779. Is not the native Christian population in India very large?—It is such a fraction that it is scarcely countable.

3780. Are there not native Christians in most districts?—A few.

3781. Are there not many both at Jessore and at Dacca?—Very few.

3782. You do not think it possible to carry out this system to any great extent in India?—I look upon it that it would be impossible, you have not the Christians.

3783. Do you agree with Messrs. Theobald, Freeman, Machair, Wise, and Dalrymple, as regards the ignorance of the civil service, when they have said that there are not three civilians in the Mofussil capable of conversing with a native for five minutes together?—I entirely disagree with them upon that question, so far as my experience of the civil service has been with respect to all members appointed since 1839. Before that time Persian was the language of the Courts; since that time the civil servants all pass examinations in Bengalee before they go out to India. After they have been six or eight years in the country they are very good linguists, and there are none but what can read and write it.

3784. You say that the young and most inexperienced civilians are made magistrates, then collectors, and then civil and sessions judges, and you think that that is a great defect?—Yes.

3785. After a young man has been an assistant to a magistrate and collector for two or three years, and then a magistrate for five or six years, do you really think that there is any great difficulty, with all the regulations at his elbow, in efficiently performing the duties of a collector?—Very great difficulty; the regulations are so complicated and confused.

3786. Do you not think that the collector's duties are very simple as laid down, by what you can learn from the regulations?—If he was sure that he could get the right regulation to bear; but he is entirely at the mercy of his omlah, as to whether it does bear or not.

3787. You do not think that the knowledge of the native language which he has acquired by being an assistant and a magistrate, would enable him to shake off the thraldom of his omlah as a collector?—Not until he has had experience of the law; no doubt it would give him the habit of knowing what credence is to be placed upon testimony.

3788. Do you not think that the collector's duties are very simple; for instance, the sale law is very simple; the Dakhil Kharaj cases, or register, are very simple, and the Lakhiraj cases are all finished?—There are the resumption of the lands on the formation of new churs and the resumption of lands which belong to the Bheels, and have now become arable lands, and those are all Government questions still decided by the collector. There are also the butwarras, or the sub-division of estates, suits for setting aside distraints, and summary suits for rent.

3789. You do not think that a magistrate being made collector is a good system?—Not at all.

3790. You think the old system of the combination of the magistrate and collector preferable to their separation; are you aware that they have never been separated in the North Western Provinces, and that by a recent order of Mr. Halliday, the two offices are to be united in Bengal?—I am quite aware that in the North Western Provinces they have never been separated, and I think it is a very good thing; I understand that the order has been passed, but not carried into effect.

3791. With reference to a question put to you by an Honourable Member, do you not think a civilian having been a magistrate is a good training for him to undertake the duties of a session judge?—It is a very good training; the best training that he could have.

3792. You could not have a better training for a session judge than to have been a magistrate first?—It would be impossible.

3793. With regard to the civil duties of a judge, do you think that the magistrate would be able to perform them?—I think that the mistake is in making a person a civil judge who has had no experience in civil cases.

3794. You do not object to a magistrate becoming a session judge, but you object to his becoming a civil judge?—Yes; I think that is the right distinction to be made.

3795. You say that summary injustice is better than the present tardy system of

Mr. *J. T. Mackenzie.*

18 May 1858.

of justice; do you, therefore, suggest that the present system of appeal should be abolished?—A great many of them; I would have only appeals upon law, and not upon fact.

3796. Would you suggest that the Punjaub or non-regulation system should be introduced?—Some modification of it, I think, should be introduced; I think that system is much preferable.

3797. Will you kindly explain the non-regulation system?—The non-regulation system, as distinguished from the other, is this. The one is justice and the other is law. You have a simple question of justice there. The magistrate decides upon the merits of the case, untied by the regulations or anything of the kind. It is more in the old style of an Indian hakim; he hears the evidence, and decides summarily upon it.

3798. Mr. *Villiers.*] He is not tied down by any rules of the Court?—No; while in the other case the whole time of the magistrate is taken up with preparing and writing useless forms.

3799. Mr. *W. Vansittart.*] In point of fact, the law is carried quicker into execution under the non-regulation system than under the regulation system?—Yes.

3800. Do you mean to say, then, from that, that a sessions judge under the present system has considerable difficulty in having a capital sentence passed upon a person by the Sudder Deewanny and Nizamut Adawlut at Calcutta?—There is the greatest difficulty in getting his decisions confirmed, on account of the forms that have to be gone through. It was all but impossible to convict under the old forms, and the same remark applies to thuggee.

3801. You think that the Sudder Deewanny and Nizamut Adawlut is rather a clog upon speedy justice in India?—Yes, and a great curse to the people.

3802. You appear to have a very bad opinion of the native character generally; for instance, that the zemindars have too much power, and that the lower orders are very unpunctual in meeting their engagements?—Yes.

3803. Do you mean the Committee to understand that there are no intelligent and advanced-minded natives?—There are a few very intelligent and very advanced-minded natives.

3804. Do not you consider the Rajah of Burdwan to be one of this kind?—Yes.

3805. Are there not a great number of that description?—No, I should think that he is one of the very few exceptions.

3806. You say that the natives, when they obtain a little power, are sure to abuse it?—As a rule, always.

3807. Is it true that indigo planters are in the habit of keeping large bodies of latteeals, or bludgeon-men, to coerce the zemindars and the ryots?—The principle is the same in India as the feudal system was in this country. When the courts are utterly useless, every man is obliged to protect himself, if he wishes to get justice done. It is useless going to the courts, and so he helps himself.

3808. What are your views regarding the native sudder ameens and moonsiffs?—The sudder ameens and moonsiffs, as lawyers, are very competent; but I apply the remark to them as I did to the natives, that whenever you give them power, they expect to make money out of that authority more than any salary that you could pay them.

3809. You think the young civilians' courts far preferable to the ameens' courts?—Yes, unquestionably, for fairness and incorruptibility

3810. Do not you think that you might get, for the salaries paid to those suddeer ameens and moonsiffs, very respectable men?—I think we might for sudder ameens' pay, but not for moonsiffs'.

3811. Do you think there would be any difficulty in obtaining a number of young men of good family in this country to go out to India to fill the situations which are now held by the suddeer ameens and moonsiffs for their present pay?—There would not be much, perhaps; although the pay is not sufficient for a European, except that of a principal sudder ameen.

3812. Mr. *Lowe.*] You state that the native evidence is almost always false?—Yes, as given in Court.

3813. And yet you think that there ought to be no appeal from the decision of the judge, on matters of fact?—No, because I consider that the party taking the direct evidence is the best judge of what reliance should be placed upon that evidence.

3814. You think that he is a better judge than a court of appeal would be, that did not see the witnesses?—Much better than a court of appeal.

3815. Would not the fact of there being a court of appeal over the judge, induce him to take more pains in sifting that evidence?—I should give in India one appeal in every case, but no more, and that only where the Court, in the first instance, was a petty or subordinate one.

3816. Sir *Erskine Perry.*] Do you know why the system of appeals has been so general in India?—The natives have an idea that it is to compel the use of the Company's stamped paper.

3817. Is it not the case that the Company have been obliged to put in office gentlemen who are young, or who are not acquainted with the law, and have, therefore, been obliged to establish a rigid system of appeal to watch those men; is not that the principle?—I cannot answer that question.

3818. Mr. *Lowe.*] Would you have the proceedings of the Court carried on in English?—In the Mofussil courts certainly not, because the natives would have no reliance upon the decision. If the appellate Court in Calcutta were a mixture of civilians and English lawyers of 10 or 12 years' standing, it would be very advisable to have the proceedings in English. But I do not think that it would be advisable to have the proceedings in English in the Mofussil courts, because the natives would have no confidence in the decisions.

3819. Are you of opinion that the civil servants of the Company who preside in those courts, are able to conduct the proceedings in the native languages?—For the first four or five years as magistrates they do it very imperfectly; afterwards as judges, collectors, and commissioners they do it efficiently.

3820. You have heard it stated that a magistrate is very often in great difficulty in deciding a case from not understanding colloquially the language in which the case is conducted; is that in accordance with your experience?—It is with a magistrate of two or three years' standing, but not with a man of six or seven years' standing.

3821. Is not it a very important consideration that a judge should be deciding upon a case which is conducted in a language which he does not colloquially understand?—Unquestionably; but it is of the utmost importance to secure the confidence of the people.

3822. You think that the people would have more confidence in a wrong decision where the proceedings were conducted in the native language, than in a right decision where the proceedings were conducted in the English language?—As a class, they would lose all confidence if the proceedings were conducted in English.

3823. Even suppose that the decision in English should be more just?—That is assuming that it is more just; I do not think it would be.

3824. Take the case of magistrates who do not thoroughly understand the native languages, will you state why you think that cases would not be better adjudicated if the proceedings were conducted in English?—You have to legislate for the natives as well as for the Europeans, and the natives would be dissatisfied and would distrust your Courts, if the proceedings were in English. There is no analogy whatever between our Courts in Bengal and our Courts in Ceylon.

3825. Do you think that the young magistrates would decide better if the case was conducted in English, than when conducted as now in the native language?—I think it is more experience of the character of the evidence that is required in order to arrive at a just decision. No reliance can be placed upon the testimony that is given; you require experience of the witnesses.

3826. Taking the magistrates, who are not always men of great experience, do you think that they would decide better if the proceedings were interpreted to them in a language which they do understand, than they would do if the proceedings were carried on in a language which they only partially understand?—They would, unquestionably; but who would answer for the honesty of the interpreters?

3827. Then you do not think that the confidence of the natives will depend upon the good decisions of the court, but rather upon the language in which the proceedings are conducted?—They would regard the language far more as a general rule than the decisions. The natives in the interior get copies of their cases from the court; they sit round about the copy in the village and they read the decision, and one man acts as a magistrate and the other as a judge, and they plead and talk of it all through the village; and if the proceedings were conducted in English, everything of that kind would be put an end to.

3828. Does not it sometimes happen that a magistrate in giving judgment,

Mr. *J. T. Mackenzie.*

18 May 1858.

from his ignorance of the language, makes obvious mistakes in the nature of the case upon which he adjudicates?—Yes. I have stated that in nearly one-half of the minor cases they convict innocent people.

3829. Does not he show his ignorance in his decision?—That is frequently the case.

3830. Does not that create distrust in the tribunal?—No; the natives say that it was their misfortune that the magistrate did not know better, or that he was deceived or misled by the people about him.

3831. They say, at any rate it was in the native language?—Yes; they hear the decisions, and they have confidence in them.

3832. Do you think that natives should be allowed to be judges in any case?—In civil cases, but not in criminal cases, where Europeans or East Indians are parties.

3833. And in civil cases up to what amount?—Wherever you have native agency I would have a strict European surveillance over them, with unquestionably good lawyers and good administrators.

3834. You would have native civil judges, with an appeal to an English judge?—Yes.

3835. Is there any other improvement that you could suggest in the judicial system?—The great defect of the civil system, is the multiplying of appeals and the proceedings of the Court. In this country, when you get a decree, that settles the question. In India, when you get a decree, you have generally 20 different suits.

3836. In a single appeal?—In appeals and contentions arising from a single suit.

3837. With regard to the police, do you consider that the present police in Bengal is better or worse than having none at all?—I think that they would be much better with none, than with those now employed.

3838. What is your suggestion for remedying that evil?—I would put steady men from the different European regiments who have passed an examination in the native languages as superintendents; but as a general rule, when young civilians enter the service, I would put them into the tannahs, and so let them obtain a good knowledge of the customs of the people.

3839. You have spoken of the sale law; that is the sale by the Government of the land of a defaulter of revenue?—Yes.

3840. Do you not think that if the Government undertakes to sell a man's land, it should give a good title?—Any party claiming an interest in a property so sold must make an objection within 15 days, or else, afterwards, no objection can lie. I would make the collector send up his proceedings to the Commissioner 15 days before he advertised the property for sale; and it once having been passed by the Commissioner, and put up for sale, there should be no appeal from that, and whoever bought the property would be the final purchaser.

3841. Do you think that the analogy of the Encumbered Estates Court in Ireland would apply; that the Government should give a good title to the land?—They do give a perfect title at present after the final confirmation of the sale.

3842. The Committee have understood from former witnesses that it is open to other persons to object to the formality of the sale?—They can do so by indulgence and exceptionally within 30 days.

3843. Ought not the Government to look to that, and not to throw that risk upon the purchaser?—The only reason for which you can upset the sale for arrears of revenue is from the insufficiency of the notices.

3844. Ought not the Government to take that upon itself, and not throw it upon the purchaser?—I have proposed that these inquiries should be made before the sale, in place of afterwards, and that if an estate is put up and sold, there should be no appeal from it.

3845. Sir *Erskine Perry.*] What native languages do you speak?—I speak a little Hindoostanee, and Bengalee pretty well.

3846. Which do you speak best?—Bengalee.

3847. Have you been present in the native magistrates' Courts yourself?—I have been present when the Europeans have been presiding.

3848. But only in those Courts?—I have been once or twice in native Courts in civil cases, where the sudder ameens presided.

3849. Do the Europeans administer judicial duties in Hindoostanee or Bengalee?—In Bengalee.

3850. For the most part?—Entirely.

3851. That

3851. That evidence differs from the evidence which we received from Mr. Wise?—I speak from an experience of many years in different districts.

3852. Have you ever resided at Calcutta?—Yes.

3853. Have you been present in the Supreme Court?—Yes.

3854. The business there is conducted in the English language entirely?—Yes.

3855. The decisions being in English, and the proceedings being in English, have you ever heard that dissatisfaction is caused to the native mind?—No; because the natives who have the cases there, generally speaking, speak English; they are the principal people in Calcutta.

3856. Do not you know that there are about 95 per cent. of the cases in the Supreme Court that are native cases?—I suppose fully that.

3857. And do you think that of the 95 per cent. half of the natives having those cases speak English?—I suppose that 20 per cent. of the whole cases used to be from three or four native families.

3858. Do you think that of the 95 per cent. of cases brought before the Supreme Court 10 per cent. of the parties understand English?—I think that very likely 15 to 20 per cent. understand English. In taking mortgages the natives often put a jurisdiction clause in their deeds to secure the hearing of any dispute in the Supreme Court, because a party advancing money prefers to make his advances upon such mortgage to having to go through all the tedious delays of the Mofussil courts.

3859. Whatever may be the per centage of the parties who know English, do you think that the natives of Calcutta are dissatisfied with the decisions and the proceedings of the Supreme Court?—Not at all; they have the very highest opinion of the Court, and the greatest confidence in it.

3860. Are you acquainted with the Small Cause Court?— I have never been in it.

3861. Are you aware that the smallest causes are administered by an English judge, and in English?—Yes.

3862. Are the proceedings of that Court popular in Calcutta?—Very popular.

3863. Are you not inclined to correct the statement which you made, that if the proceedings of the Courts were conducted in English it would give dissatisfaction to the native community?—There is not the slightest parallel between the two cases. You require to have been a resident in the Mofussil and in Calcutta to know the difference between them.

3864. If in a court, such as the Small Cause Court in Calcutta, where the proceedings are conducted in the English language, causes are decided to the satisfaction of the natives, how do you distinguish that from a similar court 10 miles off, filled with similar people, and with similar cases?—The causes decided in Calcutta are generally simple contracts, or questions of sale, or any minor criminal actions, but they are quite different from the complicated cases which occur in the Mofussil courts with reference to the proprietorships of land, the division of property, and the Resumption Laws.

3865. Do you not think that those cases which arise in the Small Cause Courts include cases of fraud and conspiracy, and the most complicated cases in which evidence has to be sifted and weighed that can be brought before a court of justice?—It is very rare, and when it is so they have the best barrister in Calcutta to conduct them, when they can afford it.

3866. Do you see any distinction between a case occurring in the Small Cause Court in Calcutta and a case occurring in the Mofussil?—The cases are perfectly distinct.

3867. With regard to the tenure of land in the Mofussil, are there any village communities having rights?—That was a great mistake in our perpetual settlement that it almost did away with them.

3868. Are there any talookdars?—Yes.

3869. What rights have they now?—There are a great variety of the talookdars.

3870. Are there a great many proprietory rights of different kinds?—A great variety.

3871. As to the ryots' tenures, have they a perpetual right of cultivation?—If they occupy for ten years, except as lessees, they have a perpetual right of occupancy, and they cannot be turned out, although the zemindar has the power of increasing their rent to the pergunnah rent.

Mr. *J. T. Mackenzie.*

18 May 1858.

3872. As to the question of the Christian police corps, are Christians excluded from any Government service in India?—To my knowledge, I do not know of any native in the capacity of a darogah, or moonsiff, or sudder ameen, who is a Christian; there may be, but not to my knowledge.

3873. There is no law against it?—There is not.

3874. I believe the native Christians, generally, are not of a very high class in society?—As a rule, they are generally of the lower class, particularly of what are called the weaver class, in the districts of which I speak.

3875. Probably the exclusion from office would depend more upon their unfitness for office, than upon any rule of the Government?—The Christians of whom I speak, would not, from their education, be fitted for the higher appointments.

3876. You do not believe that there is any rule upon the subject?—I am aware of no regulation to that effect; but in practice, there were none of them employed.

3877. Do you think that the East India Company would sanction any exclusion of native Christians who are fitted for office?—There is a general impression that that has been the course of the Government, but I cannot say whether well funded or not.

3878. Surely in Calcutta, there must be native clerks in the Government employ, who are Christians?—Yes, there are.

3879. Do not you think that European officers would employ the same class of men in the Mofussil, if they found them ready and fit for office?—Yes; a number of the descendants of the Portuguese, are employed in the Mofussil as clerks.

3880. I did not refer to the Portuguese, but to the natives?—I think they ought to be employed if fit for it.

3881. In your opinion, are there any obstacles to the settlement of Europeans, with capital in the mofussil?—The laws, I think, in a great measure, prevent the settlement of independent Europeans. I think that the law of 1840, and the law of 1849, giving the enormous power that those laws do to a young magistrate, naturally enough tend to prevent any man subjecting himself to it. Again, the natives are so superior in fraud and chicanery, and so unscrupulous, that in business transactions they have become too much for Englishmen.

3882. Your remedy would be to appoint only experienced men as magistrates?—Yes.

3883. And you would give those summary powers rather to the elders in the service than to the young men?—Yes.

3884. You are of opinion that the exercise of summary power is far more difficult, and requires far greater facilities than the exercise of judicial powers where there is an appeal?—Yes.

3885. Mr. *Willoughby.*] You stated with regard to small civil suits that they were frequently brought by money lenders for the purpose of extortion?—Rather for some sinister purpose.

3886. And you stated that the natives as a class were so unpunctual in money payments that it would not be safe for Europeans to make advances?—Not unless to the people of their own villages.

3887. May it not arise that the number of the suits originates in the unpunctuality with which the natives discharge their obligations instead of their being brought for purposes of extortion?—No, because the native knows that if he gets his judgment it is of little or no use to him; it is obtained to hold it as a threat over the party.

3888. If a man will not pay his debts there is no other alternative?—He could never realise the debt by the process of the Court.

3889. You have stated that the native zemindars generally, and Europeans occasionally, resort to force to collect their rents?—Frequently. A large village will occasionally stand out and say that they will not pay their rents.

3890. Is it not the object of the laws that are complained of, which are enacted by the Government, to prevent such proceedings, and to protect the rights of the zemindar and those under him?—Yes, but by the revenue laws the zemindar is compelled to pay his revenue every three months, or else his property is sold. There is no practical law by which he could collect his rent in three months.

3891. Under the zemindary system, is the Government rent excessive?—It is smaller than it has ever been under any former conquerors in India.

3892. Can

3892. Can you give the Committee an idea of the average rates?—I should assume it to be about a sixteenth to a twentieth of the gross produce; I do not suppose that the Government revenue would average 1*s.* 6*d.* per cultivated acre at the very extreme, taking it all through Bengal.

3893. Then the rate at which the revenue is levied cannot be one of the causes which oppose the settlement of Europeans?—No; for there is no country in the world where the people pay so little rent as the people of Bengal.

3894. What is the general condition of the ryots in the parts of Bengal in which you have resided?—There are so many classes; there seems to be a tendency in the labouring classes to become small farmers, men with one plough and so on; I think that there is a great increase amongst that class, but a decrease amongst the better yeomanry, as they would be called in this country; they do not live in the same comfort as in ancient times.

3895. You are an advocate for the redemption of the land tax, and you stated that the zemindars could then sell to the ryots; the object of my question is to ascertain whether they would have the means of paying the amount?—A great number of them would; there is a middle class in the villages, and a number of the respectable farmers would have ample means.

3896. You alluded, in your answer to Question 3699, to suits being filed against the Government, although you stated that there was a leaning on the part of the native and inexperienced European judicial authorities towards the Government, it is the fact that any person may sue the Government in the courts of law in the Mofussil?—Yes; I have had several cases against the Government myself.

3897. And you have known of suits being decided against the Government?—Yes, I have had several decrees against them myself; those suits were decided by the Company's judges.

3898. You have alluded to the inexperience of the magistrates on their first appointment; is not one of the causes of that inexperience the fact that, under Lord William Bentinck's administration, all original jurisdiction was taken from the European authorities and vested in the natives?—In the criminal courts the magistrates have as much original jurisdiction as ever; but in subdivisional courts a few of the native magistrates are permitted to exercise original jurisdiction, with no appeal to a magistrate, and only to the judge.

3899. Under the former system a young European was vested with very limited jurisdiction, and so rose up to the authority of a sessions judge; but now that school for training is done away with?—Yes, exactly.

3900. Is it the fact that the Government, as far as it can do so, with the view of insuring competency, prescribes tests for passing in the native languages on original appointment, and further tests on promotion?—Yes.

3901. You alluded to works of irrigation; what is there to prevent the great zemindars establishing works of irrigation, seeing that they are not liable to increased demands upon the part of the Government?—It would be very difficult to get five or six zemindars to agree together upon the principle of doing it; and in order to pay, it must go through a large tract of country; I believe it can only be done by the Imperial power.

3902. Who do you think should pay the expense of those works of irrigation from which the zemindars alone would derive the benefit?—I should propose that the Government should levy a water rate upon the occupiers of the lands benefited by the irrigation.

3903. Would not that be opposed by the zemindars under the permanent settlement?—We do not require irrigation in Bengal.

3904. To what part do you refer?—Principally to the North-West Provinces.

3905. You have alluded to missionaries; is there any opposition on the part of the Government or the local authorities to the operations of the missionaries?—None whatever.

3906. May not as many missionaries as like resort to India, and freely conduct their operations?—Quite freely.

3907. Has the number of European settlers increased in the parts of India with which you are familiar?—No, I should think it has rather decreased. There may be more Europeans, but fewer settlers.

3908. To what cause do you attribute that?—The principal cause was that in 1848 the Union Bank failed in Calcutta, and with that a number of the mercantile firms went. They had been in the habit of making large advances to the indigo factories, and in Kishnagur and Jessore, and other districts, they

Mr. *J. T. Mackenzie.*

18 May 1858.

have been obliged to curtail the European establishments. Four concerns adjoining each other in Kishnagur used to disburse about 400,000 *l.* yearly; they have spent latterly only 200,000 *l.*

3909. You have given a very unfavourable opinion of native honesty; was not the Union Bank a European concern altogether?—European and native.

3910. But it was chiefly managed by Europeans?—Yes, chiefly.

3911. And there were great complaints of the management, not only on account of carelessness, but something worse?—You must draw a distinction. Had the Union Bank carried on its concerns for five years more, it would have paid every one in full; but their securities, being forced upon the market at a period of panic, realised but little. I was in no way connected with it. The directors were all Calcutta men; many of them attached to the Queen's Supreme Court, and the rest merchants and attorneys.

3912. Do you agree that civilians appointed since 1839, cannot read and write, and speak Bengalee fluently?—As a body they can speak it; I may illustrate that. An Englishman goes down to Scotland; he may go down to Aberdeen or the west of Scotland. He cannot understand exactly the dialect of each of the places which he passes through, but he understands quite well what the people say to him, and they understand what he says to them. In each district of Bengal there is a peculiar dialect. It is quite possible that any civilian going there at first does not understand the peculiar dialect of that part of the district, but as a rule every tolerably efficient officer can read and write Bengalee.

3913. Mr. *J. B. Smith.*] Do the natives understand him?—Yes, they do.

3914. Mr. *Willoughby.*] You have alluded to the want of roads in Lower Bengal; is not that partly to be attributed to the great want of materials?—No. I have made a great many roads in Bengal, and we found that you could make very good fair roads for about 100 *l.* a mile. If you wanted to make pucka roads of brick, they come to about 1,000 *l.* a mile.

3915. Is not there a toll and ferry fund established by the Government?—Yes.

3916. To what purpose is that fund appropriated?—To keep up the roads intersected by the ferries.

3917. Is not there a sort of municipal body established to control the fund?—Yes, composed generally of the magistrate and collector, and one or two of the settlers.

3918. Were you yourself ever upon one of those committees?—Yes, for a number of years.

3919. You do not concur with preceding witnesses that courts of law, upon something like the same principle as the Supreme Court of the Presidency, should be established in the Mofussil?—I think it would be very unadvisable; and the principles and rules of practice would be inapplicable, detrimental, and misunderstood.

3920. A system of that kind would require that the administration of justice should be conducted through the medium of interpreters?—Entirely.

3921. And you think that that would be a very great evil?—I think that it might almost endanger our empire.

3922. You have alluded to the Greeks settling and increasing in Calcutta; is there any obstacle to British subjects settling in Calcutta in the same way?—None.

3923. Do not gentlemen of your class proceed to India, not with a view of permanent settlement, but with the ultimate view of returning to England, after having secured the object for which they go there?—As a rule, all the people go to come back.

3924. Were you disappointed in your expectations, or did you prosper?—I was among the few fortunate people; I was very well satisfied.

3925. Are not the planters in the habit, whenever they can do so, of sending their children home?—Yes, always.

3926. Do you know any instances of European children being kept in India up to years of maturity?—There is a great distinction to be made between the Portuguese and the British subjects.

3927. I allude to British settlers?—As a rule it seems to be almost physically impossible. You do rear the people, but if they are kept in India about six or eight years they seem to degenerate, both physically and morally.

3928. According to your experience, have the Government, or the local authorities, evinced any hostility towards the settlement of Europeans?—No, not

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as far as I am aware since the repeal of the Act forbidding Europeans to hold land.

3929. You have alluded to its being impossible under the ordinary law to convict for Thuggee and Dacoitee?—It was impossible to convict for Dacoitee until they extended to that offence the law applicable to Thuggee.

3930. And that law has completely succeeded as far as Thuggee is concerned? It has very much improved the state of things, and Dacoitee has decreased considerably since that law was introduced. The accused are convicted on the evidence of approvers from among the accomplices; and the laws of evidence are not very strictly insisted upon.

3931. Have not much greater efforts been made of late years in endeavouring to develope the resources of India, than was the practice when you first went to India?—No; I do not know what the Government have recently done, with the exception of guaranteeing the railways.

3932. Have they done nothing in the way of promoting steam navigation?—No; not recently.

3933. Did not the Government set the example by introducing steamers upon the Ganges?—Yes; I was concerned in one of the other companies. The Government set the example, but I do not think that it was done by the Government as an inducement for the Europeans to follow, but merely for their own imperial purposes.

3934. What do you say with regard to the Assam Tea Company?—The Government introduced that unquestionably; but that was many years since.

3935. Is not that a great advance in the development of the resources of India?—Yes.

3936. May not the same be said as to the Kumoan plantations?—Yes.

3937. Mr. *Villiers.*] Would you say that no further reforms are needed, as the Government are now advancing so rapidly in improvements?—I think that a number of practical reforms are required.

3938. You have stated that there is no hostility on the part of the Government in India to settlers, that there is no jealousy on the part of the civil service, and nothing to deter settlers?—As a body, the Government certainly have not offered any hostility. There may be individual cases of the civilians being rather jealous of the Europeans in the district.

3939. Did I understand you correctly that the administration of justice is so defective that it actually drives people away from their properties?—The inefficient administration of justice is, I think, the principal cause of the respectable natives being so many of them absentees, and as soon as a European gets money he wishes to get to Calcutta out of the jurisdiction of the native magistrates.

3940. Is the administration of justice worse now than it used to be?—I speak of when I first went to Bengal in 1838; I think in 1850, when I left India, it was worse than when I first went.

3941. Were there some regulations respecting magistrates, or did not some circumstance occur in 1840 and 1849 which provided an inferior magistrate?—It provided an inferior magistrate, and gave him such an enormous power that I believe there is no country in the world where such a magistrate has so much power.

3942. Or where he is so inefficient?—Where a man in office as a magistrate is so inefficient, and has got such enormous power, by it he can ruin any zemindar he pleases.

3943. What was that law which was passed in 1840 which increased the power of the magistrate, and provided less for his qualification?—It was a law by which, if there was any dispute about property, the magistrate could go upon the spot, or send and enquire, and the party that had held possession of the property for the preceding month was kept in possession, and the magistrate referred the disputants to the civil courts to settle their disputes. That law was very good; but in 1849 they passed an additional law, as a sort of rider to this, by which the magistrate, after putting one party in possession, might bind the other party over to keep the peace in any amount that he chose; the magistrate also taking security from the other party to an unlimited amount. In India you can prove anything; it is only a question of a few shillings, and where you can do that you have only to get a few witnesses to

Mr. *J. T. Mackenzie.*

18 May 1858.

prove that a man has committed a breach of the peace, and the magistrate has the power to enforce the penal bond against that man.

3944. Do you persist in saying that the magistrates are inferior, as far as their competency is concerned, as well as having greater powers than used to be the case?—Unquestionably since the time of Lord William Bentinck, because before that they were older men, and more conversant with native habits.

3945. Do you refer to some regulation that has taken place since Lord William Bentinck's time, allowing younger men to assume the office of magistrates?—I do.

3946. Men were older when they were made magistrates in Lord William Bentinck's time, and they are now younger by some regulation that has been passed?—Yes.

3947. Your proposed alteration is that no man should act as a magistrate until he has more experience; where should he acquire that experience?—It is very difficult to say where the school should be; but I think that the best way would be to make him superintendent of police, giving a criminal jurisdiction, but no judicial power; making him, in fact, work personally under a magistrate, or session judge, or circuit commissioner.

3948. You find them defective just the same in the criminal courts as in the civil courts?—As a rule they are not so defective in the civil courts, because as a rule they have been 16 years in the service before they are made judges.

3949. Would there be any difficulty in their practising in the criminal courts in the same way as they do in this country?—I think it would not answer, for this reason, that they would be upon an equality with the native pleaders, and I think that in India you ought to keep up the European magistracy as a dominant race. Therefore I would not have them pleaders, and afterwards judges.

3950. What is the deficiency which you point to in those persons who are magistrates; is it their want of knowledge of the habits of the people, or is it their want of learning?—It is their want of knowledge of the habits of the people; they believe the evidence, instead of believing the probabilities of the case.

3951. You mentioned a change in the way of making the magistrate a collector?—For the purpose of getting more efficient officers.

3952. Is not there an objection to their being magistrates and collectors; would not the collector enforce the magistrate's decision before any appeal could be made?—In every case I propose one appeal; many suggestions have been made upon that subject, some of them by Mr. Grant, than which nothing could be better. The union of the fiscal and judicial duties would not clash prejudicially except in rare cases.

3953. Was not the system altered in Lord William Bentinck's time?—Yes.

3954. Were not the collector and the magistrate one?—Yes.

3955. And he altered it?—Yes, he altered it.

3956. You stated that the land revenue in Bengal is less now than anywhere else in India, or than at any former time under any conquest?—Most decidedly.

3957. Do you think that that is consistent with your other statement, that the ryots are worse off than they have ever been under any rule before?—They are worse off; there is less security of property to the ryots in Bengal than they ever had under any other rule.

3958. Have you ever considered what they were exposed to under any former conquerors?—They had a summary system of justice, and the truth was often arrived at by threats and torture; if a man was caught in a theft, very likely his hand might be chopped off; the native talookdars in those days used to have what the natives called Paradise cages, iron cages into which people were put and tortured.

3959. That was summary justice?—Yes, that was summary justice.

3960. And you would prefer to return to that?—Not at all; but I would prefer to have suits quickly and summarily decided.

3961. But you refer to the past times, when those practices were in force?—Yes; but I do not advocate those barbarous practices.

3962. You talk of facilities being afforded for irrigation by redeeming the Government debt?—The Government debt amounts to about 60,000,000 *l.* at present;

present; the Government revenue derived from Bengal is 3,500,000*l.* If that was sold at 25 years' purchase, they could first pay off the whole of the Government debt, and the surplus might be invested in profitable irrigation works, which would return the Government some 30 or 40 per cent.; so that the tax-payers would have a security that, as they had redeemed the tax, they would not be called upon for fresh taxes.

3963. Do you propose to pay off the public creditor?—I would give the people the option; if the parties redeeming their land choose to redeem in the public debt, let them do so, or in money.

3964. I thought you talked of paying off the debt itself?—I would give the parties the option, if they please, in place of paying the money to pay it in Government securities, because it would give immense confidence to the natives in redeeming, if they thought that they should take the public debt as part of it.

3965. Your proposition of paying off the Government debt has reference to paying off the land-tax?—Yes, entirely.

3966. I understand you to say that you do not object to the sale law?—I only wish it modified.

3967. What is the obstacle to the cultivation of the date?—What is required is to give a permanence to the title, which under the existing law you cannot have; I have alluded to one clause of that sale law in which I should make the words "20 years," apply for 50 years, or as long as the lands were so cultivated.

3968. You want an alteration of the sale law?—I want that modification of it.

3969. You are of opinion that we could extend our trade with India, in the export of the manufactures of this country?—To a very enormous extent.

3970. Is that by improving the condition of the natives?—By giving security that the show of wealth would not be an additional reason for oppression.

3971. Do you think that we could extend it to the amount which we have to correct in the balance of trade, which you put at 2,000,000*l.* a year?—For the last 20 years it has averaged a bullion remittance of more than 2,000,000*l.* a year, but for the last four years it has been something like 7,000,000*l.*

3972. Would you go so far as to say, that if our laws were improved or better administered, and more security were given, and more temptation offered to settlers to go out to India and take out capital, the natives would consume the manufactures of this country to that extent?—I have not a doubt of it; the average yearly consumption of our manufactured goods is only 10*d.* a head upon the population, and our goods are highly appreciated and much desired.

3973. Have those defects in the administration of justice to which you have alluded ever been referred to the Legislative Council, or to the authorities in Calcutta?—The authorities in Calcutta have been referred to frequently. There was Mr. Dampier, the superintendent of police, one of the most efficient men in the service; he mentioned that he was sick of making new laws for the people of India, for he found that every new law the natives turned into an additional means of extortion.

3974. What is the fact with respect to persons who complain as strongly as you and others do of the administration of justice; what attention do they receive on the part of the authorities at Calcutta?—Every civility is shown to the parties.

3975. Everything short of redressing the grievances?—They think to redress grievances by enacting new laws; and I say, "If you would repeal three-fourths of your existing laws and give efficient administration to the other fourth, that is what is required."

3976. The reforms required are not effected?—No; not such as I have suggested.

3977. And you see with no apprehension the transfer of the government from the Company to the Crown?—Not the least; I want, with that, a good system of government; I think it would give stability to our rule in India.

3978. While in India you thought the civil servants inefficient?—Yes.

3979. Since you have returned to this country you have thought otherwise?—I have quite changed my opinion.

3980. That is since you have ceased to have experience of them?—Since I have had experience of how the departments are conducted at home I am better able to appreciate the officials in India by the contrast.

3981. Do you speak of the civil departments at home, or of the way in which the

Mr. *J. T. Mackenzie.*

18 May 1858.

the public generally manage business?—I speak entirely of the Government offices in this country.

3982. You do not allude to banks or commercial speculations, or the way in which railways are carried on?—No.

3983. Are you a director of Indian railways?—Yes; of two.

3984. And a proprietor of Indian stock?—Yes.

Jovis, 20° die Maii, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Mr. Lowe.
Mr. De Vere.	Mr. Seymour.
Mr. William Ewart.	Mr. J. B. Smith.
Mr. Gregson.	Mr. Villiers.
Mr. Kinnaird.	Mr. Willoughby.
Mr. Knight.	

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. *James Thompson Mackenzie,* called in; and further Examined.

Mr. *J. T. Mackenzie.*

20 May 1858.

3985. Mr. *Kinnaird.*] WAS your health good in India during the whole time you were there?—No; I was obliged to come home once, and once I went to Singapore. I was twice given over as almost dead.

3986. Was that owing to the climate?—No; it was owing to undue exposure in both cases.

3987. Do you think that a European, with care, can enjoy a fair measure of health in India?—The Europeans residing in the agricultural districts, as a class, have nearly as good health as those at home.

3988. You would not dissuade anybody from going out with a view of settling?—Certainly not.

3989. You think that by using common precautions, and not unnecessarily exposing themselves to the sun, Europeans may enjoy good health in India?—Yes.

3990. I think you mentioned in your evidence that there were very few native Christians in India?—Very few.

3991. Are you not aware that there are at least 5,000 in Kishnagur?—If the Government have official returns to show that there are 5,000, I should admit it; but if they have not, I should doubt it very much indeed.

3992. Are you not aware that in Backergunge there are at least 1,600?—That may be; but it is a very populous district; and Kishnagur has a population of from 800,000 to 1,000,000; and even 5,000 out of that is very few.

3993. You referred to an article written by Mr. Pratt: at the end of that article there is a statement showing that there are no less than 400,000 Christians in India?—I very much doubt there being 400,000 native Christians in India.

3994. Did I rightly understand you to advocate the complete exclusion of Christians from any employment under the Government?—Certainly not.

3995. Then should they be found equally healthy, equally robust, and equally capable, there could be no objection to employing them as well as others in the police or in any other department?—What I advocate is, that if the parties are qualified for any Government appointment, their religion should not be a disqualification, nor should it be held specially to qualify them for an appointment.

3996. I believe that the East Indians are very numerous in parts of Lower Bengal?—No; principally in the large towns; in Calcutta, for instance.

3997. Are they not very numerous in the lower parts of the Mofussil?—There are very few there.

3998. You spoke of the Greek merchants being in large numbers in Calcutta, are you aware that there are only about eight Greek houses in Calcutta?—I am not aware of that from my own experience, but I should think that was about the number.

3999. And there are altogether in Calcutta about 150 merchants and agents?—There are not eight English firms doing as much business as those eight Greek firms who, I believe, as will be shown by the exports, do one-third of the trade from Calcutta to this country.

4000. I suppose the reason for the success of the Greek is, that he attends more to the business personally in all his bargains and trade than perhaps the British merchant does?—I should attribute it to the Greeks combining together in a great measure, in any operations. They act entirely as a body, which the English merchants do not; they act quite independently of each other.

4001. A former witness has recommended the issue of some convertible Government paper, like our Exchequer bills, at a low rate of interest, and payable at fixed periods as an investment for capital waiting for employment in India; do you join in that recommendation?—If payable at terminable periods, such as three and four and five years, I think it would be very useful to the Government.

4002. And received in payment of revenue by the Exchequer?—If Government would take it in payment of the revenue it might be very useful to the people.

4003. Are you of opinion that it would be an advantage to open the Legislative Council to the non-official classes?—If you would restrict it to the British merchants and not pay them, allowing them to be unpaid members, I think it would be a very great advantage.

4004. You are aware that some British merchants are on the Legislative Council in Ceylon?—Yes, I have been in Ceylon.

4005. It is found practically to work very well there?—Practically it works very well there; but if you would allow me to say so, there is no parallel between the settler in Ceylon and the settler in India, because the European settlers in Ceylon have, as a rule, employed very few natives, and have scarcely any commercial or social intercourse with the native inhabitants; they get the labour over from the Malabar coast, and so both the settlers and their labourers are an alien class.

4006. Mr. *J. B. Smith.*] I understand you to state, as your opinion, that it is indispensable to the encouragement of European settlement in India that Government should afford complete protection to life and property by the establishment of good laws, and an efficient police?—Yes.

4007. You say that those essentials do not at present exist, and that the result is that the natives are afraid to be known to have money?—Yes.

4008. You say that hoarding to a great extent exists now, from the same causes as have occasioned it to exist from the earliest ages, namely, a constant apprehension of plunder?—Yes.

4009. Are there not reasons for supposing that an enormous amount of money is buried in India?—There is every reason to suppose so.

4010. And, whilst so buried, it is as utterly useless as if it were yet in the mine?—Quite.

4011. If this money could be brought into circulation, would it not be a great benefit to the community?—A great benefit to the community, and to the country.

4012. You suggest, as one means of bringing it into circulation, to permit the zemindars of Bengal to purchase the fee simple of the Government tax upon their lands?—Yes.

4013. Supposing this course were practicable, if the Government applied the money received for the redemption of the land-tax to the extinction of the like amount of their funded debt, their financial condition would not be worse than it is at present?—It would be better by half per cent., because they could redeem at 25 to 30 years' purchase; and the average interest of our debt at present is about four-and-a-half per cent., including the last loans; and redeeming at 25 years' purchase would be only equal to four per cent.: so the Government would gain half per cent. in the financial operation.

4014. Suppose they could effect it at such a rate as would just redeem the like amount of debt that the tax produced, then they would be in this condition: on the one hand the revenue from the land-tax would be diminished, but on the other hand their expenditure for interest on their debt would be *pro tanto* diminished?—Exactly; the one would equalise the other.

4015. If the land-tax were thus redeemed, would not the Government be savers by the expenses of collection?—Not very largely.

Mr. *J. T. Mackenzie.*

20 May 1858.

4016. Are there not a great number of persons employed in the collection?—The expense of enforcing the collection in the permanently settled districts of Bengal is very small, because the Government there look to the estate and not to the proprietors.

4017. Do you know how much the expense of collection is in Bengal?—There have been various estimates made upon it; but the Government themselves cannot arrive at the exact amount, because the collector, as well as being the collector and collecting the Government revenue, is the revenue officer in whose court all cases of rent are brought by the proprietors, lessees, or whatever people they may be; so that it is very difficult to estimate what is the actual proportionate amount that should be allocated by the Government on account of the expense of collection.

4018. At the same time that the Government would be released from the expenses of collecting the revenue, would not the tax-payers be gainers, by being relieved from the exactions of the corrupt native tax-gatherers?—It would be an enormous advantage to them.

4019. If it were practicable for every 1,000 rupees received for land-tax to extinguish the same amount of debt, the State would be no losers, while the tax-payers would be greatly benefited?—Upon every 100 rupees extinguished the tax-payer would save 50 per cent. in illegal exactions, assuming him to be a cultivator of a free estate.

4020. Would it not be a great advantage to the people as well as to the Government, if they had an opportunity of investing their money in land, instead of burying it in the ground?—Very great.

4021. If the land-tax were redeemed, would it not be a great encouragement to European settlement, seeing that settlers could then possess lands on the same terms as in any other of our possessions?—The greatest encouragement, because then a European could purchase, with a perfect title, the piece of land which he required for his purpose.

4022. If a good system of registration were adopted, and suitable laws were enacted for the protection of parties in the enjoyment of their property, you think it would be a great encouragement to settlement in India?—The greatest encouragement, the chief thing required, would be, first, a complete survey of the country; every tenure should be registered, and the registered proprietor should be recognised as the proprietor of that estate.

4023. Would not the free circulation of wealth and the enactment of good laws tend to the improvement of the whole people, by affording means of employing capital and giving increased employment to labour?—Yes, the greatest.

4024. Would not the consumption of British manufactures be greatly increased under such circumstances?—It would very soon be doubled and trebled.

4025. Is it not reasonable to expect that the Government would be better able to raise a greater revenue from an improving population than from an impoverished population like the present?—Unquestionably.

4026. And that there would be a great increase in the imports?—A very great increase. The Government have both an export and import duty, so the larger the amount of trade, the greater the revenue the Government would receive.

4027. With regard to roads, so far as your observation goes, were the roads better under the Hindoo and the Mahomedan rule than at present?—From all inquiries I could make, and from the vestiges of the roads that have existed, I should say that the internal communication of the country was much better under both the Hindoo and the Mahomedan rule than it is at present. The village communities, now no longer in being, are understood to have maintained their respective proportions of the roads.

4028. Do you think that as soon as the country is opened out by railroads there will be a greater influx of Europeans?—The railways will do an immense deal; but in addition to the railways, you require roads to act as feeders.

4029. But will not the existing state of the laws and the police still be an obstacle to extensive settlement in India?—Until you improve the police there is no security for property; every man must protect himself.

4030. The Government a few years ago put a stop to the circulation of the gold currency; do you think it would be advantageous to restore it?—Most advantageous.

4031. Would not the circulation of gold release a large amount of silver which is now hoarded?—A very large amount of silver; and it would be an immense saving

saving to this country, because the balance of trade could be discharged by the shipment of gold from Australia direct to India instead of being sent to this country, and thence to the Continent to be exchanged for silver for transmission to India; whilst, if the late unfavourable drain should recur, it might be difficult in two or three years to procure the silver required: for already the value has increased some 10 per cent.

4032. Inasmuch as gold goes into a smaller compass than silver, would not the natives be more disposed to hoard gold than to hoard silver?—If you improve the system of police, then the natives will think of using their money for the acquisition of property instead of hoarding it; if the same system continues, it would no doubt lead to an increased hoarding of bullion. If you had a gold currency in place of a silver one, with the same inefficient system of police, it would rather tend to increase the hoarding.

4033. My question was, whether there would not be a preference of hoarding gold to silver; would not there be a larger quantity of silver released?—Greater in bulk but not more in value.

4034. Would there be a preference of hoarding gold to silver?—It would be much more convenient to hoard, being in a smaller space.

4035. Mr. *Villiers.*] What is the hoarding amongst the natives for; do not they make ornaments of the silver?—I did not refer to the ornaments of silver. The natives use the silver and gold as ornaments, and they very frequently hoard the ornaments in addition to the gold and rupees.

4036. They use gold as much as silver for ornaments?—Those that can afford it prefer gold to silver for ornaments.

4037. What was the date of the prohibition of gold as a currency?—It was after the discovery of the Australian mines; strictly speaking, I believe that gold never was a legal tender in Bengal; there was an order of the Council passed, I do not recollect the year, I think it was about 1840, authorising the collector to receive the gold mohurs at a fixed rate; the Government, after the discovery of the Australian gold, merely cancelled the former order of the Council.

4038. Gold was never a legal tender?—I think I have seen it stated, that prior to 1780 or 1790, it was, in some parts of India; but not subsequently, I think.

4039. Do you know what the policy of the former Government was in preventing gold being the standard as well as silver?—The perpetual settlement in Lower Bengal was made in rupees; it was at a fixed rate of rupees; a number of the Company's loans were made at a fixed rate of rupees, and the pensioners of the Company were paid at a fixed rate of rupees; and the Government had a great doubt about the policy of introducing a gold currency, as to how far it might interfere with the engagements which they had entered into and which were payable in rupees.

4040. Mr. *J. B. Smith.*] When the Government received those gold mohurs in payment of the revenue did they receive them at a fixed price in silver?—They received them at a fixed price in silver of 16 rupees for the gold mohur; but during the time I was in India the gold mohurs, coined by the Company, were generally sold, in the interior of the country, at a premium of about 10 per cent.; what were called the old gold mohurs were generally at a premium of 20; being of very pure gold; and the natives used them, in a great measure, for making ornaments.

4041. Mr. *Villiers.*] What is the date of the establishment of the mint at Calcutta?—It was established by Colonel Forbes; I think about 1830 to 1832.

4042. Mr. *Willoughby.*] Are you aware that in 1853 a circular order was issued by the Calcutta authorities, enjoining their collectors and others not to receive gold in payment of the Government revenues or other dues?—Yes; there was such an order; there was a minute of the Council formerly passed, authorising those gold mohurs to be received, and when the Australian discoveries came into effect they cancelled this minute, as I have previously stated.

4043. *Chairman.*] Do you think that if the redemption of the land tax were allowed, many of the zemindars would avail themselves of it?—I think a great many of them would; I should say the strongest argument for their doing so would be that three-fourths of the whole of the estates in Lower Bengal are mortgaged, and the mortgagees, for their own security, would insist upon the redemption of the land, and after this law had been carried into effect very few would advance money upon an estate until the land-tax was redeemed.

4044. Do you remember having read a report of Mr. Thomas, of the civil service,

Mr. *J. T. Mackenzie.*

20 May 1858.

in favour of a scheme for the redemption of the land tax, which is inserted in the Appendix to the Report of the Committee on the Cotton Cultivation of India?—Yes.

4045. Mr. *Villiers.*] Does the mint only coin silver?—Silver, gold, and copper.

4046. Mr. *Willoughby.*] On what data do you suppose that the natives, or any one else, would be induced to redeem their estates at 25 or 30 years' purchase?—From the high price at which the La-Khiraj lands that have been released command, from the very high prices paid for putnee talooks, and the price which the Government have paid to the zemindars for the railway lands at 20 years' purchase, and to which the whole of them objected, they said that they ought to have had 25 at least; and I think they ought.

4047. Would you propose yourself to effect redemption at that rate?—Yes, freely.

4048. What interest does the capital which you have invested in putnees or other tenures yield?—When I had putnees they yielded but little, if any, money return; the zemindaries yield from six to twelve per cent., dependent wholly upon the improved condition of the property.

4049. With regard to the roads under the Hindoo and Mahomedan rules, to what period do you refer?—In Shah Jehan's (the grandson of Akbar) time, unquestionably the country was covered with roads; that was the golden age of Bengal, but even up to the time of our taking the dewanny in Bengal the roads were in a much better state than at present, though not, by tradition, equal to what they were in Shah Jehan's time.

4050. Your opinion of that time is chiefly gathered from tradition and the books?—Yes, from tradition, ancient manuscripts, and the vestiges of the roads.

John Abraham Francis Hawkins, Esq., called in; and Examined.

J. A. F. Hawkins, Esq.

4051. Mr. *Lowe.*] YOU were a servant of the East India Company?—I was.

4052. In what year did you go to India?—In 1822.

4053. When did you come home?—In 1849.

4054. What office did you hold in India, and where?—I was, for a short time, an assistant in the office of the Register of the Sudder Dewanny Adawlut in Calcutta, and then an assistant to the magistrate, and register of the suburbs of Calcutta. I was then joint magistrate of Baraset, about 16 miles from Calcutta. My next appointment was being for a short time in charge of the office of the Remembrancer of Legal Affairs, in which I had charge of the Government suits in the different courts. After that I was Magistrate and Collector of Purnea, to the north-east of Bengal. I was then Judge of Purnea. I was then Acting Session Judge of Shahabad, a little above Patna, in Bahar. I was then Commissioner of Circuit and Revenue of the Rajshaie division; that was in Bengal. Then I was Register of the Sudder Court for 10 years, and was then a Judge of the Sudder Court.

4055. For how long?—For two years.

4056. After your return, you were one of the Law Commissioners?—Yes; and I was appointed secretary, afterwards, of the Law Commission.

4057. What are you now?—I am in the Examiner's Office in the India House, conducting the judicial and legislative correspondence with India.

4058. Your total service has been almost entirely judicial?—Except that I have been also a commissioner and a collector of revenue.

4059. Several witnesses have spoken with regard to the Black Act, or rather Bill; how did that Bill originate?—The last proposed Black Act is to be found in these words of the Law Commission Criminal Procedure Code: "No person whatever shall, by reason of place of birth, or by reason of descent, be, in any criminal proceeding whatever, excepted from the jurisdiction of any of the criminal courts;" that was the proposal.

4060. What are the names of the Law Commissioners?—The Master of the Rolls Sir John Romilly, the late Chief Justice of the Common Pleas Sir John Jervis, Sir Edward Ryan, Mr. Cameron, Mr. Macleod, who, as well as Mr. Cameron, was one of the Law Commissioners in India, Mr. Thomas Flower Ellis, and Mr. Lowe. For a time I was one of the Commissioners, and upon the resignation of Mr. Millet, the secretary, I was appointed secretary to the commission.

4061. What was the date of that?—About the middle of 1856.

4062. Mr.

4062. Mr. *Villiers.*] There were several persons that had acted in India who were on that Commission?—Yes; Sir Edward Ryan, Mr. Cameron, Mr. Macleod, Mr. Millet, and myself, had all been in India.

4063. Mr. *Lowe.*] Did the passage which you have read emanate directly from the Commissioners, or how did it arise?—The whole of the Black Acts that have been issued for the last 20 or 25 years go back to the Act of Parliament of 3 & 4 Will. 4, c. 85. An enlarged power of legislation was then given to the Council of India, including a power of legislation with regard to all Europeans. There was a proviso in the Act which said that there should be no legislation to the effect of making Europeans amenable to the criminal courts in the Mofussil in capital cases. When that Act came out, a despatch was sent to India on the 10th of December 1834, from the Court of Directors, which has these words: "When the Act says you shall not pass laws making them capitally punishable otherwise than by the King's Courts, it does, by irresistible implication, authorise you to subject them in all other criminal respects, and in all civil respects whatsoever, to the criminal jurisdiction of the Company;" and every Law Commission that has proposed to deal with the administration of criminal justice in the Mofussil in India since that time, has recommended a clause to the effect of making the Europeans in the Mofussil amenable to the Company's criminal courts.

4064. *Chairman.*] Then it was an inference drawn from the words of the Act of Parliament by the directors?—Yes.

4065. It was an expression of their opinion?—Yes; but it has been thoroughly adopted by the Law Commission in India. Shortly after the Commission was appointed in England by the 16th and 17th of Victoria, the Commission received instructions from the President of the Board of Control, Sir Charles Wood, directing them to proceed to the amalgamation of the Supreme and the Sudder Courts, and, in fact, to have one system for the whole of India. Then those codes of procedure, and those rules for the constitution of various courts, were framed upon the understanding and upon the principle that they were to be applicable to the whole of India, superintended by one high court for each Presidency, which court was to be held at the presidency town.

4066. Mr. *Campbell.*] That being a fusion of the Supreme Court and the Sudder Court?—Yes; that being a uniting of the two together.

4067. Mr. *Lowe.*] Then had the Commissioners no discretion left them to make any alteration in favour of Europeans?—It appears not; their instructions are precise. "The intention of amalgamating the Supreme and the Sudder Courts in each of the Presidencies has already been announced to Parliament, and the first matters we are anxious you should take into your consideration are those preliminary measures necessary for the purpose." So that it seems to have been announced to them that the amalgamation of those two courts and the formation of one system for all India was a foregone conclusion, and that they should carry it out.

4068. *Chairman.*] Therefore the Commissioners acted in a ministerial capacity only?—With regard to that they acted in a ministerial capacity only.

4069. Mr. *Lowe.*] It would not have been in their power, I presume, to have made courts to which natives should have been liable, but from which Europeans should have been exempted?—No; I do not think that was the intention of the instructions communicated to them.

4070. What are the provisions in the Commissioners' scheme which are disapproved of in India by the European population?—That is the main one I understand to have been disapproved of, and also some provisions with regard to the jurisdiction of the criminal courts.

4071. By the Commissioners' scheme a European can be called up before a moonsiff in a criminal court?—Yes, supposing the whole code to be entirely carried out as it stands.

4072. What jurisdiction of native judges in criminal cases would Europeans be liable to if the scheme of the Commissioners had been carried out in its integrity?—They would be liable to the whole of the criminal courts of every class. There are two classes of courts that are called subordinate criminal courts; criminal courts of the first class, and criminal courts of the second class. The first assistant to the magistrate and the principal Sudder Ameen are to be judges of the subordinate criminal courts of the first class; then the second assistants to the magistrates and the moonsiffs are to be judges of the subordinate criminal courts of the second class.

4073. Is the second assistant to the magistrate a native?—No, he is a European;

J. A. F. Hawkins, Esq.

20 May 1858.

European; the first assistant to the magistrate has more extended power than the second, but they are both Europeans.

4074. What powers have those two subordinate courts in the way of punishment?—"Judges of the subordinate criminal courts of the first class are empowered to pass sentence in all cases tried by them, provided that they shall not for any offence sentence any person to imprisonment for a term exceeding one year, or to fine exceeding 200 rupees," and the lower court "shall not for any offence sentence any person to imprisonment for a term exceeding three months, or to fine exceeding 50 rupees."

4075. So that the effect was that the first court could imprison a European for a year, and the second for three months?—Yes, if brought before them; the full impression on the minds of the commission, however, was, that the Europeans would not be brought before them. It was supposed that the magistrate never would refer a case, in which a European was a defendant, to a native judge.

4076. They could not entertain the jurisdiction without its being referred by a European magistrate?—Except under a special order of the Government.

4077. Mr. *Campbell.*] The first and second court could not hear any case without an order of the Government?—It is a general provision that the moonsiff shall receive no criminal case at all originally of any kind whatsoever; that it shall be referred; that he shall only try cases upon reference by a magistrate.

4078. Mr. *Villiers.*] The magistrate being a European?—Yes.

4079. Mr. *Campbell.*] That is on reference to the moonsiff?—Yes; on reference to the moonsiff, or the sudder ameen either; but there is a clause in the code allowing the Government specially to authorise any judge of any class to receive cases without reference from a magistrate. All those cases those judges would have the power of trying and punishing, but upon reference by a magistrate, the Government may dispense with the magistrate's sanction by giving a general power to those officers to receive cases directly.

4080. Mr. *Villiers.*] An order of the Government may give a general power to those judges to hear cases?—"Criminal cases shall be brought before the subordinate criminal courts by reference to the magistrate" (that is, the European magistrate of the district). "It shall, however, be at the discretion of the Government, respect being had to the public convenience, to authorise a subordinate criminal court also to receive such cases on complaint, preferred directly to such court, or on the report of a police officer."

4081. Do not you consider that that is an order that has reference to particular cases, and not a general suspension of the rule that the magistrate shall refer everything to the judge?—No, that was not the intention of the commission. It was generally believed by the commission that, for the public convenience, the Government would give their authority to the judges of the subordinate courts at a great distance from the magistrate to receive cases; that instead of compelling a man to come and go 50 miles, the Government would, in such cases, authorise the moonsiff upon the spot to receive cases within his jurisdiction without going to the magistrate.

4082. Mr. *Lowe.*] The intention was not to get Europeans under native jurisdiction by a side wind?—Certainly not; it was never thought of.

4083. That being the state of the law, do you think that it was fraught with any practical grievance to the European community?—I should think that by them it would be thought a practical inconvenience.

4084. In what way?—I could easily understand a great objection, on the part of Europeans, to being made amenable, criminally, to the courts of the native judges.

4085. Would it really have brought them under the courts of the native judges?—I do not think it would; I think the magistrate would have kept all their cases in his own hands.

4086. What is your own opinion with regard to the claims of the European residents in the Mofussil not to be criminally tried by a native judge?—I consider their claim a good one, I would not put them under a native judge.

4087. Was that the opinion of the commission?—The question was raised in the commission, and the opinion was, that in drawing up a general procedure for one set of courts for the whole of India, there must be one system of procedure for the whole. The Commission were also of opinion that Europeans should be made amenable to the Mofussil Courts, but that it was not likely that the magistrate would make over a European to the subordinate judges.

4088. You

4088. You are of opinion that it is not right that the European residents should in any case be brought before native judges in criminal cases?—No, not before native judges.

4089. Will you state the reason for your opinion that the English residents in the Mofussil ought not to be tried criminally before a native judge?—I believe the impression upon the mind of a European would be that he would not get justice. Now, a native may have a twofold feeling, either a national feeling as against the European; or, on the other hand, a feeling of fear that he must do more for the European than he would do for one of his own countrymen. Either case would be prejudicial to the true administration of justice.

4090. *Chairman.*] In either case the balance of justice would be disturbed?—Yes.

4091. Mr. *Campbell.*] From your own great experience of the natives, what is your opinion of the tendency of the natives if placed in authority over Europeans?—I have known natives willing to do justice to all; at the same time I think there are many natives in office who might be influenced by that feeling of nationality.

4092. Mr. *Seymour.*] Would you consider East Indians to be Europeans; if either father or mother was European, would you put them in the English category?—Yes, much more than in the native category.

4093. Mr. *Lowe.*] Will you state shortly what the recommendations of the commission were with regard to the criminal procedure for India; how was a man to be tried according to the plan recommended by the commission?—There are two ways of bringing a man before a magistrate; in the first instance, the one is by complaint to a police officer for the more serious crimes, who investigates upon the spot, and inquires into the truth of it; and if there is ground, he sends the case to the magistrate with the parties and witnesses. In cases of assault, and those that were excluded from the police officers' jurisdiction, complaint would be preferred by petition to the magistrate himself; he proceeds to take the evidence in either case, and punishes if it is within his jurisdiction, and commits to the session court if it is not within his jurisdiction.

4094. Is there any indictment?—No; there is a charge, the charge being that the man has been guilty of a certain crime with reference to a particular clause of the penal code; and the way to discover what particular crime he has been guilty of (that is, the particular act of crime, and its circumstances) is from the evidence given before the magistrate, a copy of which has to be furnished to the defendant.

4095. The legal conclusion is drawn from the depositions?—Yes, those depositions being given, together with a copy of the charge, to the prisoner.

4096. Upon that he is tried?—Yes.

4097. Is that a good criminal procedure in your opinion?—It is.

4098. What provision is there for appeals in criminal cases?—There is at present, I should explain, a right of appeal upon the record; that is to say, when a man has once been tried by a subordinate court and punished, he can appeal to the next superior court, and insist upon its retrying him upon the record. This code does away with that; it gives a man a right of petition to the appellate court, but it leaves it at the option of that court to call for the record or not, and to reject the petition at once, if it sees ground for doing so.

4099. I believe there is only a single appeal?—Yes, there is only a single appeal, giving however, the High Court at the Presidency a general control over the whole criminal administration.

4100. Mr. *Villiers.*] Are any of those offences punished capitally?—There is no court but one, which is the highest court of all, that can sentence capitally.

4101. *Chairman.*] Is the power of appeal not subsequent to trial only, but subsequent to the punishment also?—The man has been sentenced. The law gives a power of appeal after conviction upon the record, but the punishment is not suspended.

4102. Mr. *Seymour.*] Is there corporal punishment in India?—Corporal punishment was entirely abolished, but it has been since admitted with regard to juvenile offenders.

4103. If a man was sentenced to corporal punishment, would it be inflicted before the appeal?—It used to be in former times.

4104. And then there was an appeal afterwards?—The man had a right of appeal in all cases. Some magistrates might have suspended the infliction of the

J. A. F. Hawkins, Esq.

20 May 1858.

punishment, and others not; when the sentence was to flog a man, it was generally found more convenient to flog him at once than to keep him in confinement, with a chance of appeal.

4105. Mr. *Lowe.*] Some gentlemen have given evidence before us that there ought to be no appeal; is that your opinion?—No, it is not.

4106. Will you state why?—I should say that a power of appealing to a higher court is necessary, and especially under a system of this kind, where you have a large number of natives scattered all over the country, exercising criminal powers, the best way of showing how those powers are exercised by those several criminal judges is by a petition of appeal to the superior authority. Then again, I have always looked in India upon the right of appeal to the Superior Court in Calcutta as of the utmost use in helping to equalise the administration of criminal justice throughout the various districts; you have a sessions judge in one district who will sentence a man to 14 years' imprisonment for a case of burglary, while in another, for the same offence, a man is sentenced to five or six years. The Superior Court having all this before it, has it in its own power to equalise the administration of criminal justice throughout the country, and does very beneficially exercise that power.

4107. Passing to Sir Arthur Buller's speech; you have read that?—Yes.

4108. With some portions of it you agreed?—Yes.

4109. In that part, for instance, in which he deprecates a European being tried by a native judge on a criminal trial?—Yes.

4110. But he does not go with what you have noticed?—I think he has mistaken the object that the commission have in view.

4111. He does not notice the fact that a European could not be tried except by an order of the magistrate?—No; but Sir Arthur Buller has taken objection to the provision which says that the High Court and Session Court exclusively shall have jurisdiction in respect of "offences however punishable under any clause of the penal code charged against public servants of the first four classes described in clause 14" (that is, of the penal code) "whether as such public servants or otherwise." There are four classes of public servants who are to be tried only by the Session Court, or the High Court in Calcutta. Sir Arthur Buller takes exception to this rule, on the ground that the civilians and the military officers of the East India Company are protected, and those only; that the commission have gone out of the way to give protection to them, while they leave all the other Europeans in the Mofussil subject to the jurisdiction of the other courts, and he objects to that; now, those four classes run as follows in the penal code: "first, every covenanted servant of the East India Company; second, every commissioned officer, military or naval, in the service of the East India Company; third, every commissioned officer of the King's army while serving under the Government of India." We have disposed under those three classes of the whole of the Queen's and the Company's covenanted servants. Then comes the fourth class; "every judge." Sir Arthur Buller seems to have supposed that the commission intended by that the European judges. Now, it does not cover a single European; they are all natives; every European judge in the civil service is disposed of in the term "every covenanted servant of the East India Company." From the clauses I have read to the Committee with regard to the criminal courts, you will find that every moonsiff and every principal sudder ameen, is a criminal judge; the same may be said with regard to the civil code; the civil code commences with saying that, "There shall be three grades of judges in each zillah or district, zillah judges, principal sudder ameens, moonsiffs," and it was intended by the commission that every man exercising judicial power in the Mofussil, should be tried only by sessions judge; the distinction was intended to be entirely official, and the code goes on with other clauses which show that; that whereas certain European official authorities in the Mofussil were to be tried by a certain court, so by that same court were certain officials of the natives to be tried. The reason for the rule was, that you are obliged to maintain a distinction of that kind in India; the people have not the same notion of official disparity, as compatible with an equality in the eye of law which you have in this country. Once allow a principal sudder ameen to be brought even for an assault before a moonsiff, and that man's influence is for ever gone. It was to protect, and to secure the position of, the public officers in the Mofussil, that those clauses were drawn, and Sir Arthur Buller has mistaken the purport of them; my own opinion is that the thing should have gone further, and have made some distinction

distinction with regard to Europeans; but Sir Arthur Buller has mistaken the full intent and purport of the clauses as drawn by the Law Commission.

4112. The question was not between official and non-official Europeans, but between officials and non-officials of any kind?—Yes; every principal sudder ameen and every moonsiff being a judge is by this clause only triable by the sessions court.

4113. With regard to trial by jury, what trial by jury is afforded to a European under this code in criminal cases?—He is to be tried by a jury of which the number is not to be less than three nor more than nine, the rule being that "criminal trials before the sessions judge, in which a British subject, or an European, or an American, or an East Indian, or an Armenian, or a person of any other class to which the Governor-general in Council may see fit to extend this rule, registered according to such rules as the Governor-general in Council shall prescribe, is the defendant or one of the defendants, shall be by jury, of which at least one-half shall consist, if such defendant desire it, of persons so registered."

4114. What is the reason of that rule with regard to the constitution of the jury, partly native and partly European?—The prosecutor may be a native and the defendant may be a European; it secures so far to the European, that one-half at least of the jury shall be Europeans; and it requires for a conviction two-thirds at least, together with the consent of the judge; and that was considered to be sufficient security for the European.

4115. Turning to the civil jurisdiction of the courts, will you state what the procedure recommended by the Commissioners is?—The leading salient points of the procedure are, the total abolition of written pleadings that we now have, the examination of the parties, the framing of issues, and the single appeal.

4116. How is the examination of the parties and the framing of issues to be done?—First of all, the plaintiff takes out a summons in a form given here, and there is a day fixed for the hearing, and on that day the parties are to appear; and then the rule is, when they do appear, that "in all suits in which both the parties appear in person, or by attorney or vakeel, before the judge, they or their attornies or vakeels may be examined orally by the judge; and it shall be incumbent on them respectively to answer such questions in regard of the suit as he may think proper to put to them." That is the preparatory examination, and upon the statements of the parties the issues are prepared. There may be a subsequent examination of parties as witnesses; they may be twice examined, first for the framing of the issues, and then further to get more particularly at the facts of the case.

4117. Then the judge may decide at once, if the parties come prepared?—Yes.

4118. What do you think of that as a matter of procedure; is it adapted to the wants of India?—It strikes me as being the real essence of the whole procedure, and one which is admirably suited to the people; we have had it lately under a law; the new law of evidence enacted in India in 1853 allows the parties to be sent for and examined, which was totally unknown before. The experience of that law is that it has been found to answer admirably; it cuts the case short in the commencement very often by bringing the parties face to face.

4119. Under the law of 1853 the pleadings have taken place before the parties?—Yes, and there are to be no pleadings here whatever; nothing in a written shape, except certain statements referred to in the rules.

4120. *Chairman.*] Is not there a power in the person summoned, to send another person to represent him?—Yes; but the power still exists in the court to send for the principal.

4121. Do you approve of that power of substitution?—Yes, I do, for a country like India.

4122. Mr. *Lowe.*] There are some persons whose dignity would be hurt by attending the court?—Yes.

4123. And there are other people who are old, and would be unable to attend?—Yes; and women cannot appear in public; you must have such a power.

4124. Have you seen some statements addressed by Mr. Theobald to the President of the Board of Control, and which have been published?—Yes.

4125. There is a statement with reference to this procedure; have you seen it?—Yes. I think that Mr. Theobald is a good deal mistaken.

4126. Will you be good enough to state in what respects?—Mr. Theobald says, in the first instance, at page 20, that, "it is little but a re-casting of the existing procedure." Now I think that he is mistaken there.

 4127. Will

J. A. F. Hawkins, Esq.

20 May 1858.

4127. Will you state some of the differences?—The entire abolition of the present written pleadings and the substitution of the examination of the parties makes a great difference in the case.

4128. Is there anything else in which you think Mr. Theobald is mistaken?—Mr. Theobald says: "One of Mr. Bentham's great objects was, to bring the parties litigant before the judge, as a father brings his children before him in their quarrels (venerable sage, that saw in justice the exercise of the most benevolent affections!) at the very first step of a litigation. Without this being done, a procedure would not, I apprehend, be natural according to Mr. Bentham. This is not done in the code." It appears to me to be done in the code.

4129. Is there any step previous to bringing the parties before the judge?—Nothing but the summons.

4130. Could that be dispensed with?—No.

4131. The second step after the summons is the appearance of the parties before the judge?—Yes, and the examination.

4132. Which may be final?—Yes; it may not be necessary to framean issue at all; the parties may come to an understanding at once.

4133. Are there not two sorts of summonses, one requiring the party to come and frame the issues, and the other requiring the party to come up for final judgment?—Yes.

4134. So that it depends upon the plaintiff whether the case shall be decided summarily or delayed?—Yes.

4135. You do not consider that observation of Mr. Theobald's to be borne out?—No; I think that a little examination would show that nothing more could be done than has been done with a view of expediting matters.

4136. Do you know the procedure in the Punjaub?—Yes.

4137. Is it in any respects more summary than what is recommended here?—No; in the Punjaub code, the rules require that there should be something in the shape of a plaint.

4138. This is even more summary than the county court jurisdiction in England?—I believe it is.

4139. This is to be applied both to Europeans and to natives?—To all.

4140. Parties are allowed to give in written statements?—Yes.

4141. What is the power, and what is the object of it?—"For the purpose of assisting the judge in framing the issues, the parties, or their attornies, or vakeels may tender at the first hearing of the cause written statements of their respective cases, which statements the judge shall receive and peruse, and put on the record; but he may, nevertheless, frame the issues from the allegations of fact which he collects from the oral examinations, notwithstanding any difference between such allegations of fact and the allegations of fact contained in the written statements so tendered by the parties, or their attornies, or vakeels. No such written statement shall be received after the first hearing of the case, unless called for by the judge under the power hereinafter contained. It shall be competent to the judge, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties, for the purpose of assisting him to frame or amend the issues." That power was considered an advisable one to give to the courts, in order to get at the bottom of those very intricate cases which we sometimes have in India, and it was considered a good one by the commission.

4142. The statements are not in the nature of pleadings presented by either party?—No.

4143. But they are statements reduced into writing which might be difficult to bring out in oral exmination?—Yes; it is stated distinctly that they shall not be by way of answer one to another.

4144. Is there any other statement of Mr. Theobald's which you wish to correct?—No; there are one or two points upon which I think he is mistaken with respect to the jury trial.

4145. It has been stated to the Committee that it would be a great improvement if the proceedings in the Mofussil courts were conducted in the English language; what is your opinion upon that subject?—To that I entirely object.

4146. Will you state your reasons for that objection?—I believe that the impression upon the minds of the natives would be that it was an act of gross injustice; and I do not see how the proceedings are to be carried on in English,

as

as the natives understand only their own language, without creating a sense of injustice in the minds of the natives.

4147. Are you of opinion that suitors do practically suffer from the ignorance of the civil servants of the East India Company of the native languages?—They may do so in petty criminal cases at the commencement of the civil servants' career; but I believe that a man is competent to carry on his duties in the native language probably within the first six months, certainly within twelve months. As men are trained now, they are obliged to pass an examination in the native languages in all the early stages of accession and promotion to office. Twenty years ago the proceedings in the courts were conducted in Persian; but since that they have been conducted in the vernacular language.

4148. *Chairman.*] Did the native understand the Persian when it was the language of the law courts?—He did not; but there was not a single court where there were not a number of persons who did understand Persian, and who could convey to the mind of the native suitor what was intended by the Persian documents. But you will not find scattered over the country, and attending upon the courts, people who could convey to the natives what was intended by a document drawn up in English.

4149. Mr. *Lowe.*] It is stated that the proceedings in the courts in Bengal are carried on in Hindee?—There is no such thing as Hindee proceedings in the Lower Provinces at all. Those who have made the statement have mistaken Hindee for Hindostanee. The European officers of the Government probably speak Hindostanee better than they do any other language; but it is not to be supposed that Hindee or Hindostanee would be altogether unintelligible to the great portion of the people in Bengal. When a regiment from Behar or the Upper Provinces comes down to Barrackpore or Berhampore, it is not to be supposed that what they say is perfectly unintelligible to the whole of the Bengal community. They get on as well as others. But the fact is that the civilians do understand the language of the country in which they are employed, and they can converse in that language with the people who are brought before them.

4150. Do you think that it is right that the Hindostanee should be used in the courts of justice in Bengal?—No; it is not used: as far as the record of the local court goes, it is entirely in the Bengalee. I speak of what I recollect of India, and of the cases coming before me as a judge of the Sudder. The summonses were in Bengalee, every document was in Bengalee, the evidence was in Bengalee, and the order of the court was in Bengalee.

4151. *Chairman.*] The Hindostanee is used in the higher parts of India?—The Hindostanee is spoken in the higher parts of India, but it is the *lingua franca* of India; and if a man can speak Hindostanee well, he will get pretty well through most parts of India.

4152. Mr. *Lowe.*] You have stated that the young inexperienced civil servants do make errors from not understanding the native language?—Yes, occasionally.

4153. Do you think that it is right that the judges should learn the native language at the expense of the suitors?—Certainly not; but there is not much of that; the probabilities of a young civil servant going wrong in the petty cases he has to try might be greatly avoided by good superintendence over him. By sending him out occasionally to a police tannah at a distance from the head station, and into the district for purposes of local inquiry, where he could find nobody but natives to talk to, would soon get him over his difficulties.

4154. Are gentleman placed in those situations at an earlier age than used to be the case?—The magistrate is brought to the office of magistrate at an earlier age than he used to be.

4155. Do you think that that is an improvement?—No.

4156. How has that happened?—From the overgrowth of territory, as compared with the strength of the service.

4157. The civil service has not been augmented in proportion to the augmentation of our dominion?—No.

4158. Supposing it could be afforded, a great deal would be gained by an increase of the civil service?—Yes; and I would adopt the plan in Bengal which has been adopted in the Upper Provinces, of having the Magistrate and Collector united. There are objections to it, but I believe that the experience of the older officer would be of infinite value in the magistrate. The natives understand the system thoroughly; they understand the union of functions in one officer far better than being sent for what they want from one officer to another.

J. A. F. Hawkins, Esq.

20 May 1858.

4159. It has been suggested that it would be desirable to increase the civil service from the uncovenanted service in India; that is, to give the Governor-general a power of employing gentlemen of the uncovenanted service in offices, which have hitherto been appropriated to the covenanted service?—That is a very large question, and the way in which I would look at it is this. The service in India has been kept free from jobbery by a nomination to the service in one quarter from home, and a nomination to office by another in India. Those who send out our civilians from home, can do nothing with them after they once get to India. Those who employ them in India have no part whatever in the nomination of them to the service. Now you would break down that if you gave the nomination to the service and to the office both to the same individual; and I think on political grounds that the thing is to be objected to.

4160. You have stated that the commission were ordered to take measures for the amalgamation of the Supreme and Sudder Courts; are you of opinion that that amalgamation is desirable or practicable at the present time?—I do not think that it is either desirable or practicable at the present time.

4161. Will you state why?—The amalgamation of those two courts is a thing that I would keep in view, but I should look at it as far distant. You have now different courts of law, presided over by judges who have been trained very differently. The two systems of the Queen's and Company's courts are now, whether in regard to procedure or law, very different from each other; and I do not see how it is possible to proceed with a satisfactory amalgamation. A great deal must be done before that amalgamation can take place. There should be an approximation in the system of justice administered by the Queen's courts and the Company's courts; it should be done gradually, and then perhaps the one may slide into the other. What I mean is this: you have four codes of procedure for the four different sides of the Supreme Courts: the Law, the Equity, the Ecclesiastical, and the Admiralty. You have those four different codes in the Supreme Court. You have a different procedure in the Company's courts. What I would like to see, in the first instance, would be, a simple code of civil procedure adopted by the Supreme courts for all sides of the court, and that the Company's courts should have the same code. Then you might have the same penal code, and in most respects the same criminal procedure adopted by the Company's courts and the Queen's courts. A construction put upon the code of law or the code of procedure on the part of the Supreme Court, watched as it would be by the Company's courts, would give us the benefit of the judgment of the Supreme Courts, and we should have the same codes of procedure, the same criminal law, and to a great extent the same kind of administration. Then as to civil law, there is no such thing as a substantive civil law beyond the law administered to the Hindoos and Mahomedans. I desire to see a substantive code of law prepared for the Mofussil, and it might be founded upon the principles of English law. With regard to the law of contract, we could very easily frame a code of laws which would embody some of the leading principles of the Hindoo and Mahomedan and English law. That law introduced and acted upon in the Mofussil would bring us a point nearer to the law administered by the Supreme Court, and then you might carry it even further. I should have no objection to see a barrister from the Calcutta bar put upon the Sudder Bench. In this way we should approximate both as to procedure and as to law, and in the course of time the two courts would be much better prepared to slide into each other than they are at present.

4162. Will you explain the present state of the law in India, out of Calcutta, a little more fully. Suppose a Hindoo sues a Mahomedan, what law prevails?—The law of the defendant; but the case supposed can scarcely happen under the personal law, say of inheritance, for in a case of that kind both parties would be Hindoos, and the same with regard to Mahomedans. Where the Hindoos and Mahomedans sue each other is with reference to contracts. A contract is under no law in the Mofussil. The Supreme Court administers the personal law not only with regard to cases of inheritance, succession, marriage, and adoption, but it also includes contracts.

4163. In Calcutta if a Hindoo sued a Mahomedan the law would be the law of the Mahomedans?—Yes.

4164. If, on the other hand, a Mahomedan sued a Hindoo, it would be the law of the Hindoo?—Yes.

4165. If a Frenchman sued an Englishman what would the law be?—The English law.

4166. If

J. A. F. Hawkins, Esq.

20 May 1858.

4166. If a Frenchman is defendant, under what law would he be sued?—Under the English law. My impression is, that the Supreme Court administers the personal law only of the Hindoos and the Mahomedans. In the Mofussil we have the administration of personal laws with regard to Hindoos and Mahomedans concerning all cases of inheritance, succession, marriage, adoption, and caste; but the personal law there does not extend to the law of contract. In such cases there is no law in the Mofussil except the law of equity, justice, and good conscience of the judge; he has no other law to follow. That is the great want in the Mofussil, that we have no written law, no authoritative code or digest of any kind; and I look upon the want of a written law as tending to demoralize the people, by promoting litigation. When you have a Hindoo or a Mahomedan brought into our courts upon their own laws, I have seldom seen a case in which it has not been a question of fact rather than of law. For instance, a man will say, "So-and-so died, leaving two sons;" and the other party will say that he died, leaving three sons; but the moment you settle the matter of fact, they do not dispute the question of law; and I believe it would be much the same if you gave the people a written law, as I have above stated. If you gave them a law that they could follow out of court, you would prevent a great deal of the litigation and the evil that goes on. A Mofussil substantive civil law is a great desideratum in India.

4167. Though the English system of law says that no contract is valid without consideration, another system says that, if solemnly made, it is valid without consideration; it entirely depends upon the judge?—Yes.

4167*. There is nothing to decide in those cases under the law in the Mofussil?—No, nothing whatever. A man might go and look for a case that had been decided before.

4168. Did the Law Commission consider that question?—Yes.

4169. What was their opinion upon the subject?—That there should be a law.

4170. When was that report made?—That report was made in 1856.

4171. What practical steps did they recommend to be taken?—That a digest of substantive civil law should be prepared; that was recommended by all the commission, with the exception of two dissentients, Sir John Jervis and yourself.

4172. We agreed in the necessity of providing a law, but we only differed as to the manner in which it should be done?—Yes.

4173. Whether it should be by a code or by the adoption of the English law?—Yes.

4174. Has any step been taken to carry out that recommendation?—None whatever, that I know of. If I may be allowed to refer to it, here is a letter of Sir Laurence Peel's, he being the Chief Justice of the Supreme Court of Calcutta, upon the same subject. He writes to Sir Henry Hardinge, the Governor-general, in July 1845: "The questions which your letter proposes to me I am enabled to answer without delay, because I have previously given the subject a full and anxious consideration. The *lex loci* Act, if accompanied by a digest of such parts of the English law as it was deemed expedient to introduce into the Mofussil, would introduce no difficulties, subleties, or technicalities whatever. It is, in my opinion, indispensable to the success of this experiment that a digest should form a part of it, which might readily be enacted." That was what he then proposed, and his words express the wants of India as to a code of civil law.

4175. Would not the labour of a few weeks be sufficient to prepare a law of contract practically sufficient for the wants of India?—Yes; the most unfortunate thing that we have had to contend with in India is, the apparent dislike there has been to receive anything at the hands of a Law Commission. I am afraid we have suffered from that.

4176. Is there a little jealousy in that respect on the part of the civil service?—I do not think that the proceedings of Law Commissions have got into the hands of the civil service, generally.

4177. But on the part of the higher authorities?—I think it an unfortunate thing that more countenance has not been given to the Law Commissions, because there are in the hands of the authorities in India, and in this country, the labours of Law Commissions for the last 25 years, which if once adopted would give India a very different administration from what it has now.

4178. Mr. *Campbell.*] That experience has not been reduced to law?—We have these labours here reduced to two as superior codes as you will find anywhere.

J. A. F. Hawkins, Esq.

20 May 1858.

where. However, the authorities are not to blame for this, because they had it before the Legislative Council when the mutiny broke out.

4179. Mr. *Lowe.*] The Commission prepared two codes?—Yes; the civil procedure and the criminal procedure, which are far superior to anything which they now have in India.

4180. You were one of the original Commissioners?—I was one of the original Commissioners.

4181. Did the Commission enter upon their labours under a distinct understanding and undertaking from the Government, that what they recommended should be carried out?—That was the impression upon the minds of the Commission.

4182. It has been stated that the civil servants of the Company have been anxious to obtain some Act protecting them from liability for their conduct as such civil servants; that is founded, is not it, upon the case of Calder *v.* Halkett?—Yes, but it is a mistake.

4183. In what way?—I held the office of register of the Sudder Court in Calcutta for 10 years, and that was the channel for the communication of all correspondence upon legal subjects with the Supreme Government; and I believe I can say that, during the whole of those 10 years, not a single letter upon the subject passed through my hands. Here is the Act, which was passed in the year 1850, giving protection to the judicial officers of the East India Company in the Mofussil; and it agrees almost word for word with the recommendation of Sir Laurence Peel himself, who was the party to originate it. I have the letter of the Supreme Government sending home Sir Laurence Peel's letter, and the Act itself is almost a copy of a paragraph of his letter.

4184. What is the effect of the Act?—It is very short: "No judge, magistrate, justice of the peace, collector, or other person acting judicially shall be liable to be sued in any civil court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction; provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of: and no officer of any court, or other person, bound to execute the lawful warrants or orders of any such judge, magistrate, justice of the peace, collector, or other person acting judicially, shall be liable to be sued in any civil court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the person issuing the same."

4185. What was the case of Calder *v.* Halkett?—It was a case of false imprisonment that Mr. Halkett, the magistrate of Nuddea, was charged with by Mr. Calder. How the case was decided in the Supreme Court I am not quite prepared to say, but I think it was given in favour of Mr. Halkett, under the Act of Parliament which protects judicial officers. That was overruled by the Judicial Committee of the Privy Council, who seemed to think that the protection which the law intended to give was not of that nature that Mr. Halkett claimed.

4186. The effect was that the civil servants of the Company had not that protection which magistrates and judges in England have?—Yes. Sir Laurence Peel says, in proposing this law, "This, as far as the courts of the East India Company are concerned, will make the law what I believe the intention of the Legislature to have been to make it. The decision of the Privy Council in the case of Calder *v.* Halkett, has given a different meaning to the Act, and that decision of course must be followed by Indian courts. In my opinion, justices of the peace are very inadequately protected, as well as inferior judges generally;" and the Act, as I have stated, is almost word for word, a paragraph of his own letter.

4187. It has been stated to this Committee that the Government of the Company has become more arbitrary of late years, and it has been attributed very much to that Act?—That I cannot say.

4188. With regard to the indigo planters in the Mofussil, and their relations to the ryots, does the state of the law at this time afford the indigo planters any means of getting undue control over the ryots?—I do not know that it gives them any means of getting undue control over the ryots. When an indigo planter has once made his advance to the ryot, he has his immediate summary application to the court if the ryot does not carry out the terms of the contract.

4189. How does that work practically?—It depends very much upon the character of the planter; in some places it works well, in other places it is thought to be an engine of oppression.

4190. Is

4190. Is it not the fact that it is very much the practice to get a decree against a ryot?—That is supposed to be for the purpose of getting a hold upon the ryot.

4191. He does not exactly perform his contract, and then a decree is obtained against him?—He gets a contract to cultivate so much indigo, and he gives indigo that will not pay off the sum that he is indebted to the planter; the planter has the option to go to the court to get the balance, and he gets a decree which may or may not be enforced. If it is not enforced he has a hold against him for the future; if the ryot should go off to a rival planter he has a hold against that man by the decree, which he can put into force at any time.

4192. Then from that moment he has great power over him?—Of course if he chooses to exercise it.

4193. Practically when such a decree is obtained, the ryot does not leave the indigo planter?—No; he may go and tender the whole of the balance in court if he chooses, and get rid of the decree.

4194. A good deal has been stated before the Committee with reference to Mr. Grant's sale law; are you familar with the details of that law, and with the objections taken to it?—The objection which the indigo planters took, was chiefly with respect to the working of the Act.

4195. What was the object of the Act?—One of the leading objects of the Act was to give protection to under-tenures under the revenue laws; now under-tenures are not protected, that is to say, the moment an estate is sold for arrears of Government revenue, every intermediate tenure between the zemindar and the cultivator of the soil, with certain specified exceptions, is immediately abrogated; it falls to the ground. One of the great objects of Mr. Grant's sale law was to give protection in such cases.

4196. How was that to be accomplished?—By a local inquiry, to ascertain whether it was a fair rent that the intermediate tenure holder was paying.

4197. Supposing it was a fair rent?—Then he proposed to maintain the tenure.

4198. If he thought that it was a *boná fide* transaction?—Yes; in fact a *boná fide* transaction is now maintainable under the law, notwithstanding a sale, if it is for 20 years.

4199. If it is for less than 20 years, it was proposed to maintain it if the result of the inquiry was favourable to the putneedar?—Yes.

4200. Mr. *Villiers.*] The inquiry is as to whether it is a *boná fide* transaction, not as to the rent being a fair rent?—It is as to whether it is a *boná fide* contract, and also as to whether the rent is a fair one.

4201. Mr. *Lowe.*] The inquiry respects both?—Both.

4202. Was not that question whether the rent was a fair rent, a substantive consideration?—I have several papers relating to that subject which I shall be happy to hand in to the Committee.

4203. With regard to the Opium Contract Act with the Government, what is the nature of that Act; does it give the Government a summary remedy against people to whom they have made advances?—The old law did so. That law has been altered in some respects; a new opium law came out last year. The officer who made the advance had the power of proceeding against the man to whom the advance was made, and of enforcing his claim.

4204. How was he to proceed?—Supposing the party taking the advance had not cultivated the specified quantity of land, he first called the man before him, and went into the evidence upon the subject, and fined him, and levied the penalty.

4205. If he did not pay the fine, what happened?—He was sent to prison for a certain number of weeks or months.

4206. Will you state what the new Act is?—By the new Act there is also a penalty on the cultivator who has received advances neglecting to cultivate the full quantity of land; that is a penalty that may be enforced by the opium officer.

4207. With a power of fine and imprisonment in the same way?—To the extent of three times the amount of the advance.

4208. And in case of default of payment, what is to be done?—My impression is, that it is to be enforced in the same way as a decree of court. You take the man's property and sell it, or send him to gaol. With regard to all other penalties for embezzlement and illegal purchase of opium, and various other offences formerly punishable by the opium officer, the party must now be tried by a magistrate.

J. A. F. Hawkins, Esq.

20 May 1858.

4209. Does the law limit the power of the officer?—Yes, he must go, as a prosecutor, before a magistrate.

4210. Mr. *Lowe.*] The power of adjudicating, except in one case, is taken out of the hands of the officer, and put into the hands of a person who is more impartial?—Yes, and into his hands in preference to the judge, with reference, I presume, to those provisions of the penal code which include offences against the revenue laws.

4211. It has been suggested, that it would be a great boon to the European settlers to make the provisions of the old Opium Act apply to their dealings with the ryots?—You could not give to the indigo planter the option of sending the man to gaol. In the one instance you would have a man acting in his own case, while in the other instance it was a public officer, having no personal interest.

4212. You think that it would not be a good thing?—No.

4213. You think it would be against justice?—Yes; there were some offences under the old indigo laws made punishable criminally by the magistrate, which are not so now, those laws having been repealed.

4214. With regard to the redemption of the land tax, what is your opinion upon that subject?—From the high price that you would have to pay, probably 25 years' purchase of the Government revenue, to redeem, I do not think that it could be done; I think it quite hopeless.

4215. You heard Mr. Mackenzie state that he was willing to redeem at that price; suppose persons are willing to do it, do you see any objection to it?—No; anything that could be done to throw capital into the land I see no objection to.

4216. Is not a great deal of the difficulty, with regard to the tenure of land in Bengal, owing to the want of a complete survey and valuation of the land?—Not so much with regard to tenure as to the ascertainment of what is comprehended in the tenure. As good a survey in Bengal as there has been in the North West Provinces would have saved us a great deal of trouble and litigation.

4217. *Chairman.*] How far has the existing survey of Bengal proceeded?—We have had no recent accounts from India. They have spent about 20 lacs of rupees, but there have been no reports for a long time as to what has been actually done. Beyond some districts in Behar, and a few in Bengal, there is no account of the progress of the survey I believe that for the last two or three years there have been no regular reports.

4218. Mr. *Lowe.*] Has not there been some Commission to resume la-khiraj land in Bengal?—Yes; there were certain officers, called special Commissioners, appointed for the trial of cases of resumption. That was done by a law which was passed in the year 1828.

4219. What has been the result of that?—The result of it has not been good; it has given a great deal of dissatisfaction, though the thing proceeded upon a sound principle, which was, an inquiry into the titles to hold land rent free, many of which were forged and many were false; and it had been held out to the people from the very commencement of Lord Cornwallis's system, in 1793, that all those titles were liable to inquiry; but I think the inquiry was postponed too long, and when once entered upon, it was entered upon too extensively, and the effect was a great deal of dissatisfaction.

4220. And alarm?—And alarm.

4221. You think it was not worth the alarm and dissatisfaction?—I do not think it was.

4222. The delay in executing decrees is very much complained of?—Yes.

4223. How does that arise?—You cannot take a man's property in attachment for a decree of court, but you may have a dozen people who rise up and claim the property, and there is a law-suit to be gone through with every individual.

4224. The remedy for that would be something that would make the ownership of property notorious?—Yes; and this code of procedure which you propose, which carries out the principle of personal examination from first to last, would be effective. The very circumstance of being able to call the man into court who sets up a claim, and to examine him upon that claim, would put an end to many false claims.

4225. A decree may stand over for 12 years without being executed?—Yes, it may.

4226. Do you think that that is a proper regulation?—No. I think that it should be enforced within a reasonable time; but it is a mercy to some people to allow

allow the decree to stand over. But I may state, that the whole system of the law of limitation needs revision: 12 years is too long; it ought to be six years for all cases of contract, though not as to inheritance.

4227. Is that limitation established by regulation?—Yes; the time is calculated from the date of the cause of action.

4228. *Chairman.*] The law of title has no limitation, has it?—There is a prescriptive title of 60 years; but ordinarily if you have a claim for real property upon contract, or otherwise, you must bring it within 12 years.

4229. Do you think that a law of limitation is required generally in India?—Yes; a more stringent law than the present law.

4230. I refer generally to the limitation of actions?—The question has been considered over and over again, and it has generally been considered that a new law is advisable.

4231. Mr. *Lowe.*] What is the rate of interest recognised in Bengal?—None at all; it used to be 12 per cent. The Usury Act, which was passed last year or the year 1856, has done away with all rate of interest.

4232. Anything beyond 12 per cent. before was illegal?—Yes; it not only could not be recovered, but it vitiated the contract.

4233. With regard to the police; what is your opinion as to the state of the police in Bengal?—It is bad.

4234. What remedy have you to suggest for that?—I have been thinking of it for the last 20 years, and I can scarcely say how it should be done. One thing is, to improve the officers with whom you work by giving them a higher pay; that has been recently done.

4235. You refer to the native officers; the darogahs, for instance?—Yes; and there would be a great improvement in the police by your locating deputy magistrates in various parts of the districts now under the entire control of a zillah magistrate.

4236. The deputy magistrate is a European?—No, not necessarily; I would prefer more Europeans, but I do not think the financial considerations would allow of it. With regard, to the more subordinate officers of police, I would like to see a greater infusion of the European element, beginning at posts close to the magistrate's station. It will not do to send out Europeans at all distances from the magistrates' courts, who are unable to speak the language, and who may treat the natives in a way that would not be desirable. There is no man perhaps more sensitive than the native upon that point, and there is no man in the world who understands better what gentlemanly treatment of him is. Were you to infuse more of the European element, and begin under the eye of the magistrate, and extend it by degrees as you got good hands, you might greatly improve the whole of the police by so doing; but then comes the financial consideration. Both as to the extensive employment of European deputy magistrates, and the infusion of a larger European agency into the police, you have difficulties to contend with on the part of the Indian Chancellor of the Exchequer.

4237. You do not think that taking intelligent serjeants out of Her Majesty's regiments, and placing them in the police, would be a good thing?—Yes, commencing near to the eye of the magistrate. When he knows his men, and can trust them to go further from him, I would extend the place.

4238. With regard to the criminal law, by which a man is tried in Presidency towns, and in the Mofussil, is that of the same personal character?—In the Mofussil it is called the Mahomedan law, modified by the Regulations.

4239. Is there one criminal law for all India?—Yes, beyond the Presidency towns, and within the Regulation Provinces.

4240. And that is the Mahomedan law?—That is the Mahomedan law.

4241. And not the English law?—And not the English law. It is called the Mahomedan law, but there are very few remnants of the Mahomedan law.

4242. Englishmen are subject to the English law?—Yes, and in petty cases the magistrate has a special jurisdiction under an Act of Parliament.

4243. What does a Frenchman do?—He is tried by the English law in Calcutta.

4244. And in the Mofussil?—Then by the modified Mahomedan law. An Act was passed in the year 1832, which said that any person not a Mahomedan was at liberty to ask for a jury, and was to be tried by that jury without any intervention of a Mahomedan law officer.

4245. Were the jury to be of his own race?—He might be a Frenchman, and

J. A. F. Hawkins, Esq.

20 May 1858.

in that case we could not get a French jury; but if he was a Hindoo he might be tried by a jury of his countrymen.

4246. Mr. *Villiers.*] Without reference to race?—Yes.

4247. Mr. *Lowe.*] With regard to the law, suppose that a Frenchman committed murder in the Mofussil, under what law would he be tried?—The Mofussil law.

4248. That is the Mahomedan law?—Yes, that is the Mahomedan law as above explained. In all cases formerly, the Mahomedan law officer sat upon the bench; he is now dispensed with, and we may have a jury.

4249. Mr. *Villiers.*] If an Englishman commits a murder in the Mofussil, where is he tried?—He must be sent to Calcutta to be tried.

4250. Mr. *Lowe.*] Can you mention certain instances of the inconvenience of the practical working of that law?—It occurs wherever a European is guilty of any offence of that kind at a distance from Calcutta. I have just had two cases pass through my hands; one was the case of a man in Lahore for embezzling a trifling sum of money. That man was sent down to Calcutta to be tried by the Supreme Court, 1,300 to 1,500 miles away, at a very great expense to the Government. There was a case occurred the other day in which a man was sent from Ootakamund, in the hills at Madras, to be tried for opening a letter which passed through his hands. He was a European postmaster, and it cost the Government about 2,000 rupees to prosecute him for stealing 200 rupees; and of course, when a European commits any crime, he must be sent down, together with every witness, which is a great hardship upon the people, except in the case of petty assaults, which, under the Act of Parliament, the magistrate himself may punish.

4251. You stated that the magistrate has a discretion in referring a European to the criminal court over which the native judge presides; what does he do supposing he does not refer him?—If this code were passed he would try him himself, or commit him to the Session Court, but that is not the case now.

4252. It does not depend upon the reference of the magistrate now?—No; the magistrate cannot himself punish a European, except in petty cases.

4253. What was your plan if he did not refer him?—That he should try him himself, or commit him to the Session Court.

4254. Mr. *Willoughby.*] The magistrates have a very limited jurisdiction over Europeans, even in the Mofussil, in their capacity of justices of the peace under the old Act of Parliament?—They have no penal powers whatsoever, as justices of the peace under the Act of Parliament referred to.

4255. Have they not, under the Act of the 53 Geo. 3?—It is a mistake to suppose that they have that power as justices of the peace; it is as district magistrates. The clause of the Act which gives that power does not speak of a justice of the peace, but of a zillah magistrate. It has been referred to the Advocate-general at Calcutta as to whether the magistrate was required to sign the summons, or the warrant for the arrest of a European, as a magistrate or as a justice of the peace, and the answer has been that he acts as a magistrate, and not as a justice of the peace; he may be sworn in as a justice of the peace, and take informations against a European; but then he would send him down to Calcutta, and if he was not a zillah magistrate, and had not the powers of a magistrate, he could not punish him; he must do that as a magistrate.

4256. Mr. *Campbell.*] If I understand you rightly, Sir Arthur Buller's reading of the Black Act is incorrect as regards the exemption in favour of the Queen's or the Company's officers?—He is incorrect in so far as considering that the whole four classes exempted from the jurisdiction of the inferior courts include only Europeans, whereas the fourth class includes natives; that is to say, if I read Sir Arthur Buller's speech right.

4257. I understand you that if this Black Act had been put into operation, a junction of the Supreme and the Sudder Courts was to have taken place?—Yes, the amalgamation of the two courts was part of the scheme.

4258. Was not the Black Act attempted to be introduced recently, before that junction of the Supreme and the Sudder Courts had taken place?—I cannot say what the proceedings or the intentions of the Legislative Council might have been; it was thus prepared, and it was intended that the whole should have been one general scheme. No doubt it would be advisable that a great portion of that procedure should be passed independently of that amalgamation.

4259. Mr. *Lowe.*] Was not it an attempt to take out a portion of it, letting the question of the amalgamation of the Supreme and the Sudder Courts stand over

for

for a time?—Yes; it was an attempt to take the codes of procedure made for the amalgamation, independently of the amalgamation.

4260. Mr. *Campbell.*] You mentioned that the authority of a magistrate, or other officer of the service, would be materially damaged by subjecting him to trial by a native official?—Yes.

4261. Does not it occur to you that an independent resident or planter might, in a pecuniary sense, in reference to his property, be equally damaged by being subjected to trial by a native?—I object to it altogether, criminally; and with reference to the subject generally, I would say that I would not subject a European to the magistrate, with regard to a summary jurisdiction, to the same extent that he has over a native. The European never having been subject to the Mofussil Courts, if I were to subject him to the Mofussil Courts, and to the jurisdiction of the magistrate, I would proceed with the same jurisdiction that the magistrate has in the Presidency towns. I think that it would be unnecessary to give him that same summary jurisdiction over the European that he has over the native, but rather he should have a smaller jurisdiction, and for a higher offence Europeans should be tried by the sessions judge, with a jury.

4262. You object to the introduction of the English language in the Mofussil Courts?—Yes, I do.

4263. You are aware that in Ceylon the English language is the general language of the Courts?—Yes.

4264. And that the people there are generally conversant with the English language?—Yes.

4265. Is there anything to prevent the people of India from acquiring the English language in the same way?—You have a vast population to deal with, old and diverse languages to which they are attached. As an abstract question, I should like to see the people of India in possession of an English education, and of the English language. You have, however, been carrying on the old system far too long to admit of a ready transition to another. Powerful influences would be arranged against you in the attachments and strong partialities of the people for their own languages, and the large body of Vakeels and Mookteears, who exercise considerable influence, and who would be displaced by the introduction of the English language, would do all in their power to increase and strengthen the opposition to any such attempt. My fear is that the introduction of the English language into the administration of justice, would be viewed by the natives throughout India more as a badge of conquest, and an act of injustice, than in any other light.

4266. Do you think that conducting the proceedings in a language with which the judge is only partially acquainted is beneficial to the people of India?—At all events, the people like it, better than doing so in a language with which they are not at all acquainted.

4267. Would it not be desirable to gradually attempt the introduction of the English language, seeing that the fruits flowing from it are so good in other places?—I do not see how you could do it gradually, except by English education.

4268. Would you make the experiment in any one district where it might be optional to the people which language they took?—I am opposed to that; I do not think you could do it without causing alarm to the people generally.

4269. On first appointments a system of competitive examination exists in this country?—Yes.

4270. Do you think that there is any objection to that system of competitive examination existing for posts in India, where great efficiency would be required in the officers; would it not be beneficial, as testing the efficiency of the officers for employment?—Yes; but you scarcely have a field large enough in India, except among the natives.

4271. A man having passed the competitive examination here is endorsed for life in his employment in India, and there is no encouragement to the efficient officer over the inefficient; do you think that any benefit would result from having competitive examinations for the situation of magistrate and collector, or any other situation?—I would go about improving the service in another way. I think that you cannot go about it in a worse way than you are doing at the present moment. The candidates for the present competitive examination are young men of 22 or 23, and it appears to me that this system of competitive examination at home has been framed much more for the benefit of the Universities in England than for the benefit of the people of India. To take a

J. A. F. Hawkins, Esq.

20 May 1858.

man at 23, and then allow him to stay in England till he is 25, and then send him out to India, is not the way to get a good officer for India. He is too old, and he will not pick up the language in the same way, and will not submit in the same way that we did as boys to the drudgery of inferior situations. The way is to take your men at 18, and then educate them for a period not exceeding four years, expressly for India, in jurisprudence, law, political economy, Indian languages, history and geography, and to insist upon their attending so many circuits, and attending the county courts. In that way you would raise up a body of men far more efficient than the present; and if they were trained properly at home you would want no competition in India. But to send out a man at 25, because he is a good literary man does not seem to me to be a good way of getting an efficient service.

4272. Mere scholistic qualification does not meet practically the wants of India?—Certainly.

4273. You are of opinion the superior and same judicious selection here would supersede the necessity of a competitive examination out there as vacancies arose?—Yes, that is the point; get efficient men here, and you would not want competition for particular appointments in India.

4274. You object to throwing the covenanted civil service open to the uncovenanted service, by reason of the jobbery that might be encouraged, and you gave as an example, that inasmuch as the first appointments emanated with the Court of Directors, and they had no further control over the civil servant in India, the service was free from jobbery?—Yes, but now competition is substituted for nomination by the Court of Directors.

4275. Do you not think that emulation in the service should be encouraged, and that a deserving uncovenanted officer should have advancement, the same as a deserving non-commissioned officer is open to having a commission given him?—I would give encouragement by the prospect of promotion, but the officers should rise in their respective services.

4276. Is not the service of India one service; is not the uncovenanted magistrate performing duties which are nearly analogous to those performed by the covenanted magistrate?—Then you open the question, can you do it for the European uncovenanted magistrate without doing it for the native in the same position. Now I do not think that the time has come when you can put the natives into the higher offices.

4277. What is there to prevent your excluding them if they are not qualified. Because they are not qualified, is that any reason why the uncovenanted European officer should be excluded?—I do not see how you could admit one without the other; and I do not see how you can bring the natives in. It is not a mere question of personal qualification for the duties of a particular office.

4278. With reference to the jobbery; you must be aware that it is competent for an influential Director here to write to his friend the Governor-General, or his other influential friends in India, to exercise a little fatherly care over his protegée?—There is not the slightest doubt of it. But I would take the opinion of any man who knows the civil service in India whether it is not particularly free from jobbery.

4279. Would not interest do more for a man than his acquirements?—I do not think that it would in India.

4280. From the extension of our territory, you say that India is under-supplied with civil and judicial officers?—Yes; the civil service at large is, I think, undermanned.

4281. Do you not think that that might be remedied to a great extent by a further efficient police, with a larger European organization, and might not the duties of the civil service be materially abridged by a more efficient police?—Unquestionably; a great deal of the work done by assistants would be done then by other officers.

4282. So that if you increase the police, and had it made efficient, there might not exist the same necessity for an increase in the civil service?—No, I do not think that it would do away with the necessity altogether; but it would abridge it.

4283. You are aware of the existence of an asylum in the hills called the Lawrence Asylum?—Yes.

4284. Do you not think that young men educated at that asylum might be very profitably infused into the police of India?—Yes. My only fear is, whether they would last in regard to health.

4285. Have

4285. Have you ever been in the hills yourself?—Very little; but I have been there. I have no doubt that Europeans would keep their health there pretty well; but I should doubt whether those born and bred and brought up there would stand the plains very well.

4286. It has never been finally satisfactorily proved what is the duration of life in the hills with respect to the generations, whether it is one, or two, or three?—No, there has not been time for that.

4287. You have just mentioned the great inconvenience of bringing Europeans from remote parts of India for trial by the Supreme Court for criminal offences: would you recommend an extension to Allahabad, Delhi, or Lahore, of the Supreme Courts which are now held at the Presidency towns, with a view of saving the cost and trouble of bringing criminals long distances for trial?—No, I would not.

4288. What would be your objection to that?—I do not believe that the natives would like it. I speak of what I know of India; I believe that they dreaded the extension of the Supreme Court.

4289. You think that the occurrence of offences among Europeans would not be sufficient to warrant it?—No, it would not. The Committee may be aware that Lord Macaulay some years ago expressed a strong opinion of the dread of the natives of the extension of the Supreme Court; and he spoke from documents and petitions that were presented to the Council when the natives thought that the Supreme Court was about to be extended.

4290. Mr. *Willoughby*.] You have alluded to the inexperience of the judicial authorities in some respects; do you recollect that in Lord William Bentinck's time all civil jurisdiction was transferred from the European judicial authorities to the native?—Yes, nearly all original jurisdiction.

4291. Has not that been one of the great causes of the deterioration of the service, by destroying a school in which Europeans were trained?—Yes; unquestionably it has been a great evil that the office of register was abolished; that was upon the civil side.

4292. And the assistant register?—There were no assistant registers in Bengal.

4293. Those who are in favour of establishing courts of justice on the principle of the Supreme Courts in the Presidency towns have stated that they think that it is practicable, and would be even beneficial, to administer the English law through the medium of the English language, by means of interpreters; do you think that able and honest interpreters could be found?—If you could get the most honest interpreters in the world, you never would satisfy the natives, when the administration of justice was carried on through the medium of a language which the people did not understand.

4294. You have stated that if magistrates and deputy magistrates were placed in greater numbers in Bengal, there would be an improvement; you are aware that that is in force and works well in Bombay?—Yes; there has been an alteration in the Bombay police within the last three years, by giving a larger European agency, which has answered remarkably well.

4295. In Bombay assistant magistrates are placed in subordinate districts?—Yes.

4296. The resumption laws are not in force now?—No; the practical operation of them has ceased.

4297. You have alluded to the Mahomedan law being the criminal law in the Mofussil, with modifications; what do you mean?—The basis of the Cornwallis system was, that the Mahomedan law was to be administered; but it has been modified at various times, by various regulations of the East India Company, which have done away with the distinctions that the Mahomedan law draws as to the various kinds of crime, and have done away with the distinctions that it draws as to various kinds of evidence; all those distinctions have been done away with, and the laws we administered under those regulations, which are considered as modifications of the Mahomedan law.

4298. Have not they done away with some of their punishments and penalties?—Of course; mutilation was the first; you could not keep that.

4299. Then in fact the law administered is that of the Company's regulations, rather than the Mahomedan law?—Yes; it is called the Mahomedan law, modified by the Company's regulations.

4300. You alluded to the alterations in the system of preparing young men for

J. A. F. Hawkins, Esq.

20 May 1858.

India; is it not the fact that the second examination which, under the report of the Commission of which Lord Macaulay was president, was prescribed, has been discontinued?—Yes, it was omitted last year; but even if the examinations had been continued, it appears to me that the time given to the additional branches of study was not sufficiently long to qualify the candidates.

4301. It is to be feared, certainly, that under the present system the young men who proceed to the civil service of India are not likely to have the small degree of jurisprudence which was acquired by the tuition at Haileybury?—Certainly not; you take a man as you find him.

4302. In this important question the Court of Directors have no voice; it solely rests with the Board of Control?—Yes; that is, by Act of Parliament, and the Board of Control passes its own orders upon the subject.

4303. Mr. *Gregson.*] You stated that the civil service is under-manned; do you know the number of civil servants in India?—Altogether I think about 800 in the three Presidencies. I am not quite clear upon that subject.

4304. To what extent would you suggest that that number should be increased?—I should like to see them increased by one-half; that is, I would raise them to 1,200 at once.

4305. With regard to competition, would it not be desirable to have some competitive examination at the three Presidencies of Calcutta, Bombay, and Madras, amongst the civil servants themselves for the different appointments?—I would rather see the examination which now exists. At present a man cannot pass into a superior grade without going through an examination, and that is carried on for two or three steps at the commencement of his career; it is not so when he gets to the higher offices.

4306. Would you extend that to a system of competition?—You might extend it to a system of competition, but the ground of competition is too limited. There might be half a dozen men ready for examination; probably not more.

4307. You propose to increase the pay of the darogahs. It has been stated in evidence, that the higher pay they receive, the higher bribes they expect?—I do not think that is so; all this has been done since I was in India; but we have made better judges than we formerly had by giving them good pay, and I do not see why we should not make better darogahs by giving them good pay; and in the course of time I think you will get a better class of men.

4308. You propose that the civil servants should be appointed at the age of 18, and remain in this country, going round to the different courts. Do you propose that they should come into the receipt of any salaries from the age of 18?—No; they educate themselves now at their own expense up to the age of 22, and then offer themselves for examination.

4309. From 18 to 22 are they to be educating themselves further at their own expense?—Certainly.

4310. Mr. *Knight.*] What sort of position does the indigo planter hold in India; is it that of a gentleman; has he a large house and establishment?—Yes. There is a wide line, and I think it unfortunate, drawn between the service of the Government and the indigo planters. Perhaps it is pressed upon us more by circumstances than anything else. I have known a number of indigo planters who were perfect gentlemen, fit associates for anybody; but I recollect, on one occasion particularly, when I decided a case in favour of an indigo planter, where the man who lost went to my superior and said, "I cannot get justice from that officer; he dines with the indigo planter." I believe that the indigo planters and the civil servants do take a view of each other which is perhaps forced upon them from the positions which they occupy, which is very unfortunate. The indigo planter very often lives at a distance from the station, and is never heard of except he appears in court for doing something contrary to law; and the judge gets the idea that every indigo planter is an obstreperous gentleman. The indigo planter hears of the judge, not as the judge actually is, but as his agent reports him to the indigo planter, and he very often imposes upon both; he imposes upon the indigo planter, and gives as his reason for the dismissal of a case in court that the judge has acted unjustly, or that the judge did so and so, or that he wanted so and so; they are both represented to each other in false lights. But this kind of thing is forced upon us by the difficulties of our position. We cannot get the native to understand that we are unbiased, and impartial, and not acting unfairly in favour of our own countrymen, if we associate with them as we might otherwise do.

4311. Does an indigo planter generally go to India with the view of becoming a planter?—I cannot speak very decidedly upon that question; but I fancy that many of them do go out to factories that belong to their relatives and friends.

4312. Taking capital with them?—Some of them a good deal.

4313. Are there others who go out in some lower capacity, and who rise?—I do not know that they rise; they have generally European or Eurasian assistants in their factories; that applies to very many of them.

4314. Do you think that 5,000*l.* would be sufficient to enable a man to go out to India as an indigo planter?—I am not acquainted with these things; but I should think that he might begin with that.

4315. Do the indigo planters carry on other businesses in India; are they merchants of any sort?—Some of them are.

4316. Do they deal in English goods?—No; they deal more in native produce; sending home native produce, sugar, and so forth.

4317. Do they frequently come back to England, having made money?—Yes, they do.

4318. Is it a competency that they make, or is it a tolerably large fortune?—That I cannot tell you. I have heard of some making large fortunes.

4319. Do you not think it is curious that there are not more men who go out to India; is it because it is not so well known?—Some have objections to the system under which they are obliged to live; and in some districts, perhaps, there is not room for more. Indigo requires a very large extent of land; it is not every kind of soil that will grow indigo; and then again I believe many of them have objections, indeed they have stated them, to the system under which they are obliged to live.

4320. You think that some improvements might be made which would enable a much larger number of English to go out?—I cannot say a much larger number. I think that improvements might be made which would induce some persons to look upon the administration in a more favourable light than they do at present.

4321. Is there room for a great extension in the cultivation of cotton or sugar?—Yes, no doubt, both with regard to cotton and sugar.

4322. And tea?—Yes, I believe so.

4323. And that would be much facilitated by an alteration in the administration?—I cannot say that. I believe that a great many would be willing to go, and do go; whether the cultivation would be largely increased or not, I cannot say. I do not think it would.

4324. Do you think that a man with 3,000*l.* or 5,000*l.* would have a better chance of making a fortune in India than by staying in England?—That I cannot say; I am not competent to speak on those points.

4325. Mr. *De Vere.*] Can you state whether, in your experience, there is any obstruction thrown in the way of the settlement of Europeans on the part of the East India Company?—Not since the restriction debarring them from holding lands was taken off; to my knowledge there has been none.

4326. Now that those restrictions have been removed, are you aware whether there is any indirect discouragement on the part of the East India Company as tending against colonisation in India?—I am not aware of that. There is this impression, I have no doubt, on the minds of many officers in India, that they would rather see the lands in the hands of the natives than see them dispossessed to any great extent. There is nothing that you now have to contend with in the North Western Provinces of a more difficult character, not to speak in stronger terms, than the fact of the dispossession of the old landed proprietors by the natives themselves, capitalists and merchants; in the settlement of the country that will probably be found one of the greatest difficulties to contend with. Now, were the natives to be ousted to any large extent by European landed proprietors, I believe that politically the thing would be difficult, if not something worse, to the Government. If they once got the notion that people were coming out from England, not simply for the purposes of settlement or for the purposes of Government, but to oust them from their lands, to which they cleave as to their life-blood, it would be a very unfortunate state of things.

4327. Are you of opinion that any prejudice exists on the part of the Company as against European colonists?—I am not aware of any at all.

4328. And, *à fortiori*, you are not aware of that prejudice operating in any way upon the conduct of the officers of the Company with respect to colonists?—I am not.

J. A. F. Hawkin Esq.

20 May 1858.

4329. Do you know of any now existing obstacles operating against European colonization in India?—The chief is the police system, and the system of judicial administration, to which the settlers say that they object; I know of nothing as a question of administration beyond that. As far as I have been able to gather from the views which they have expressed, the system of administration has been stated by them as an objection, and I give them credit for what they say.

4330. *Chairman.*] You stated that there was a great objection to the introduction of European police, in consequence of the financial difficulties of the question?—Yes.

4331. Do not you think that the introduction of capital into India is one of the greatest objects of those persons who had the improvement of India at heart?—No doubt of it.

4332. Is not it worth while paying a large sum of money for the security of personal property, and thereby encouraging the introduction of capital?—Yes.

4333. Do you not think that a good system of police, which would tend to give security to person and property, and which would encourage the introduction of capital, would be highly desirable?—Yes; but the introduction of capital into a country like India, where the land for the most part is private property, is very different from introducing capital into such colonies as Australia and Canada, where there is a quantity of spare land.

4334. Is not it worth paying to have a well-conducted police, which would bring repose to the country, and thereby encourage the introduction of capital?—Yes.

4335. Therefore, though it might be costly, might not it be desirable to have it?—Yes, no doubt of it; and also upon the ground of giving the people better justice.

4336. I think you stated, with regard to the exemptions which are mentioned as existing in the speech of Sir Arthur Buller, that it was only officials who were exempted?—Yes.

4337. Would not those exemptions of officials give an advantage to the European official over the European non-official?—Unquestionably, with regard to the amenability to certain courts; but that is the very distinction which I hold to be essential to the mind of the native, you must give a certain position to office.

4338. You stated that the introduction of the English language into the courts of law would be objectionable; supposing it were introduced, and notwithstanding that the natives found from a long experience that justice was well and admirably administered; would they or would they not be likely to be reconciled to it?—I believe that nothing that you can do, will reconcile the native to the loss of his own language in the administration of justice.

4339. If you heard that persons very conversant with the natives, had said that the English language could be introduced in certain parts of India, would you attach any value to their experience?—No, I could not; I should believe them to be wrong. In a case of this kind I must take my own knowledge and experience of the natives, and form my judgment upon them.

4340. You hold notwithstanding that abstractedly, if it could be effected it would be desirable?—Yes.

4341. But you consider it impossible to introduce it even in the most gradual manner?—I think it impracticable to introduce it as the language of official administration among the natives.

4342. I understand you to speak very much in favour of the system of appointments, which has hitherto prevailed in consequence of the appointments being made at home, and the promotions being made in India?—Yes.

4343. Do not you think that a system of fair examination might be substituted for the system of appointments which has hitherto prevailed?—Yes, it has been introduced at home.

4344. Contrasting the system of competition with the system which has hitherto existed of appointment here, and nomination here, which do you think is the better system?—Unquestionably *cæteris paribus*, the system of competition is the better; but when you come to the details, you will find a number of difficulties in the way of competition for particular offices in India.

4345. With regard to the Mahomedan and Hindoo laws, did you state that in cases decided under the Mahomedan and Hindoo laws, the parties are satisfied with

with a simple establishment of the fact?—No. What I say is, that when you have these Hindoo and Mahomedan cases brought into your courts, you will generally find them turn upon questions of fact, the law being undisputed when the fact is ascertained, which leads me to the conclusion that had they a code of laws for all other purposes, there would be less of litigation than there is now. The people show a willingness to abide by a written law.

4346. The Hindoo and Mahomedan law is certain?—The Hindoo and Mahomedan law is at the present time almost certain, except upon a very few points.

4347. So certain that the instant the fact is decided, the law steps in and decides the point?—In 99 cases cases out of 100. In fact out of the vast population of India almost all their cases of succession under the Hindoo law, and other legal points, are decided out of court.

4348. Therefore the Hindoo and Mahomedan law would contrast strongly with the present vagueness and uncertainty of the law, when administered by a judge who relies entirely upon his own opinion?—There is no law in the one case, except what the judge considers to be justice.

4349. There can be no uniformity of law?—There is a want of uniformity of law, and the consequence is increased litigation.

4350. You mentioned the importance of having Europeans who come into contact in their official capacity with the natives, brought up in such a manner as to make them fit to act properly towards the natives?—Yes.

4351. Have you ever heard of a plan which has been suggested, whenever India is again restored to order, of having the children of the soldiers of the English army brought up in the hill districts, in such a manner as to prepare them for taking situations under the Government?—No; I do not know that any plan has been thought of, with the intention of educating them for appointments.

4352. Supposing it were so, do you think that it would at all coincide with your views as to the propriety of especially educating persons who are to come into contact with the natives?—I think that you might make use of them, and thereby obtain an improved body of persons for parts of the administration of India.

4353. Would not they have the advantage of being habitually brought up from their early youth in contact with the natives—It depends entirely upon the system. You might be up there in the hills almost as much separated from the natives as in England.

4354. Suppose you educate them specially?—Yes, but you might educate them specially in certain points at home.

4355. Would that give you any advantage over the persons who are casually introduced into India?—Yes, but the grand experiment has to be tried with regard to their health, which has not been settled yet.

4356. Mr. *Willoughby.*] You alluded to the police being an obstruction to the colonization of Europeans; is not the climate also an obstruction to the colonization of Europeans?—Unquestionably. Temporary settlers may repair to India, but the climate is an insuperable barrier to colonization.

4357-8. And also the fact that the best parts of India are now densely populated and occupied?—Yes.

Chairman.] My question applied exclusively to the hill districts.

4359. Mr. *Lowe.*] Would you wish to retain competition, or not, in England?—My own view is that of a mixed competition and nomination; I mean to say that I wish the plan of nominating four to every vacancy had been tried; that would have given you nearly as large a number of candidates for the service as you now get by competition, but you would have had the selection of the nominees.

4360. Who should nominate the four?—When the place was first proposed, the patronage was, as it is now, in the hands of the directors.

4361. Are you aware that in a recent case three gentlemen were nominated by one of the Secretaries of State, and that they were all three plucked?—No; but it is of importance that your men should be well selected; much of the management of a district in India depends upon the deportment of the man at the head of the district. Treat the people as a gentleman should treat them, and have respect for their feelings, and you will manage the district with an ease no man can understand in comparison with the difficulties the man has to encounter who is rough to the natives, and treats them unkindly.

4362. You would have them to enter at 18?—Yes; I would give them an education up to 22.

J. A. F. Hawkins, Esq.

20 May 1858.

4363. And give them a judicial training?—Yes, to all, because the collectors are *quasi* judicial officers.

4364. Mr. *Villiers.*] Have not all the persons who are appointed judges a judicial training now?—No; they enter upon the discharge of their duties without any special training; the step of the register, which preceded that of the judge, has been done away with for the last 30 years, and a man gets upon the bench of the civil court without any training but that which he has gone through on the criminal side.

4365. At what age could he get upon the bench of the civil court?—It may be after 15 or 16 years' service.

4366. He could not be appointed before that time?—Not ordinarily; the office of civil and sessions judge is held by the same officer; he is a criminal judge, and also a judge upon the civil side, but he exercises criminal powers as a magistrate long before he comes to the civil bench.

4367. And a magistrate may be appointed after he has been there five or six years?—Yes.

4368. He might be then only 23 years of age?—Under the old system he might be 24 or 25, but under the present system, 30.

4369. Did you refer, in the reports which you made to the Law Commission, to the incompetency of the judges?—Nothing of that kind was done; it was not the duty of the Commission; their duty was to prepare a code of procedure and rules for the amalgamation of the courts.

4370. Did not you consider yourself very much fettered by that direction on the part of the President of the Board of Control?—The Commission had precise instructions to follow, and to those they adhered.

4371. Mr. *Lowe.*]—Was not that unaviodable by the Act of Parliament, which only gave us the power to inquire into such things as the President of the Board of Control pointed out?—Yes.

4372. Mr. *Villiers.*] I think you stated that Sir Arthur Buller was wrong in reference to the exceptions that were made, he having not taken that distinction that you do of its being official?—He did not take the distinction to its full extent; evidently his idea was that all the four classes excepted were Europeans; had he gone into the code more particularly, he would have seen that the last class, judges, included others than Europeans.

4373. Was he wrong in stating that; is he not right actually that the native judge is an official?—I do not know that he mentions that.

4374. The native judge is an official?—Yes, clearly.

4375. Did not he complain that European settlers were not exempted?—Yes.

4376. He did not dispute the fact that all officials were exempted?—No, he did not actually dispute it.

4377. All officials are exempted, whether they be natives or Europeans, holding offices?—Yes, of certain classes.

4378. But what he pointed out was, that Europeans and persons of great importance were not exempted also?—He pointed out that Europeans, generally, are not exempted, while persons of importance are.

4379. And he was quite right in that?—Yes.

4380. You agree with him in your view?—Yes, as to certain courts.

4381. Mr. *Gregson.*] Is not the competition for the civil service of India now open to an unlimited number of candidates?—It is.

4382. You propose to limit the number of candidates to four?—I do not propose it; I would rather it had been done originally.

4383. Mr. *Lowe.*] You have been asked with regard to the competition existing in India; would not the competition existing in India very much destroy the power of the Governor-general over the civil service, and make it independent of him?—Clearly, if you compel him to take an individual for a particular office.

4384. Is not it found necessary to give the Governor-general the patronage, in order to give him the authority?—Yes, and you must let the Governor-general select his own men for particular appointments.

4385. Has a man who gets on the Sudder bench ever had any instruction in the law of evidence?—No, except what his own experience has given him.

4386. There is no provision whatever for his acquiring that?—No; he has grown up with what he has seen, but nothing more.

4387. With no legal knowledge of evidence?—No, except what he gets by reading English law books.

4388. Would not it be most invaluable if every civil servant of the East India Company were instructed in the principles of the law of evidence?—No doubt.

4389. So as to teach him the distinction between hearsay and written evidence, primary and secondary evidence, and so on?—Yes, no doubt of it.

4390. Mr. *De Vere.*] Does not a man's experience as a collector give him considerable knowledge of the law in the revenue cases which he has to administer when he becomes a civil judge?—Yes, and my opinion has been for a long time that it is extremely difficult for a man to exercise the office of a judge except he has been in the office of a collector. I have known men on the Sudder bench having never passed through a collector's training, who found it difficult to deal with intricate cases of land tenures.

4391. You said that justice being administered in the English language would produce a fear in the mind of the natives that justice was not being done?—Yes.

4392. Is not there a feeling that the attempt to administer justice in English would be an insult to their national pride?—There would be some feeling of that kind; I will not give it that term; it would create an immense deal of dissatisfaction.

4393. Upon political as well as economical grounds?—Yes, they would think that we were forcing it upon them as their rulers.

4394. *Chairman.*] You think that the magistrates should have an education in jurisprudence generally?—Yes, I do. I would prepare them all for the judicial office.

4395. You have also mentioned that from the peculiar susceptibility of the Indian mind, great tact is required in dealing with the natives?—Yes.

4396. If there were places for the education of the children of the soldiers, all those nice points might be attended to, so that the persons brought up there might be brought up with a special view of directing and managing the people of India?—I believe that education of that kind generally would be very beneficial for people intended for offices in India; they would become familiarised almost imperceptibly with what was necessary and right.

4397. Being in India itself, if their studies were properly directed, they would have practical means of acquiring a knowledge of the natives?—Yes; no doubt of it.

4398. Mr. *Villiers.*] Is not there a very different mode of dealing with the natives from that which you think proper; is there not a sort of contemptuous and harsh way of dealing with them?—Since I left India I have heard of that growing up, but when I entered the service, and to the close of my service, I believe the general desire on the part of the European officers of the Government was to treat the natives with kindness and consideration. In some offices in India, the young civilian has only natives to speak to. I once held an office of that kind myself. I believe there was, and is, many a civil servant who fully comes up to the proper level of his duty in his treatment of the natives, and in respect for their feelings. I hear, however, that that kind of thing does not prevail so extensively as it once did, and the expressions which one sometimes hears applied to the natives are painful; it looks as if there was a deterioration in that respect compared to what it used to be.

4399. *Chairman.*] Do not you think it very desirable that persons specially educated for Indian objects should be brought up with that considerate regard?—Everything should be done to impress upon them that their lives are to be spent for the benefit of the people among whom they are to live.

4400. Mr. *Villiers.*] Is not it the result of so many people going out with the intention of coming back that they do not feel that interest in the country, or the people, which other colonists do in other countries?—There is something in that; there is much more prospect of returning to England than there used to be, when people made up their minds to live there for a number of years, or to die there.

4401. People go out with a view of making a fortune and coming home?—Yes.

4402. *Chairman.*] If it be the case that people are less likely to reside in India, is not it the more desirable that counteracting attempts should be made to give them proper and refined feelings towards the natives?—Yes.

4403. Mr. *Gregson.*] In what part of the district were you surrounded by natives?—In one of the Bengal districts.

4404. Is that the case now?—Sometimes, where there are joint magistracies; At the station to which I refer there was not even a medical man.

Martis, 1° die Junii, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Sir Erskine Perry.
Mr. William Ewart.	Mr. J. B. Smith.
Mr. De Vere.	Mr. William Vansittart.
Mr. Gregson.	Mr. Villiers.
Mr. Kinnaird.	Mr. Willoughby.
Mr. Lowe.	

WILLIAM EWART, Esq., IN THE CHAIR.

John Abraham Francis Hawkins, Esq., called in; and further Examined.

J. A. F. Hawkins, Esq.

1 June 1858.

4405. *Chairman.*] I BELIEVE you wish to correct some observation you made at the last meeting of the Committee?—Yes; I wish to offer an explanation with reference to Question 4259. The question is, "Was it not an attempt" (that is the question brought forward with reference to what is called the Black Act) "to take out a portion of it, letting the question of the amalgamation of the supreme and the sudder courts stand over for a time?" The answer is, "Yes; it was an attempt to take the codes of procedure made for the amalgamation, independently of the amalgamation." Now, that will bear a construction as if there was an attempt upon the part of the Legislative Council to smuggle through this Black Act without bringing in the whole code as prepared by the Law Commissioners in England. Now, there was no attempt on the part of the Legislative Council to smuggle anything in, or to do anything that was not perfectly right and proper; and the best explanation will be a sentence from the speech of Mr. Peacock, in putting the code upon the table of the Legislative Council. Mr. Peacock laid upon the table of the Legislative Council the whole of the report, as prepared by the Law Commission at home, with the exception of that part referring to the amalgamation of the supreme and sudder courts, and therefore it was an introduction into the Legislative Council of part of what was prepared by the Law Commission at home, but not the whole of it. With regard to the civil procedure, Mr. Peacock says, "It was unnecessary to point out the details of the procedure which the Commissioners recommended in the second chapter of their code, from the commencement of a suit to the final decree. It appeared to him that, on the whole, it would very much simplify the procedure which now obtained. He did not mean to say that he coincided with the recommendations of the Commissioners in every particular; but he had thought it best, considering the care which had been bestowed on this code, to publish it to the world in the form in which it had been proposed. He thought it would be better for the Council to let the code go forth to the public in the form in which it had been proposed by the Commissioners at home, in order that it might elicit the opinions and suggestions of all persons competent to advise upon the subject; and, consequently, he had made no substantial alteration in it." That was with regard to the civil code, as prepared by the Law Commission. With regard to the criminal code, he says, "The code had been prepared with great care, and in his judgment would very much simplify the procedure of the courts of criminal judicature; but there were certain articles which might give rise to difference of opinion. He had thought it right to insert them, as framed by Her Majesty's Commissioners, and to leave every Honourable Member to adopt any amendments which it might appear expedient to make after considering the communications which the publication of the code might elicit, and the Report of the Select Committee to whom the code would be referred." It appears, therefore, that it was rather out of deference and respect to the Law Commission that it was put in the form in which it was upon the table of the Legislative Council, it being put there complete, with the exception of the part referring to the amalgamation of the courts, and then left to the members of the council to suggest such alterations as they thought proper.

4406. Sir

4406. Sir *Erskine Perry*.] You were a judge in the Sudder Adawlut?—Yes, for two years, and I was registrar for about 10 years.

4407. I think Bengalee is not the language of the Sudder Adawlut?—The Hindoostanee is the language of record. All the documents from the Zillah courts of the Bengal districts come up in the Bengalee language.

4408. And so also throughout the Mofussil. In Bengal, latterly, the judges are becoming conversant with Bengalee, but Hindoostanee is the language of business in the court?—Certainly not, as far as I recollect; that may have been the case within the last 10 years. When I was there, every document was in Bengalee.

4409. In what language does the judge speak when addressing the vakeels?—Generally in Hindoostanee, when speaking to the vakeels.

4410. Hindoostanee is not intelligible generally to the Bengalese?—I should say that to a great extent it is intelligible, but I fancy that the judges can make themselves understood through the officers of the court so as to be perfectly understood.

4411. Do you think that judges, dealing with a language of that kind, with which they are imperfectly acquainted, are able to carry on argumentation properly with vakeels speaking their own language?—There is not a vakeel in the court that does not understand the Hindoostanee language.

4412. Going through Bengal, the bulk of the people do not understand Hindoostanee?—I do not think that any man speaking Hindoostanee well will find himself in difficulty in Bengal.

4413. I am talking of the arguments that take place in the court?—He could not carry on an argument.

4414. That being so, how is English more foreign to the uses of the system than Hindoostanee. Persian, which was the language of the courts before, and Hindoostanee now, are both of them not the languge of the people?—They are not the language of the people, strictly speaking; but whether the proceedings be conducted in Hindoostanee or Bengalee, what I say is, that the language can be understood, and the whole of the proceedings of the court can be understood; if you substitute English, the thing is unintelligible to everybody.

4415. The records of the court are in Bengalee?—They are.

4416. But the proceedings are in Hindoostanee?—Yes, generally, the oral proceedings of our civil courts.

4417. You admit that the bulk of the population do not understand Hindoostanee?—Not at all; but what is going on in court, if carried on in Hindoostanee, it is my belief is understood by the greater part of the audience in court.

4418. Is not that inconsistent with your admission that the bulk of the population do not understand Hindoostanee?—I believe that everything that is carried on in Hindoostanee is intelligible to a great portion of those in court. I cannot say that it is so to the very lowest orders of the people.

4419. Is it the case that a man coming up and speaking Bengalee has his evidence interpreted into Hindoostanee?—Yes; I should think that that would be the case sometimes, but not always.

4420. And therefore a Bengalee witness would have to give his evidence in Bengalee, which would be interpreted into Hindoostanee to come up to the judge?—The judge, for the most part, would perfectly understand him.

4421. What would be the difference between the evidence being given in Bengalee in the court, and being translated to the judge sitting on the bench into English; the Bengalee answer would be made known to the whole court. You said that if the proceedings were conducted in English, it would create an impression that there was injustice?—Yes. Hindoostanee is not the language of the people, but it is intelligible to the people.

4422. There is an affinity between Hindoostanee and Bengalee?—Yes.

4423. Is it greater than between Spanish and French?—I am not prepared to say that it is not.

4424. And therefore if a judge does not understand Bengalee, a witness speaking in Bengalee would have to have his evidence translated into Hindoostanee?—Yes; but that is arguing from premises that do not exist. It appears to me that the judges do understand Bengalee.

4425. Are you able to say that of the whole number of functionaries?—Yes, of the greater number when I was there, and now I should say the whole; because they pass an examination in Bengalee.

J. A. F. Hawkins, Esq.

1 June 1858.

4426. If that is so, why do they conduct the business in Hindoostanee?—Because the vakeels, especially those of them who are Mahomedans, prefer it, and the majority of the judges themselves speak it more fluently. I have no doubt that if you carried on the proceedings entirely in Bengalee, in the course of a twelvemonth the judges themselves would speak it.

4427. In those parts of India where the languages are different, such as the Mahratta, Canalese, Teloogoo, and so on, the Hindoostanee is more remote?—Yes.

4428. I do not understand, if a foreigner is administering justice in a country, why it should be more unpalatable to the natives to have the evidence given in the native language and translated into the language of the judge sitting on the bench?—You might, and you would have, in very many of the Mofussil courts, under those circumstances, the judge alone in court understanding the English language besides the interpreter; you would have the great majority, in fact all of your audience, understanding the native language only; you would have one individual understanding both languages; and the natives would at once come to the conclusion that the whole of the administration of justice is in the hands of the interpreter; and your administration of justice would be considered, in the course of a twelvemonth, a mockery and a sham.

4429. Is not there a desire on the part of the young natives to learn English, in order to promote themselves in the service; and would not the vakeels make themselves masters of English?—Certainly not in the interior, for a very long time.

4430. Not if it was the door to employment?—It is the door to employment now, and you do not find a single vakeel speaking English.

4431. Why should they do so?—It might be an inducement to them to do so if you introduced the English language into the courts.

4432. If the system which I speak of would be considered a gross injustice upon the native, how do you reconcile that opinion with the fact that in all the Presidency towns the natives have petitioned over and over again in favour of the Supreme Court system?—I was not aware that they had done so.

4433. That has been the case within the last few years; there have been numerous petitions to the House of Commons, expressing great satisfaction with the Supreme Court system?—I would not argue from the Presidency towns to the Mofussil; I think nothing can be more dangerous. The appeal should be made to the natives of the Mofussil themselves. Twenty years ago it was distinctly stated by Lord Macaulay, that nothing was more dreaded by the natives than the extension of the jurisdiction of the Supreme Court.

4434. Is not that opinion of Lord Macaulay's very much contradicted by the fact, that for the last few years petitions have come up over and over again in favour of the extension of the jurisdiction of the Supreme Court?—Unquestionably, if such be the case.

4435. Were not also the evils which Lord Macaulay spoke of very much founded upon the expensiveness of the Supreme Court?—Yes.

4436. Those expenses have been very much diminished of late years?—Yes.

4437. And it lies with Government to diminish them still further?—Yes.

4438. You say that you contrast the opinions of the Presidency towns with the Mofussil, and you think that the opinions of the Mofussil should be preferred upon the subject?—I do.

4439. In the Presidency towns, have not the natives the two systems to contrast one with the other, the Sudder Adawlut, or Company's system, and the Queen's system?—They have.

4440. And they have not such powers of comparison in the Mofussil?—No.

4441. If the natives in the Presidency towns prefer the Supreme Court system, having the two systems to compare together, and the Mofussil has only one, surely the opinion of the natives in the Presidency towns is most to be relied upon?—They get ideas in the Presidency towns, of which the natives in the Mofussil know nothing, and with those means of forming a judgment in the Presidency towns, it would be still unacceptable to the Mofussil, the inhabitants of which must be the best judges as to the language they prefer. With regard to the number of petitions, I should look upon that in some qualified degree, as to the opinions of the natives in the Presidency towns; my own opinion is, that there would be a large body of natives who would be adverse to the extension of the jurisdiction of the Supreme Court in those towns.

4442. The jurisdiction of the Supreme Court cannot be extended in the Presidency towns, because it is universal?—There are a large number of natives who would be adverse to the extension of the jurisdiction of the Supreme Court over the Mofussil.

4443. How do you account for the expression of opinion of the natives in favour of a fuller foreign system of English law and English lawyers?—If those petitions have come up, I cannot say anything against them; but my own opinion is, that there are a large number of natives in the Presidency towns who would be adverse to the extension of the jurisdiction of the Supreme Court over the Mofussil.

4444. Mr. *J. B. Smith.*] Why do you think so?—I believe they prefer the present system, which they consider to be the administration of their own law more in accordance with their own notions.

4445. Sir *Erskine Perry.*] Why should a trained English judge, administering law in the Mofussil, having passed in the native language, find it more difficult to administer the native law according to the habits and customs of the natives, than it is to a Company's judge to administer it in the European language?—I never said it would not be so easy.

4446. You said you thought it would be more agreeable to the natives to have the law administered according to their own laws and customs?—The Mofussil does not know the Supreme Court; they do not understand it, but they do understand the Mofussil system, and have no desire to change it for that of the Supreme Court.

4447. Do you not think that a trained judge, who is seen to be deciding entirely from his own experience and the evidence, and who gives his decisions according to justice, would be palatable to the natives?—Certainly, speaking their own language.

4448. With regard to the Small Cause Court, in Calcutta, that was established before you left India, was not it?—No, not under its present system; it was a court of requests when I was there; the law was passed in 1850, when I was not in India.

4449. You are aware that the cases in that court are chiefly those in which natives are concerned, to the extent of perhaps 95 per cent. of the entire cases?—I am not aware.

4450. At Bombay 95 per cent. would be the proportion?—Perhaps so.

4451. And there is an exclusively native audience?—That I cannot say.

4452. If the proceedings there conducted by an English judge, in the English language, by means of interpretation, give satisfaction, does not that lead you to say that the same system would succeed in the Mofussil?—I think not. I do not think that you can argue from the Presidency to the Mofussil; you have had it in the Presidency towns for a vast number of years, but there is nothing of that kind in the Mofussil. There is a sufficiently large audience in every court in the Presidency towns to convey to the natives a knowledge of what is going on in the court. Those who attend the courts know something of English; that is picked up at the Presidency towns; but there is nothing of that sort in the Mofussil; and if you were to introduce English into the vast majority of our courts in the Mofussil, there would not be a man who would know what was going on.

4453. If vakeels obtained employment by being conversant with English, they would spring up at once?—Yes, but you must still carry with you the great body of the people. I may state, that I do not think that the people prefer it in Calcutta; they get on with it; but if you were to poll the natives in Calcutta, I suspect you would find that they would rather have their own language than the English; they cannot help it.

4454. Ought not an experienced judge to have his own instrument, namely, the English language, as the instrument for conducting his business?—I would say infinitely rather let the judge going into the interior of the country have the native language as his instrument.

4455. And then he becomes subject to the corruption and venality of his omlah?—If proper precaution were taken that would not be the case, I believe.

4456. Is it not the case that the system is so much deprecated that the non-regulation system is much preferred by modern legislators?—That is because the procedure is bad. The proceedings have been carried from the equity courts in England to a people to which they are not suited. I believe that that was the origin

J. A. F. Hawkins, Esq.

1 June 1858.

origin of the Cornwallis code. In the non-regulation districts the proceedings are conducted in the native languages.

4457. Is it not the case that a good English judge does not make justice yield to forms, but makes forms yield to justice?—Yes, I should think so.

4458. You knew Sir Lawrence Peel, and several of his eminent brethren on the Bench, did you not?—Yes.

4459. Do you not think that acquaintance with the science of law enables a good judge to frame the forms of his court so as to make them coincide with justice?—Unquestionably; I think that the training for the judicial office is deficient.

4460. Is it not the case that gentlemen who are not acquainted with law are apt to give forms an undue preponderance?—Certainly.

4461. Do not all those reasons lead to the conclusion, that in order to administer justice in the Mofussil it is far better to have trained judges than to have gentlemen taken from the collectorates?—Unquestionably I think so. When I was examined by the Committee on the last occasion I advocated a system of training for the civil service.

4462. Are you acquainted with French?—I knew it as a boy tolerably well, but 30 years in India have pretty well rubbed out the French.

4463. Do you think that any gentleman on the Bench would be competent to hold an argument with a French lawyer at the Bar?—That I cannot say. I am not prepared to answer that question.

4464. If you think that he could not, will you state what is the distinction between French and Bengalee or Hindoostanee; in every case is not the judge at an immense inferiority?—I think that is exaggerating the want of information upon the part of the Mofussil judges. I have been to many of our courts, and I can state that the judges carry on their conversations very easily indeed with the vakeels.

4465. I have heard from very able men in your service, Sir George Anderson, for instance, and others, that any European judge attempting to give a charge to the natives in the native language would make himself ridiculous?—There are a great many judges who could not give a charge at any length to a jury; but at the same time, I believe by the way in which they speak the language, they make themselves perfectly understood by the jury as to what is their opinion and view of the evidence, though they may not speak in classical language.

4466. Has not that rather a bad effect upon the public?—Certainly it might have; but I think that those are assumptions that experience would scarcely carry out.

4467. Do you know Sir William Sleeman's works?—Yes.

4468. Do you recollect that he states in his works that the European officials are really so little acquainted with the foundations of the language, that they cannot hold an argument upon the grave topics of morality and philosophy?—Very likely.

4469. Surely legal reasoning requires at least as much knowledge of the language as those other subjects?—I think not, for the judges are familar with legal terms.

4470. Mr. *Villiers*.] Do not we administer justice in Wales in the English language, and is that thought to be a hardship?—No, it is not; but you must consult the wishes of the vast body of the population of India, who love their language, and who would think it an infringement upon what they conceive to be their rights, if you were to administer justice to them in a foreign language. You have 180,000,000 of people to deal with, scattered over the whole country, speaking divers dialects, and who are wedded to their language.

4471. You are satisfied that they would be discontented with such a mode of administering justice?—I believe that if you were to launch this subject in India, you would touch a chord that would vibrate from north to south and from east to west.

4472. Sir *Erskine Perry*.] With regard to Ceylon, although English is the language of the courts there, and appears to give satisfaction, you say that the Cingalese language is not so ancient as that of India?—In that I may have been mistaken, for the language of the Buddhists of Ceylon comes down from a very ancient time. But you may make an impression upon Ceylon long before you can make anything like the same impression upon India. And in Ceylon there is but one language to deal with.

4473. One district has not much communication with another; in the north of Ceylon they have the Tamil language?—I am not speaking from personal knowledge of Ceylon.

4474. They have a Hindoo population in the north of Ceylon and a Cingalese in the south, and there are two different languages, and yet the English language is administered freely in all the courts?—Yes, but I do not think that you can argue from so small a place as Ceylon to India.

4475. Do you think that the Mahrattas of Bombay care a bit about what is going on amongst the Bengalese, 1,200 miles off?—No; but if you touched the point of language they would all equally feel it. In Calcutta the record of every order being drawn up originally in the judge's handwriting, in his own language, is conveyed to the people in Hindoostanee in the Sudder Court.

4476. Mr. *Villiers.*] With regard to the Sudder Courts, the proceedings are in Hindoostanee, and in the Supreme Courts the proceedings are in English?—Yes.

4477. Mr. *Vansittart.*] Do not two distinct languages exist in our courts in what is called the Bengal Presidency, namely, the Bengalee language in Lower Bengal, and Hindoostanee in Behar and the Upper Provinces?—In the Bengal Presidency there are two distinct languages. The Bengalee is used in the Lower Provinces, and what is called the Hindee is used in the provinces of Behar and the North West Provinces.

4478. Bengalee is entirely and solely used in Bengal Proper, but from Behar up to the Punjaub it is the Hindoostanee?—Yes; the Hindee is the language of the country, and Hindoostanee is frequently spoken. With regard to Orissa, Oorea is used.

4479. Civilians appointed to Lower Bengal are obliged to pass an examination in the Bengalee language before they are eligible for an appointment?—They are.

4480. Do you not think that the natives consider that the Supreme Court is a much more expensive court than our Mofussil courts?—They do.

4481. Do not you think that the amalgamation of the Supreme Court and Nizamut Adawlut would be popular among the natives; for instance, two-thirds of the judges to consist of men of the covenanted service, and one-third of the Queen's or English lawyers?—The amalgamation does not necessarily follow from that; that is the mere putting one or two European barristers as judges into the Sudder Court. The amalgamation would be the doing away with the different proceedings of all the courts, and the making but one court for India. I am not prepared to say that it would be popular, but I see no objection to having one or two barristers appointed judges in the Sudder Courts.

4482. From your evidence I gather that you are not in favour of introducing the Punjaub or non-regulation system into Bengal, Behar, and the North Western Provinces?—Then that would be a wrong inference from my evidence. What I am in favour of is, introducing a far more summary procedure than that which now exists; and I would advocate the introduction of that code which was prepared by the Law Commission in England, which would give just as expeditious a code of procedure as the Punjaub code; but I infinitely prefer the non-regulation code to the system which now exists in the regulation provinces.

4483. You think that the system of appeals in the Mofussil courts is too tedious?—A great deal.

4484. Mr. *Willoughby.*] You have alluded to the test which a civilian is obliged to undergo before he is first of all introduced into the public service, and afterwards, upon promotion; can you give the Committee any information on that subject?—I have here the rules for the examination, which I will hand in to the Committee. (*The same were delivered in.*)

Vide Appendix.

4485. The Canalese, the Teloogoo, and other dialects have been alluded to; is it not a fact that all the civil servants who are appointed to serve in those districts are obliged to pass in those languages?—Yes; so far as I am aware, there are rules for examination in all the Presidencies.

4486. The fact is, that the object of the Government is to qualify their servants in the vernacular languages of the different parts of India?—Certainly.

4487. Under the belief that the administration of justice must be more efficiently conducted in the vernacular than in a foreign language?—I do not believe that the Government ever entertained the idea of introducing the English language.

J. A. F. Hawkins, Esq.

1 June 1858.

4488. Mr. *Campbell.*] You are aware that there are annual grants made by Government for the education of the natives of India in the English language?—Yes.

4489. To what do those grants amount?—I do not know.

4490. Do not you think that the introduction of the English language into the courts would practically make it the interest of the entire population to know the English language, and would it not economically and efficiently aid the labours of the Education Commission?—Unquestionably it would; but, at the same time, it would be a very unpopular means of doing it.

4491. Then you are of opinion that advantage has been derived by the people of India by the introduction hitherto of the English language among them?—Certainly it has raised them, and I should trust that the more you introduce English literature among them the higher you will raise them; but I believe that it would be taking the thing by the forelock to insist upon the introduction of the English language into the courts of justice.

4492. You think that the ends of justice would not be so well subserved by the knowledge of English which the judge possesses as by the imperfect knowledge which he possesses of the native language, and his consequent subjection to the native omlah?—I believe that the ends of justice would not be so well subserved; I do not mean that justice would not be so well administered, but you could not convey the idea that it was so to the native mind.

4493. *Chairman.*] You do not object to the gradual introduction of the English language?—No; I do not object to the gradual introduction of the English language among the people.

4494. And there might come a time when you would not object to the introduction of it into the courts of law?—As an abstract question, I am in favour of the administration of the law in English, but at present I believe you could not do it.

4495. Was not there a time when even in the Supreme Court English was comparatively unknown to the natives frequenting that court?—Certainly.

4496. And now, since they know the language more or less, they do not object to it?—I hear no objections to it. The people have grown up with it.

4497. Might not the same removal of objection take place in the Mofussil courts?—It might in time, but it is a very long way off.

4498. Sir *Erskine Perry.*] Are you aware that the Romans introduced the Roman language into their conquered provinces?—Yes, wherever they went they introduced it as the language of business.

4499. *Chairman.*] You are aware that the Norman law was at one time the law of this country?—Yes.

4500. And all the statutes were in French?—Yes.

4501. Mr. *Gregson.*] You say that you do not object to the gradual introduction of the English language; how do you propose to introduce it gradually?—By extended education.

4502. Mr. *Campbell.*] Do not you think that the natives of India respect us in proportion as we uphold and respect our own institutions, our own language, and our own religion?—Yes, I do.

4503. Do not you think that, acting upon that principle, we ought not to appear to be ashamed of our language?—I do not think that you are ashamed of your language by not introducing it into the law courts. With regard to the introduction of our language merely, I do not think that if we did not introduce it the natives would consider that we had a want of respect for ourselves, but rather that we were acting from a motive of consideration for them. But when the very general question is put to me whether as Europeans we should stand upon the broad platform of European institutions with regard to our religion and our institutions generally as respects ourselves, then I answer the question unhesitatingly in the affirmative.

4504. Mr. *Kinnaird.*] And, if anything, you think that we have rather failed than otherwise in that respect?—It is a hard question for a man who has served the Government of India for many years, and is still in their service, to answer; but if you want an answer, I say that we have.

Mr. *Neil Benjamin Edmonstone Baillie*, called in; and Examined.

Mr. *N. B. E. Baillie.*

1 June 1858.

4505. *Chairman.*] HOW long have you been in India?—From 1823 to 1844; about 21 years. During the whole of that time I was in India I never came home.

4506. You have not been there since?—No.

4507. To what part of India are your observations confined?—My residence was exclusively in Calcutta.

4508. Have you ever considered the subject of the obstacles to the settlement of Europeans in India?—I have; chiefly in connexion with the judicial system. I ought to mention to the Committee that I was an attorney of the Supreme Court for almost the whole of the time that I was in India. I commenced with serving articles three or four years; I then was admitted an attorney of the Supreme Court, and I continued so to the end of my career in India. I was also for about 12 years a vakeel of the Sudder Dewanny Adawlut; and for six of those 12 years I held the office of Government pleader in the Sudder Dewanny Adawlut. I had therefore considerable opportunities of knowing generally the judicial system, and matters connected with it, including the system of land revenue, which is also connected with the judicial system.

4509. Do you consider the state of the police in Bengal to be an obstacle to the settlement of Europeans in India?—The native police is very defective, and I think it admits of very great improvement; a Company's magistrate is at the head of the police, and of course what I say does not apply to him; but to the native police, which is very bad. I believe there has been no evidence given with reference to the police which does not concur in stating them to be nearly as bad as they can well be; and I concur generally in that view of the native police. I think it may be considered an obstruction to the settlement of Europeans; not in particular to the settlement of Europeans, because it is, probably, less an obstruction to the settlement of Europeans than to the settlement of the natives themselves; that is, the faults of the native police press more heavily upon the native than upon the European population; and therefore in that point of view the police cannot well be said to be an obstacle to the settlement of Europeans; at the same time I consider the native police very defective.

4510. Is it defective as a protective force?—Yes, it is defective as a protective force, and as a preventive force; but I allude more particularly to its defects as a detective force, which I ascribe in a great degree to ignorance; I do not think they have the same notions of evidence, the same ideas of tracing out and detecting crime from all the surrounding circumstances, that you find in the detectives in England. I think that the natives generally have very imperfect ideas of circumstantial evidence. The common belief seems to be, that a fact can be proved only by the testimony of witnesses speaking directly to it, or by the confession or acknowledgment of the parties. That was the impression made on my mind from a consideration of the evidence in civil suits particularly; I found that it was almost all of a direct character; many witnesses swearing positively to the same fact, with slight variations to account for their own knowledge of it; and I came to the conclusion, chiefly from my experience in the civil courts, and also from some knowledge of the original sources, from which the notions of the natives on jurisprudence have been derived, that they have but a very imperfect idea of detecting a crime from its surrounding circumstances, and scarcely any of proving it in any other way but that of direct testimony to the fact, or the confession of the parties. In this way I account for one of the worst practices of the police, that of endeavouring to extort confessions from suspected parties, or evidence against them from witnesses who really sometimes know very little about the matter.

4511. Their want of comprehension of the means of tracing circumstantial evidence drives them upon the more direct and often more cruel system of extorting it?—Yes; but I do not adduce this by any means with the view of extenuating their conduct. I believe that they are guilty of almost everything that has been said against them, but I think that in the particular instance alluded to their conduct arises in a great measure from ignorance, and I think that the true way to meet that is by instruction, and therefore I agree with Mr. Hawkins as to the employment of European serjeants, and would go farther, and say that European detectives might be employed with advantage to show the natives how to practice

Mr. *N. B. E. Baillie.*

1 June 1858.

an art in which they seem to me to be just as ignorant as of the guidance of a locomotive engine till they are instructed. Those are faults of the system, as a detective system; and the amendment seems to me to be necessary to complete the system which we ourselves introduced without a sufficient instrumentality; we trusted entirely to the instrumentality which we should get on the spot, and I think that we have been deceived. In order to introduce the detective system of England, it is not enough to have magistrates; but there must be those subordinate agents, without whom the system cannot work.

4512. With regard to the state of the civil procedure do you consider that that is an obstable to the settlement of Europeans in India?—I would make the same remark with regard to the civil procedure that I did with regard to the police, I do not think it presents any peculiar obstacle to the settlement of Europeans. I have been acquainted with a great many Europeans who were settled in the Mofussil, and particularly with the most respectable class, in whom I had many friends, that is, the indigo planters; I have heard their evidence, and I may state that I never knew a single indigo planter deterred from settling in the Mofussil, or who thought of inquiring as to the state of the police before he went there, and I never heard of any man who was driven out in consequence of it. Therefore I do not think the defects, great as they are, and I believe they are very great of the civil system, fall with any peculiar pressure upon the European population.

4513. Are they such as might deter a person at a distance from settling in Bengal who thought of settling there?—I do not think they are.

4514. What are the objections you yourself admit as existing in the system of civil procedure?—It is bad in many respects; chiefly that it has become, for it was not so originally, a heap of technicalities, and therefore the sooner it is done away with the better. It was a procedure adopted very much in accordance with English ideas; it was carried to India by Englishmen, and was very different from the existing procedure of the country; and one of the great evils of the procedure is, that we carried a system there, and fancied that we did everything when we carried the system and the judges (for we took English judges also), without recollecting that a subordinate agency also was required. Barristers and attornies form a most important part of all English procedure, and we expected to find a substitute for those in the country, but were deceived. I think the natives had little idea of professional advocacy; and one of the chief evils of the system was this want of subordinate instrumentality to carry it out.

4515. Does the same defect in principle pervade several of our institutions in India?—I believe so. Instead of fighting and quarrelling with the men placed at the head of those systems, the civilians I mean, and fancying you can make the systems better by substituting other men, you will find the fault lies very mainly in the want of that subordinate agency which you have not in India, but an abundance of which you have in this country.

4516. You say that it is European agency which you consider desirable in this case as in the previous case?—Yes. The Committee will observe that I am speaking of an English system transported into a foreign country. I am talking of the faults of that system arising from its being transplanted incompletely; the system may be essentially bad. I think it is not a good system. But I say that it was essential for that system that you should have carried it out with an adequate agency. And the great defect is that it is an English system without a machinery for carrying it out. Now, I may mention the way in which the want of that instrumentality operates. All the cases brought into courts of justice in this country are got up by attorneys well acquainted with the rules of evidence, and acting generally under the superintendence of counsel. On the other hand, in the Company's courts the cases are got up by vakeels necessarily at the bottom of their profession, from their practising in the inferior courts, and native mookhtars, who have, I believe, only the same limited ideas of evidence that I have alluded to, and which belong to the state of society. In consequence, every suit is loaded with the statements of many witnesses repeating the same thing over and over again, and speaking generally, as of their own knowledge, direct to the fact at issue. There must be many cases in which actual witnesses to the fact cannot be obtained; but our system has afforded the utmost facilities for supplying their place, and the testimony is almost invariably false. This I conceive to be the *rationale*, to a great extent, of the failure of the civil system of procedure in India.

4517. You think, therefore, that the remedy would be an infusion of European knowledge to lead the native in the conduct of evidence, as before in the conduct of the police?—Yes, in the preparation of it.

4518. And even if we introduce a more simple and unobjectionable course of procedure in India, would you still think that the introduction of European agency would be necessary?—The opinion that I have now given has reference to the existing system. I conceive that it is necessary, if you wish to carry out this English system, that you should have an English instrumentality, and the true way to get it would be to improve your vakeels as much as you can; but I think there is a better system than the English system. I think the English procedure was not adapted to India, where there was nothing like our procedure existing before; they had nothing but the simplest procedure, and it is a return to that simple state of procedure that I think is far better than attempting to perfect the English system; and that simple system is just the system recommended by the late Law Commission, to which I had the honour to be Assistant Secretary. Now, I think that in this simple system you have the means of getting over what I consider the great and radical defect of our civil procedure in India, which is the want of reliable evidence, a want arising very much from the ignorance of the natives as to the true nature of evidence. The only way is by an examination of the parties themselves; that is the keystone of the recommendation of the Law Commission.

4519. Would the simplification of the legal procedure which you recommend be favourable to an extension of European settlement in India?—It has this moderate bearing upon the question: that every improvement of legal procedure is a removal of difficulties; when a European comes to enforce a contract he is in the position of requiring a reference to the law, and of course simplicity of procedure is a matter of great importance.

4520. I understand you to recommend the simple course of procedure sanctioned by the Law Commission?—Yes; all simple systems are the same; they are merely bringing the parties together to inquire what is the dispute between them, and then you find what is the real matter in dispute, and examine them as to that matter.

4521. Sir *Erskine Perry.*] In fact, in one word, you mean the county court system?—Yes, the county court system; I speak of it as the best means I know for rectifying what I conceive to be the great defects of the existing system.

4522. *Chairman.*] What is your opinion of the propriety of continuing the use of the native languages in judicial proceedings?—In the court of the zillah judge and the Sudder Dewanny Adawlut, where the judges are always Englishmen?

4523. How far do you think the use of the native languages might be relaxed in those courts?—Those courts are practically courts of appeal. The judge, under the new system, may have some original jurisdiction; he may take some original jurisdiction to himself; but practically at present they are courts of appeal; and the record comes up to them from the native courts, where everything is in the native language; and I think, particularly as the system has existed for some time, and is in force, and is giving satisfaction, and I am very averse to great changes at this moment in particular, I should much prefer that the system of record in the native language remained as it is in the court of the zillah judge, and also in the Sudder Dewanny Adawlut. I think if the record were made in English, and the whole proceedings were in English, you would drive out of the zillah courts all the regular practitioners, and you would have, probably, none to carry on the current business; and you would drive away the omlah, and give very great dissatisfaction in the zillah, by taking away the few creditable situations now left to the natives. For these, and some other obvious reasons, I think that the record should remain as it is, in the native language; I see no sufficient reason for changing it; but more particularly with reference to that part of the new system of procedure recommended by the Commission in England, I think, as so much of it depends upon the examination of the parties, that in all cases where an Englishman is a party, he ought to have the means of using his own language, and the judge should speak to him or examine him, either in the first instance or as a witness, always in his own language. To that extent I think the English language should be introduced into the zillah courts. I think it might have another beneficial effect, of giving the judge exclusive jurisdiction in all English cases, as he will have the power of calling up any case from the lower courts; and I think that would be a very great advantage, because an English judge is the only person who can thoroughly understand an English

Mr. *N. B. E. Baillie.*

1 June 1858.

case; and it would give every one the benefit of being thoroughly understood, and that is the only way in which the European can have that benefit. To that extent I would let the English language be used in the zillah courts. That does not at all apply to the use of it by the advocates; I see no good reason whatever why the proceedings should not be conducted in the same way as now, in the native languages.

4524. You would not carry it so far as it is carried in the Supreme Court?—No, I would not, for the reasons I assign, and those which were assigned by Mr. Hawkins, that the body of the natives would not have the same confidence in the administration of justice; and the only object I know for the introduction of the English language at all is, that the party should be thoroughly understood, that justice should be adequately and properly done to the parties before the judge; and if that object is satisfied, that is all that is required.

4525. Do you approve or otherwise of the proposed subjection of Europeans to native criminal judges?—No, I do not; I think, more particularly in present circumstances, that it would be very impolitic, and I should be very sorry to see it indeed.

4526. The Committee have heard a good deal of the inefficiency of the English judges; could they be safely selected in the same manner as the native judges?—The native judges are selected from the great body of the people; they are examined and are introduced in the first instance, I believe, into the minor grades of moonsiffs, and from that they are advanced to the higher grades. I do not think that would do for European judges; I do not think you could recruit for the higher offices in that way; but the question remains whether you might not recruit them in a different way from that in which they are now recruited; that is, from the exclusive service. We know that the zillah judges are entirely appointed from the covenanted service, and though it would not do to select them in the same manner as the natives, it does not follow that they might not be selected in some other way. The most obvious way is to take them from the bar, as in England; and a most natural question is, whether a zillah judge might be appointed in that way from gentlemen practising at the bar of the Sudder Dewanny Adawlut or of the Supreme Court.

4527. Do you or not think it is highly desirable that a judge should have gone through a previous training in jurisprudence?—I think it is highly desirable at the present moment that the judge should have a training in jurisprudence, because there is nothing else for his guidance; but if there was a substantive law and a proper code of procedure for the country, I should not give much for a general training in jurisprudence; it is a training that a native cannot have, nor the country in general.

4528. Should the judge have a previous legal education?—Under the present system it is desirable that he should have a previous legal education.

4529. Do you consider that there is a want of substantive law?—In the first place, I consider the great cause of the inefficiency of all our systems to be the carrying of an English system there without complete agency to work it out; and, in the second place, the want of a good system of procedure; and, in the third place, the want of a system of substantive law. I think all those three things operate. And as you have a good procedure in the system recommended by the Law Commission in England, all you want is a substantive law; and if you had a substantive law with the new system of procedure there would not be much necessity for instructing your judges in any other system of jurisprudence.

4530. Did the Law Commission consider that point?—Shortly, but just at the close of its proceedings, it recommended a substantive law for India.

4531. What do you consider to be the great legal distinction between the Mofussil and the Presidency towns?—In respect of substantive law, the great distinction is that they have, properly speaking, no substantive law in the Mofussil, except for particular classes of cases, and in the Presidency towns they have the English law in all its different branches; they have the common law, and the statute law, and the equity law, and the ecclesiastical law, and the admiralty law, and the whole of the English law. There is thus a great difference between the Presidency towns and the Mofussil. I look upon the Mofussil and Calcutta as being just as distinct in matters of law and practice as two foreign countries.

4532. Do you think that a supplementary law is required to fill up the void beyond the personal law existing among the Mahommedans and Hindoos?—I do, certainly.

Mr. *N. B. E. Baillie.*

1 June 1858.

4533. That is what you mean by a substantive law?—Yes; the term substantive law is used to mean all law that is not what Mr. Bentham terms adjective law. The sense in which I use it, is, that it is that which embraces everything except procedure. There is some doubt with regard to the law of evidence forming part of one or the other; but when I talk of a substantive law, I do not refer to the law of evidence as being a part of it.

4534. Do you consider it desirable, both for the European settler as well as the native, that there should be a smaller number of appeals?—I do; I think that one appeal is quite enough. I think particularly that one of the greatest defects of the existing system is not only the frequent appeals, but the special appeal of which the natives are particularly fond.

4535. What is a special appeal?—A special appeal is a second appeal founded upon some point of law or regulation. A general appeal is founded upon evidence. The special appeal may be founded upon everything else but evidence.

4536. A special appeal is upon law points?—Upon law points; it is usually founded upon something that is opposed to the regulations, or opposed to the Hindoo or the Mahommedan law. The special appeal has most commonly gone upon technical points, and has served more than anything else to build up that mass of technicalities which I conceive the procedure now is; and no part of the new system is better than that which abolishes all special appeals, except in reserved cases.

4537. Do the special appeals stand in the way of judgment being passed on the merits of the case?—Yes; they almost always turn upon technicalities.

4538. The Committee have heard something of the want of capital in India; have you ever turned your attention to that large subject?—I have; I think that one of the greatest wants of India, is the want of capital; I do not know that there is anything in the law, or in the present state of India, that prevents the flow of capital into the country; I do not know of anything in particular.

4539. Do you coincide with those, who state that the high rate of interest is one of the great evils in India?—I think so. It aggravates very much the want of capital, particularly in Calcutta. It is one of the greatest evils in India; it is occasioned in a great measure by the mode in which the Government goes into the money market, to supply its necessities; I think that the pressure of the Government, and the financial operations of the Government upon the Calcutta market has more than anything else, tended to derange it, and to raise the rate of interest to a great height.

4540. Do you mean, when you say a want of capital, a want of the development of capital?—No; I mean the want of substantial capital; I believe, in opposition to a great many people who have a fancy that India is enormously rich, that it is very poor; I hear people talking of the natives hoarding and burying money, but I have never seen any great evidence of that; we never read of any great discoveries of buried coin. In my opinion there is very little to justifiy that notion.

4541. You think that there are resources in India, and that those resources require development?—Yes; and what we want is to tempt English capital there.

4542. Do you think that any inconvenience arises from the use of silver as the sole circulating medium?—Yes, very great. I may state one reason in connexion with the notion of money being buried largely in India, which is that silver does disappear very rapidly in India. It is sent out in large quantities, and it goes and cannot be traced. My idea is that it is absorbed to a great extent in the country itself which is very much owing to the changes which have been introduced by us in the mode of paying rent and revenue since the extension of our dominion in that country. Originally, I believe, almost all rent and revenue, or at least to a very great extent, was received in kind; and the introduction of our system, which we recommended as far back as Lord Cornwallis's time, to the zemindars, namely, to take their rent in money, sufficiently accounts for a large absorption and waste of silver; and there is no necessity to revert to the other theory of its being buried.

4543. Have you ever turned your attention to the desirableness of substituting a gold currency for the present silver currency?—I may mention the very great inconvenience of a silver currency. I recollect a case in which a lac of rupees, which is 100,000, was to be tendered; it was to be sent in hackeries or carts by cross-roads across the country. A lac of rupees is a very considerable weight; there are about 2½ rupees to an ounce of silver. This had to be sent for the pur-

Mr. *N. B. E. Baillie.*

1 June 1858.

pose of making a tender. It was in connexion with a case in the Sudder Dewanny Adawlut, where the party was to get possession on tendering a lac of rupees. By the time he arrived with his hackeries, having been exposed to the danger of robbery, he was met by an order of the Sudder Dewanny Adawlut, suspending the decree; so that he had his labour for nothing. If, instead of its being silver, there had been a gold coinage, both the expense and the danger would have been reduced; but it would have been better still if there were a paper currency.

4544. This extreme predominance of silver coinage is an inconvenience to the Europeans as well as to the natives; and you consider that it would be an advantage to both parties to have a simpler and more comprehensive system of currency?—Yes; but it is difficult in some respects to alter it. In the mode in which indigo is cultivated it would be difficult to do without a large silver currency; for I believe that in indigo planting there is an immense number of small contracts with the ryots, and the payments which they receive are so small, that probably they would require to be paid in silver.

4545. You have stated your opinion with respect to the scarcity of capital, and the high rate of interest for money; what is your opinion of their effect upon the agreements with the ryots?—I think it probable that the terms of these agreements might be more liberal to the ryot if capital were more abundant and interest lower.

4546. What is your opinion of the necessity of coercive legislation with regard to the agreements with the ryots?—The agreements are of a very peculiar character; I do not think that legislation has interfered in any way with them, except in respect of indigo and opium, and some continuance of coercive legislation with respect to these seems to be necessary.

4547. What has been the progress of that legislation?—The ryot who receives an advance has very little inducement to keep his engagement; he receives a small advance, and he is to receive a certain price for his indigo at the end of the season. I should think that inducement was hardly sufficient; however, I cannot very well speak upon that point; but he requires to be frequently compelled to perform his agreement, and I should suppose that the inducement is not sufficient to protect him against the temptations to break his agreement. Coercive legislation, therefore, has been found necessary; and under Regulation 6 of 1823 the ryot who does not cultivate the land may be compelled to do so by a suit at the instance of the indigo planter. The indigo planter usually takes a penalty in his agreement; he therefore can sue for the penalty if the ryot does not perform his agreement, that is, does not cultivate the land in the terms of the agreement. He has two remedies: he may apply summarily, or he may proceed by a regular suit. In the summary remedy he can only get a return of his advances; in the regular suit he may obtain the whole of his penalty, in case of fraud or dishonesty on the part of the ryot. The only thing, therefore, that it seems to me he can reasonably object to is, that he cannot recover his penalty, and therefore has not sufficient means to compel the ryot to perform his agreement, except by a regular suit. By a summary suit he can obtain the return of his advances; but I believe that that is not sufficient to compel the ryot to perform his agreement, and therefore the planter has some right to complain; but under the new system the distinction between summary and regular suits does not exist. Under the new system everything would be summary; and therefore I think, if the new system were adopted the indigo planters would have the utmost that the law ought to do for them in enabling them to compel the ryots to perform their agreements; and I would not go further.

4548. The indigo planter has not the same summary remedy as the Government have under the opium system?—The difference now is, that the opium agent can impose a penalty of three times the money advanced upon the opium cultivator, if he fails to perform his agreement. He can do it summarily, whereas the indigo planter has not the same summary means of enforcing his penalty against the ryot who refuses to cultivate; but that distinction will be abolished by the new procedure; and as soon as the new procedure is in operation, there will be no distinction between the coercive power given to the opium agent over the opium cultivator, and the power given to the indigo planter over the indigo cultivator.

4549. And you approve of the adoption of the summary proceeding?—Yes; I think it would be better; I think that the indigo planter is entitled to have the same summary means, because, unless he can do it summarily, he loses season, and his loss may be very great.

4550. The

Mr. *N. B. E. Baillie.*

1 June 1858.

4550. The Committee have heard of the effect upon putnees of a sale of the zemindary by the Government for arrears of revenue; what is your opinion upon the propriety of sustaining the putnee notwithstanding such sale?—The putnee is a very convenient means, to the indigo planter, of getting command of the soil; and therefore if the putnee could be sustained in any way without disadvantage to the state, and without objections in other respects, I would be for sustaining the putnee: but I think that it ought not to be sustained as against the purchaser for arrears of revenue, I think it would lead to very great inconvenience, and to an ultimate separation between the Government and the land, if those putnees, which are perpetual leases, were sustained against a purchaser of an estate sold for arrears of Government revenue. It would have the effect of converting the Government revenue into a mere rent-charge, which it is not at present. A putnee is a perpetual lease which, after a man has got, he is very much inclined to create a sub-putnee out of; and in Bengal there are a great many sub-putnees, and not only sub-putnees, but sub-sub-putnees. These are called dur-putnees and se-putnees. Now, if you sustain the original putnee against the purchaser of an estate sold for arrears of revenue, I do not see how you can stop short of maintaining the dur-putnee and the se-putnee; and I believe that, ultimately, if you were to sustain putnees in the manner proposed, you would probably be doubling the whole ryot population of the country; you would have the ryot as a putnee holder, or a dur-putnee holder, or se-putnee holder, and the actual cultivator under him; and therefore I think it is impossible to sustain a putnee against a purchaser for arrears of revenue. The complication of title would be perfectly enormous; because if the title is complicated in the first instance by the putnee, the putnee must be complicated by the dar-putnee, and you would lose all benefit of the system of registration which is to some extent in operation.

4551. Are not leases for terms not exceeding 20 years protected?—Yes, under the new Act of 1845; and that appears to me to be the utmost extent to which you can safely go.

4552. It would seem more natural to protect putnees in perpetuity?—Yes; but if you protect anything in perpetuity you cut off ultimately the connexion between the Government and the soil.

4553. Do you consider that coercive legislation, to which you have alluded, has succeeded or failed?—There is a great deal of difference of opinion upon that point. I have long been watching the effect of the progress of indigo cultivation in India, and have seen a great deal of its ups and downs, and the conclusion which I come to (it may be erroneous) is that upon the whole, considering the tremendous losses which have been sustained upon the one hand, and the few fortunes that have been made upon the other, indigo has been productive of a loss instead of a gain to the community. I have scarcely known any person connected with indigo in Calcutta who was not ruined by it. I was a witness of the ruin of the ancient agency houses; and there was an unfortunate institution, the Union Bank, with which I was connected; they all got, one after another, into indigo; and no agency house that has ever become connected with indigo, and continued so for a sufficient time, has come out unscathed. Therefore my opinion is, that that coercive system, that that system of applying capital by advances to the cultivators, is not an advantageous way of applying capital to the country; and I ground that upon what I conceive to be a fact, that there has been, upon the average, a loss upon indigo.

4554. What do you consider to be the proper mode of applying capital?—The simple honest mode is to give the ryot a fair price for his produce.

4555. In fact, you would recommend the abolition of advances?—No, you could not do that. I consider it an unfortunate system, demoralising and oppressive to the ryot, and I consider that an extension of it to anything else would not be beneficial, and that if it cannot be done without more coercive means being used against the ryot, it ought not to be done at all.

4556. Do you consider the encouragement of the importation of English capital into India of great importance?—Yes; everything that can tempt English capital to India is of great importance.

4557. You have complained of the Government interfering with the money market?—Yes, the Government is driven by its necessities into the money market, and that has the most evil consequences upon the money market in Calcutta. You may get money to-day at five or six per cent.; to-morrow a new loan is

Mr. *N. B. E. Baillie.*

1 June 1858

opened at a higher rate of interest than the Government has been paying hitherto, and money will rise up four or five per cent. The fact is, that there is no reliance to be placed upon the money market, and I ascribe a good deal of that high rate of interest to the speculative indigo contracts, which have raised the rate of interest very high upon indigo. I have known many men advance money upon indigo, and get 12 per cent., or more by commissions upon it, and that and the fact that the Goverment is forced to be in the money market, is one of the causes that render it so difficult to obtain money on reasonable terms in India.

4558. Some evidence has been given to the Committee as to the desirableness of allowing the zemindar the power of redeeming the land-tax, and giving the occupier the chance of buying from the zemindar the fee-simple of the land; what is your opinion upon that subject?—As to the fee-simple, first let me disabuse the minds of Englishmen upon that subject. You never can get the fee-simple of the land by the mere redemption of the land-tax. The fee-simple of the land supposes you to have the land to do with it as you do with your own in this country. Now you cannot have that in India, because the land is all in the possession of the ryot cultivators, and anything which you can do with the Government can never get you the fee-simple of the land, and it is merely a question whether it is an advantage, upon the whole, for you to get land without its being charged with the Government revenue, or to get land which is so charged. Now, as to the question of applying capital to land, it appears to me that it is more advantageous on the whole to get land charged with revenue, than land without it, because if your sole object is to get command of the productive energies of the soil, you get them much more readily by purchasing land charged with revenue, than if you bought the land free of revenue; what is it that makes a man desire to get a putnee instead of buying a zemindary out and out? a putnee is a thing charged with a much larger annual payment than a zemindary; but the man gets a putnee at a much less expenditure of capital than a zemindary, and for the same reason he would get the land now at a much less expenditure of capital, than if there were no revenue charged upon it. Therefore I do not see that it is a matter of any great consequence whether the man has the means of redeeming the land tax or not.

4559. It has been stated to the Committee, that the zemindar having redeemed the land tax, the land might then be sold to the ryot, who would then have the fee-simple of the land?—In theory, I do not see that there is any impossibility in it, but in practice I cannot conceive that a poor creature who has only a few rupees a month, and a few begahs to cultivate, should ever be able to acquire zemindary rights over a great extent of country.

4560. The evidence that has been given, has had reference to the ryot obtaining zemindary rights over his own allotment?—His allotment is of really very little value; it is a mere fragment, and of little value unless combined with many other similar fragments, which could not be done without what I conceive does not exist in the country at present; that is, a power on the part of the ryot to sell his right.

4561. Mr. *Willoughby.*] I presume that your remarks apply to those parts of India where the permanent settlement is in force?—Yes.

4562. *Chairman.*] You think that you could not introduce the system of small cultivation, by which the ryot would be the proprietor of his own small portion of land?—Yes; but my idea is that it has little direct bearing upon the point of your inquiry; as there appear to be the same facilities in dealing with the ryot now as there would be if he had the zemindary right in addition to his own.

4563. Mr. *De Vere.*] You have spoken of the use of the English language in the zillah courts; do you believe that the use of the native language in those courts tends to the denial or perversion of justice at present?—The mere use of the native languages I cannot say, in my opinion, tends to the perversion of justice; I do not think it does. I am speaking of my own time, which is a time considerably back, and of the men that I knew; and certainly those men seemed to me to be fully acquainted with the native languages, to such an extent as to enable them to do justice in them.

4564. But you suggest that in some cases in those courts an examination of the Europeans might be profitably made in the English language?—Yes, I think so, because it is necessary to have an examination of the parties under that system, which I think ought to be adopted with as little delay as possible; and wherever there

there is an examination of the parties, it is necessary, not so much for the instruction of the judge as the convenience of the party himself, that he should be examined in his own language. I think that justice should generally be administered through the medium of the native languages.

4565. Would you translate the English examination which you have suggested into the native language, for the purpose of making it intelligible to those conducting the native pleading?—I think in that particular case it would be necessary that the other party should know what is going on, and the judge probably would be able to do it; it is of great importance that the other party should know, for the object of the examination would be entirely lost otherwise; unless each party knows what the other is saying there would be no means of obtaining the object of bringing them face to face.

4566. You suggest the examination of a European in the English language on the principle of examining a witness in the language in which he can best bring his evidence, and with a view to the subsequent translation of his evidence into the language recognised by the court?—Precisely for that reason, and with a view of stating it to the other party, if the judge could not do it himself upon the spot, which I think he probably could.

4567. You have said that you think the high rate of interest upon money injurious to the progress of India; what is a high rate of interest but a means of making capital productive in the hands of those who hold it?—One would suppose that it ought to have that result; but suppose there is a high rate of interest upon a speculative contract, it has not that result, for it results perhaps in the loss of the principal as well as the interest, and that is very much my idea of the nature of the contracts I allude to, and I told you that upon the whole my belief was that there was a loss upon them.

4568. Does not a high rate of interest tend rather to discourage than to encourage improvident speculation?—Not always; the man who is speculating highly gives the temptation of a high rate of interest, without which he cannot get the means of carrying on his speculation.

4569. Will not a man give more for money in proportion to the security and advantage with which he can invest it?—He may do so, but we know that a man will give more for money for a speculative necessity than he will with reference to the good way that he has of investing it.

4570. In other words, is not the high rate of interest upon money a proof that there are now existing means in India of rendering capital, even when borrowed at a high rate, profitable in the hands of the borrower?—It is a large question. In the particular case to which I allude I do not think that it is; I think that the high rates of interest upon money, which have been familiar to us in India, have been almost all connected with speculations that have been unproductive, and have turned out losses. A high rate of interest is sometimes procured with safety to the capital, but very frequently capital as well as interest all goes, Calcutta was a highly speculative place in my time, and the rate of interest was generally high.

4571. If the rate of interest were lower, that is, if money were more easily procured, would not it lead to more wasteful expenditure and speculation?—It might, or it might be laid out in legitimate investments; I do not know that I can enter into the question minutely.

4572. Why should the high rate of interest upon money operate more against the employment of money in safe and industrial investments, than it operates in speculative and gambling investments?—Because there is a high rate given in speculative and gambling investments; it raises the rate of interest for legitimate purposes just as much. I believe the rate of interest is artificial in Calcutta, and therefore being artificially high, it is high for good investments as well as bad.

4573. Is the soil which forms the sites of large cities and towns held by freehold tenure?—I cannot speak of the soil of any town except the town of Calcutta, and the soil of Calcutta is held in a very peculiar manner; I think it is very likely that the soil of other towns may be held in something of the same fashion. The Government attained what was called the zemindary of Calcutta before it became possessed of the dewanny right to the revenue. Being the zemindar of Calcutta, it had ryots under it, the cultivators of the soil, just as any other zemindar has in any other zemindary. But the Government treated its ryots as if they were the real proprietors of the soil, and therefore it gave them, in fact (though not that I am aware of in theory) a fee-simple in the soil, subject only

Mr. *N. B. E. Baillie.*

1 June 1858.

to the payment of a certain annual rent per begah, generally speaking, of about two rupees; and all our tenures in Calcutta are of that character. They are founded on what are called pottahs. It is difficult to say what right a pottah did convey in the native idea, but all Calcutta is built upon ryots' tenures, those ryots' tenures having been treated by the Government, *quâ* zemindar of Calcutta, as if the ryots' tenure were proprietary.

4574. What is the usual term of building leases in Calcutta and the other large cities of Bengal?—I am happy to say that the system of building leases has not been introduced into Calcutta. There was in my time no building lease in Calcutta, everything was bought out and out, what you would call the fee-simple of the land; in my time there was no such thing as a lease of years, except an ordinary lease for residence; sometimes the attorneys used, in creating a mortgage, to create it by a demise of 1,000 years, but there was no building lease that I am aware of granted in that way.

4575. What are the means by which a person wishing to settle in India, and to invest his capital in the country adjacent to the towns, could acquire a fixity of residence in the towns themselves?—I believe that the zemindars of the villages which afterwards became comprehended in towns (for towns are in some instances creations of our own) gave a pottah, which was leave to build on; it was a question, and I believe is still a question, what right really was conveyed in a puttah, which did not define anything; for they did not define by time or by life. I think the impression is generally, that when given for building purposes, they did convey a right to the soil; and I rather think that the Act I. of 1845, which protects farms up to 20 years, specially mentions pottahs granted for building purposes.

4576. Does not the indefinite nature of this right conveyed by pottahs form a considerable impediment to the investment of capital in India?—It has not, in my opinion, in point of fact, done so; all the indigo factories that I have ever been acquainted with were built on those pottahs, and except in instances where the pottah was given either for a time, or a life, I have never known any attempt to oust an indigo planter on the part of the zemindar; and therefore, in point of fact, they have, although not in theory, yet in practice, been treated as though they conveyed the fee-simple of the land.

4577. How far do you conceive that encouragement could be afforded to persons intending to invest capital in the cultivation of the soil by increasing the facilities for acquiring freehold tenures in towns?—An Act might be passed declaring those freehold tenures. In Calcutta we do not want it; when we buy and sell land commonly in Calcutta, the attorneys who are the means of conveying it never inquire into the origin of the title, and therefore, practically, it is no impediment whatever to the settlement of Europeans; it might be so theoretically.

4578. Mr. *W. Vansittart.*] I think you have not been in the receipt of any salaried appointment from the Government during your stay in India?—At the first commencement of my office as Government pleader I had a salary of 40 rupees a month, and in addition to that the regular fees of all the suits with which I was connected; that salary was afterwards raised to 500 rupees a month, but was reduced by the authorities in England from 500 to 300.

4579. You have not been generally a salaried officer of the Company?—Not otherwise than I have mentioned.

4580. What is your opinion of the civilians generally as regards their knowledge of the language and the administration of justice?—All my knowledge of them refers to a period anterior to 1844, and then, I must say, speaking chiefly of those in the Sudder Dewanny Adawlut with whom I was intimately acquainted, I can scarcely recollect a single instance of any man who did not seem to me to be fully competent to the conduct of business in the native languages.

4581. With regard to those residing in the Mofussil, what is your opinion?—I had not the same means of judging as to them. I had only their decisions, which came up to me for the purpose of appeal to the Sudder Court, and then I could only judge of the merits of the decree; therefore I cannot speak as to their qualifications further than this, that I ascribe the great cause of what I must admit to be many defects in the decrees that have come in my way to the want of any certain rule upon the part of the unfortunate judge, who had nothing whatever for his guidance, and therefore was frequently lost.

4582. What is the state of feeling that appeared to you to exist between civilians

civilians and indigo planters?—I cannot speak from personal knowledge upon that subject.

Mr. *N. B. E. Baillie.*

1 June 1858.

4583. Have you heard the evidence of Messrs. Theobald, Freeman, and other witnesses?—No; I did not hear Mr. Theobald's evidence at all; I heard Mr. Freeman's.

4584. Upon what grounds and data do you suppose those gentlemen formed their very unfavourable opinion of the abilities and qualifications of the civilians?—I cannot say.

4585. You have stated that, notwithstanding the defects of our Mofussil courts, you do not think that indigo planters and others have ever been deterred from settling in India?—That is my belief. I never heard in conversation any man talk of it as a great grievance; it is always talked of as an annoyance. A man will tell you that he is obliged to pay so much to bribe the omlahs. I never knew a case where a man was influenced to prolong or shorten his stay by the state of the law, bad as it is.

4586. You object to Englishmen being subjected to the native functionaries?—Yes, I do, to native magistrates.

4587. Do you object to natives being appointed to high official situations?—Yes, I do; my reasons in both cases are political. I would say that with regard to the appointment of natives to higher situations, that I was asked the question when examined before the Committee of the House of Commons in 1853. I then said that I thought that they were improving very much, and that, intellectually, I thought they might be considered qualified for higher situations. I thought there was still some moral deficiency on their part, and if they had been promoted to the highest situations at the time that I was acquainted with the native judges, I did not think that the natives themselves generally would be satisfied with their decisions, or would be entirely free from suspicions as to their honesty. I then gave my opinion entirely as a judicial question. I was talking of the qualifications of the men morally and intellectually for judicial functions. Now it is given upon political grounds. I think, politically, the natives should not be appointed to those high situations.

4588. In addition to your previous opinion, subsequent events have confirmed your opinion of the unfitness of the natives generally to be employed in those offices?—They have opened my mind to another view of the subject. I had considered the subject only judicially, and I discarded every other consideration from my mind in applying it directly to the question whether they were morally and intellectually qualified for higher judicial offices. Now, I do not discard other considerations; in fact, the judicial considerations are entirely subordinate to the others in my mind.

4589. Do not you think that we could get young men of very good family and education from this country to fill the situations of sudder ameens and moonsiffs with the present salary?—I doubt it very much; I think a man must have been some time in India before he is efficient; and by the time he has lived long enough in India to acquire all the knowledge to render him efficient, he has become a more valuable machine than you could purchase at that rate.

4590. How would you improve the system of sudder ameens?—I think you cannot do better than retain the natives; I wish to retain the natives; I think it is of great importance to retain the natives; and I think that politically it would be a mischief of the most enormous kind to withdraw the natives from the situations which they now hold, and I should not be surprised if it led to an insurrection of the people.

4591. Is not Khan Bahadoor Khan, who was our sudder ameen of Bareilly, now the ruler of Rohilcund; and is not that the only province we have to reconquer?—I believe he was sudder ameen; I do not know.

4592. Have not several of the other sudder ameens behaved very badly during the late revolt?—That may be, but still I would not put a ban upon every native of the country.

4593. You do not think it would be advisable to substitute European agency for native agency?—No; I think it desirable to reserve as much as you can for the natives.

4594. *Chairman.*] You want to intermingle Europeans with the natives, to guide the natives?—Yes, to guide the natives.

4595. Mr. *W. Vansittart.*] Do you not think the natives consider that the Supreme Court is a much more expensive court than our Mofussil courts?—I have

Mr. *N. B. E. Baillie.*

1 June 1858.

I have no doubt they do, for the fact is so; the regular course of proceedings is more expensive in the Supreme Court, but by the knavery of many of their own agents, the mookhtars, the expense is sometimes really greater in the Mofussil than in the Supreme Court. The advantage of the Supreme Court is, that the practitioners are all men of character, more or less, and therefore there is no irregular expenditure in the Supreme Court; there is a vast irregular expenditure in the native courts, an expenditure for which the courts are in no way responsible, but an expenditure connected with the employment of inferior native agency.

4596. There is a higher class of agents in the Supreme Court than in the Mofussil?—Yes.

4597. Do you think that the amalgamation of the Supreme Court and Nizamut Adawlut would be popular among the natives; for instance, say the judges to consist two-thirds of men of the covenanted service, and one-third of the Queen's or English lawyers?—I think generally, upon the question of amalgamation, that the elements will not do well to combine together; I think practically, that it is a question exceedingly difficult.

4598. You are in favour of keeping them separate?—Yes; I would give them first something in common; I would introduce the new system of procedure into the Mofussil courts; if it worked well, it might be introduced into the Supreme Courts, and then if they had the same common system of procedure the course would be prepared for an amalgamation in other respects.

4599. You say that what we want in India is a new substantive law; without our present system of procedure how could that be brought about?—A substantive law is one of the great wants of Mofussil India. I believe that the Law Commission was of opinion that all India might be brought under the same substantive law. I rather think that they intended that the substantive law should apply to the Presidency towns as well; but, if I may venture to express an opinion in opposition to men for whom I have the greatest possible respect, I think that it would be better, as the Presidency towns have had English law so long, to retain English law in the Presidency towns. The fact is, that there is a great deal of English law which is quite inapplicable to the Mofussil. I would take the case, for instance, of mercantile law. There is a good deal of mercantile law applicable to inland transactions, but there is much of it connected with the sea, and I think it is of great importance that the mercantile law of the whole Empire should be, as far as possible, the same; indeed, if you could go further, and make the mercantile law of the whole world the same, it would be a great advantage; that is one reason why I would not change the law of the Presidency towns; the two systems of the Presidency towns and the Mofussil are just as much separate as those of France and England, and I see no reason for forcing them unnaturally together; at this moment, particularly, I think it highly undesirable.

4600. Mr. *Gregson.*] You say there is a want of capital and a high rate of interest in India; what, in your opinion, are the obstacles which prevent the transmission of capital from this country to India?—I do not know that there is anything to prevent it. I believe there are great means of employment, and I believe capital does go largely from this country to purchase produce. I do not think it is advisable to lay it out in that particular manner the Committee have been talking of; but if you send out money to purchase goods in the marts of India, I do not see any objection.

4601. Mr. *Willoughby.*] Does not the system of indigo advances exclude the general European capitalist?—I think that when a man comes to Calcutta with money, he might be tempted to lay it out in this speculative manner that I mentioned, in indigo, and, in fact, a great deal of the professional capital made in Calcutta is embarked to a very considerable extent in that way.

4602. The fact is, that the crop has been forestalled by the settlers on the spot by the system of advances?—Yes, of course, the crop is always advanced for, and is restricted to the indigo factor, who makes the advance.

4603. Did you hear Mr. Hawkins's evidence?—Yes, I did.

4604. I gather from your evidence that you concur generally with that gentleman, except upon the particular points you have mentioned?—There is hardly any judicial point upon which I differ with him; we long worked together upon the Law Commission, and therefore it is natural that we should think together upon those subjects.

4605. You

4605. You have alluded to the defective state of the police up to 1844, when you left India; you are aware that many attempts have been made since, and especially recently, to improve it?—Yes, I believe so; but I do not know that any attempts have been made in the way of instruction where it is most wanted; I believe there are attempts in the way of a preventive police; there is some talk of a military police as a preventive police.

4606. Are you acquainted with the system introduced in the Bombay Presidency?—No, I am not.

4607. From what class would you select the European subordinates?—The military serjeants, if they are competent, and I believe they generally are competent. We had an excellent deputy superintendent of police in Calcutta, taken from that class; Serjeant M'Cann was his name.

4608. As a general rule, do you think they would be trustworthy?—I should hope they would.

4609. I allude more particularly to that bane of the soldier, drink?—The conductors of artillery are selected very much in that way, and are very highly respectable men; and I do not see why, on a good salary, European serjeants might not be exceedingly useful in connexion with the police.

4610. I conclude you are not aware that what you recommend was the practice in the Island of Bombay, and that the whole body were discovered to be corrupt, and were discharged?—I am not. What I wish to impress on the Committee is that there is a fault in the native mind which requires to be removed; that there is ignorance which requires instruction. I have only suggested a remedy, but still the fault is there; and to improve the system that particular fault must somehow be rectified.

4611. You have stated some very strong objections against the judicial system introduced by Lord Cornwallis, and you made sundry suggestions for its improvement: is not the system which you advocate in reality the native system, that is, the system which prevails to this day under the just native Governments?—I cannot speak with regard to the system that prevails under any native Government; but that simple system was the Mahomedan system; and I think it highly probable that the Mahomedan system was generally adopted in India.

4612. You have alluded to the courts of law, presided over by European judges, being more courts of appeal than of original jurisdiction; that change was introduced by Lord William Bentinck?—Yes.

4613. And is not that in your opinion one of the reasons why the judicial administration of India may have deteriorated by abolishing the school in which the Company's judges were trained?—I think there is no doubt of that; one of the greatest faults in the modern system, so far as a European is concerned, is, that he has no means of instruction; the judges with whom I was acquainted were men of the old school, trained in the regular way of the old service; that is, they ascended gradually through the revenue, and were judges before they became judges of the sudder, but now they have not sufficient means of experience in the lower grades of the service, which is a great evil.

4614. You have stated that you would allow Europeans to plead in their own language in the courts of law in the Mofussil; is that if the case was between European and European, or if the defendant was a native?—What I said was not so much applicable to the advocate, as to the party himself.

4615. Supposing the defendant is a native, is it your opinion that English should be used as far as the plaintiff is concerned?—I think as under the new system it is necessary to examine the parties, if a European plaintiff should come to be examined, it is of great importance that he should, in all cases, be examined in his own language.

4616. You confine the English procedure to the examination of the plaintiff or defendant?—Yes; I would give a man, from the necessity of the case, the use of his own tongue.

4617. Sir *Erskine Perry.*] That is inevitable is it not, that if an Englishman comes up, he must give evidence in his own language?—Yes, he does so now when examined as a witness; under the new system he might be subjected to a double examination, first for eliciting the points in dispute, and secondly as a witness.

4618. Mr. *Willoughby.*] Then you confine your recommendation to his own evidence?—Yes, I think that there should be a language of the court; that that language should be the native language, and that the advocates of the court should be obliged to use that language.

Mr. *N. B. E. Baillie.*

1 June 1858.

4619. Sir *Erskine Perry.*] You would make no change at all, in fact?—Very little.

4620. What change would you make?—Under the new system the parties are required to appear in person, which they are not much under the present system, and I would give an English party the free use of his own language. At the same time I may say that I see no objection to the use of English if the pleaders on both sides understand English, as is now the practice in the sudder; I think the present practice, which gives an option, better than the old practice, which required Hindostanee in all cases.

4621. Mr. *Villiers.*] You do not attach any importance to the public not understanding it?—I think in general the parties, if they happen to be present, and their agents would prefer that the proceedings were conducted in the language they understood; but if they had much confidence in their pleaders it would not be a matter of much importance. I found, in my own practice, that when my clients had learned to confide in me, they did not care in what language I spoke, but before I had made some way in the court they told me that they preferred to hear me speak in Hindostanee.

4622. Sir *Erskine Perry.*] Have not you seen this occur in the Sudder Dewanny Adawlut, when the rule was to have the Hindostanee language, that an English advocate would begin in the Hindostanee language, and would break out into a little English; and the judge, in the same way, would commence a sentence in Hindostanee, and also break out into English?—No, I do not think that occurred in my own practice. I do not mean to say that I was very fluent in the language, but I have no recollection of breaking out in that way; but I was no doubt obliged to shorten my speeches, which was perhaps rather an advantage to the judge; perhaps an advantage of the native language, that is, that speeches are not a tenth part of the same length that they are in English.

4623. Mr. *Willoughby.*] In case a native is wronged by a European settler, what means has he of obtaining redress?—In the Mofussil, at present, the English magistrate has no jurisdiction whatever over a European, except in a certain class of cases, cases of assault, I think, chiefly; and for those cases he may punish to the extent of a fine of 500 rupees. I think that is a great defect in the present system. I think it has the effect of giving practical impunity to a European settler for every offence except the graver kinds of crimes. Now I conceive that it is necessary that the English Mofussil magistrate, not the native magistrate, ought to have a jurisdiction over a European to the same extent as in Calcutta.

4624. In the event of any extensive settlement of European settlers being practicable, how would you propose to protect the ryots, seeing that at the present moment there is this defect?—I would subject the Europeans to the ordinary criminal judicatories of the country, with the exception of the native judges and magistrates.

4625. Sir *Erskine Perry.*] You would increase the jurisdiction?—I would give the same jurisdiction as in Calcutta; upon the whole I would not extend the jurisdiction over men more than is absolutely necessary; I think the less change you make at present the better.

4626. What power of imprisonment has the magistrate in the Mofussil?—Only a 500 rupee fine I think.

4627. Are you sure that he has not a power of two years' imprisonment?—I do not know. I speak of his jurisdiction over Englishmen.

4628. Mr. *Willoughby.*] It has been stated that the process against defaulting cultivators is more stringent under the opium regulation than the indigo regulation; is that the case?—I do not think that it is so in reality if you consider that the Opium Act has two purposes, one with regard to the cultivation of the poppy, and the other as to the dealing with the manufactured opium; the manufactured opium is contraband; there are a great many provisions in the Act that refer to that which are more stringent, but in the matter of a contract with the ryot to cultivate opium and a contract for indigo, I do not see any great difference in the stringency of the opium regulation over the other, excepting this, that the one is summary to the extent of a penalty of three times the advances, and the other is by regular suit. I think that a great objection, but I think that would be remedied by the new code of procedure.

4629. Did you state that all indigo planters are ruined men?—I did not say that, I believe. I believe there are some instances to the contrary; I did not mean

mean to say that. Probably there is a loss, on the average; but it is not to indigo planters alone. I mean, taking into account all the capital that is advanced upon it from Calcutta (the great source from whence it issues), and taking everybody who has been connected with indigo from the beginning to this time, my conviction is, that there has been a loss upon it, and that it arises, in some degree, from that peculiarly speculative and bad mode in which it is cultivated, a mode that was barely tolerated by the old law of the country.

Mr. *N. B. E. Baillie.* 1 June 1858.

4630. You have alluded to the agency houses who failed; was not the cause of that failure that they had made advances at high rates of interest on the indigo factories, and that when the money pressure came they could not realise their capital?—I believe that has always been partly the cause of the great failures in Calcutta. I cannot say, as to the original agency houses which failed in 1833, that that was all, because I think there was a vicious system in other respects that contributed to their losses; but, taking all the parties connected with indigo in every way, there has been, I think, rather a loss than a gain, which I ascribe to this peculiarly pernicious mode of advancing money.

4631. Their advances were made, and they could not realise when they wanted the money?—No doubt that was a great cause of the failures of the original agency houses.

4632. Did you state that by the sale law of 1845 a putnee tenure is recognised for 20 years?—No; I consider that a farm held for 20 years is not a putnee; that is an ijarah.

Jovis, 3° die Junii, 1858.

MEMBERS PRESENT.

Mr. Baillie.	Mr. Knight.
Mr. Campbell.	Sir Erskine Perry.
Mr. De Vere.	Mr. J. B. Smith.
Mr. William Ewart.	Mr. Villiers.
Mr. Gregson.	Mr. Willoughby.
Mr. Kinnaird.	

WILLIAM EWART, Esq., IN THE CHAIR.

Mr. *Neil Benjamin Edmonstone Baillie*, called in; and further Examined.

4633. Sir *Erskine Perry.*] I UNDERSTAND from you that you do not think the mal-administration of justice in the interior has deterred British capital from finding a location there?—That is my impression; I do not think it has; that is, it has not deterred Englishmen from settling there.

Mr. *N. B. E. Baillie.* 3 June 1858.

4634. At the same time we learn that there has been no increase of British settlers in the interior for the last 25 or 30 years?—I have heard that stated, and believe it may be so; I have no knowledge of the fact.

4635. Is it not the fact that the parts of India in which British capital and settlement have most flourished have been the Presidency towns, Calcutta, Madras, and Bombay?—No doubt of it.

4636. In point of fact, the British settler and capitalist feels just as much protection at Calcutta, Bombay, and Madras, as he would in Liverpool or Bristol; is not that the case?—Yes, I should say so; I do not see why it should be otherwise.

4637. Would not that lead to the conclusion rather that the protection by the laws in Calcutta, Bombay, and Madras has had great influence in those results which I point out?—It does not follow, I think, necessarily. It appears to me that the settlement of Europeans at those places is more to be ascribed to the peculiar character of the places; that it so happens that those are the great channels of communication. We know, in point of fact, that Calcutta is the principal navigable mouth of the Ganges, and the Ganges is the canal of all the Upper Provinces of Bengal, and all the trade of the country comes down in that direction, and therefore people would naturally settle there.

Mr. *N. B. E. Baillie.*

3 June 1858.

4638. That argument would not apply to Bombay or Madras, where no navigable rivers find an exit?—No, it does not; but there must have been some considerable trade direct to those ports, or else Europeans would not settle there. I do not suppose they went to settle because they would have the protection of the Supreme Court. I do not thiuk that was the inducement to settle there. I think the inducement must have been of a different character quite; that it was for the purposes of their trade, and having gone there they were glad to have the protection of their own laws.

4639. Is it not the fact, that when Bombay came into our possession it was a barren island, with 4,000 or 5,000 poor people upon it, with no trade at all?—I believe so.

4640. Do not you think, therefore, that the administration of justice in Bombay must have had a great operation in attracting that great commercial industry that exists there?—I think they must have been attracted by other causes. Europeans settling largely there of course are desirous to have justice properly administered; but I do not think that merely the prospect of having justice properly administered is the moving cause to induce a European to settle there.

4641. If no trade were to be obtained by the operation of capital, a proper administration of justice would have no effect in attracting people there; but if there are attractions for the employment of capital, do not you think that the proper administration of justice would have a great effect in inducing settlers to go there?—I place very great importance upon the proper administration of justice certainly. Having been always connected with it myself, in some way or other, I am perhaps inclined to exaggerate its importance; but I do not believe it is a moving and inducing cause for people to settle in a certain place; it would not induce them to settle in Sierra Leone, for instance, merely because justice may be well administered there.

4642. I do not put to you the case of a Lord Chief Justice Coke being put down upon a barren island in the Pacific attracting settlers there; that would be an absurdity. But in a place where there is capital, does not the administration of justice attract settlers and capital to that locality?—It may be so; but I do not think that people think much beforehand of the administration of justice.

4643. How do you reconcile with that opinion the clause which is contained in contracts, that parties shall be suable and have the right to sue in the Supreme Court?—The contracts must be made always with British subjects, and that sufficiently accounts for there being engagements for submitting the other party to the jurisdiction of the Supreme Court. Two natives cannot enter into an engagement with each other that a matter between them shall be determined by the Supreme Court; the contract must be between a native on the one hand and a British subject on the other.

4644. Are you sure that you are right in that statement?—I think so. According to my impression, when I was practising the law in both places, I think we used to introduce a British subject for the very purpose of making the jurisdiction.

4645. If the administration of justice was as satisfactory in the Mofussil court, would there be anything to prevent Europeans in Calcutta from trying their cases in a court within two or three miles, at Hooghly, or the neighbourhood?—The Mofussil court is a *terra incognita* to a European; he would not like, of course, to have his matters decided in those courts, because he knows nothing about them.

4646. If a court is within a mile or two of a jurisdiction, he would have an opportunity of finding out how justice was administered in that court?—I do not think he would have confidence in it, and perhaps justice is not so well administered. It would be absurd to say that justice is so well administered by the Company's courts as on the common-law side of the Supreme Court. I would not for an instant compare the administration of justice upon the common-law side of the Supreme Court of any of the Presidencies with the administration of justice in any of the Company's courts; but I would compare with it (and perhaps with advantage to the native courts) the administration of justice on the equity side of the Supreme Court.

4647. You admit fully that the administration of justice upon the common law side of the Supreme Court is much superior to the administration of justice in the Mofussil courts?—Unquestionably it is much superior in every possible way, greatly in respect of the rapidity of decision.

4648. You left India in 1844, did you not?—Yes.

4649. You

Mr. *N. B. E. Baillie.*

3 June 1858.

4649. You are not, therefore, aware of the reforms that have been made on the equity side of the court since that period?—I believe that the proceedings in equity courts here have been shortened, and I suppose that is now the case in Calcutta; but my remark with regard to the equity proceedings in the Supreme Court does not apply so much to the procedure of courts of equity as to the inapplicability of that particular kind of procedure to the country. I believe, according to my recollection of it, that a great deal of its value formerly rested upon the fact that it afforded the means of examining the parties upon oath, the defendant always, and by means of a cross bill the plaintiff in like manner. The inapplicability, therefore, of equity proceeding to the natives was this, that no dependence could be placed upon the native oath, and that the answer brought out nothing, and the cross bill brought out just as little, and the suits went on interminably.

4650. You speak of your experience of 14 years ago?—Yes.

4651. You are not aware of the reforms that have been made in the Supreme Court upon the equity side?—I have only a general idea of them.

4652. Do you know that the judges take *vivâ voce* evidence in equity?—No; in that case the whole equity procedure seems to be changed, and I do not see why it should not be made the same as in the common law courts.

4653. Do you know that the judges take the references themselves, instead of referring them to the masters?—That is a great improvement; the reference to the masters is what I chiefly allude to, as prolonging indefinitely the suit.

4654. The administration of justice on the common law side is much superior to the administration of justice in the Mofussil courts generally?—I should say so, without any doubt.

4655. And the reform which you chiefly advocate is an improvement of the procedure in the Mofussil courts?—Yes, with the addition of a substantive law.

4656. The system at present existing is to do a great deal in writing, is it not?—It is entirely in writing.

4657. The evidence of the witnesses is taken by deposition?—Yes; but under a recent Act the witnesses ought to be examined by the judge himself, and I believe they are.

4658. The first evidence is taken in writing by the omlah of the court, is it not?—It was formerly the practice, and a very bad practice, but has, I hope, been discontinued.

4659. If the procedure which the Commissioners in England have advocated be adopted, the evidence and nearly all the proceedings would be *vivâ voce*, would they not?—Yes, they would be *vivâ voce*.

4660. You have recommended the abolition of written pleadings?—Yes.

4661. And you recommend the judge taking the evidence himself from the witnesses as they come up?—Yes; as to written pleadings I should say that with some qualification.

4662. That being so, if an English judge is administering justice in the Mofussil, would it not be much simpler that he should take down the evidence that he hears in his own language; and would not such taking down of the evidence be an ample record of the case for the courts above?—He might, if he was an English judge, take it down in his own language, and I suppose he would do it for his own guidance, and so far it might be an assistance to the judge; but if the witness were a native, he would require to examine him in the native language, and then translate his evidence for himself upon his notes.

4663. Suppose the course were to hear the evidence, as in the Supreme Court, through the medium of interpreters, would an establishment of two interpreters to each court cost as much as the large body of omlahs now employed?—I should say with regard to the large body of omlahs, that the only officer that I am aware of at present is what is called a sheristadar in the Mofussil courts; and in Calcutta, in the Sudder Dewanny Adawlut, each judge had a peskar and a missel-khan, or reader; in the Mofussil he has only one in attendance upon him; in Calcutta he would have two; and therefore the expense in the Mofussil would certainly be less under the present system than that of interpreters. Some officer, too, would be required to take down the evidence from the interpreter, as in the Supreme Court.

4664. Is it not the case that in the Supreme Court there is a much larger establishment, and is not the sheristadar's office full of four or five reporters?—The evidence cannot be taken down by them.

Mr. *N. B. E. Baillie.*

3 June 1858.

4665. Does the establishment of a native judge only consist of a sheristadar —I mean that part of the establishment between which only and the system of interpreters there can be any parallel; there is a large part of the establishment which is entirely out of the court. In the sheristadar's office there is a good deal of business connected with the records of the court. But the establishment that the judge has for his assistance in the proceedings before him is, in the Mofussil, I believe, confined to one officer, the sheristadar, and in Calcutta there used to be two.

4666. And the sheristadar has nobody under him?—I think not in court; he must have a good many people in his office. The exact number I do not know; but with the judge himself, as his assistant in court, I believe there is only one officer, the sheristadar. I cannot speak with certainty, but that is my impression, and I know in Calcutta there were only two officers, a peshkar and a misselkhan.

4667. As to the substantive law which you recommend for the Mofussil, I suppose you have heard the scheme of deluging India with English law and English lawyers derided?—I cannot say derided, but I have heard it a good deal discussed.

4668. Do you know what the rule is as to introducing English law into a colony, and into India?—There is no rule for introducing English law into India. I believe that in such colonies as New South Wales, composed entirely of English settlers, English law is carried by the English judges, and they have an entire English establishment, but that would not be the case at the Cape, I suppose.

4669. Do you know what the rule is in the English law, as to the English law being carried to the colonies?—I do not know the particular rule.

4670. Is it the rule that they only carry so much of the English law as is applicable to their own situation?—I suppose it is so.

4671. And that all the municipal law and police regulations, and everything affecting local customs, is not imported into a country or colony where English law is carried?—I should think so.

4672. Is that the rule by which the Supreme Court of Calcutta have been guided in their application of English law to the litigation of people who come before them?—I can hardly say that it is.

4673. Then you do not recollect the decision of Lord Brougham, in the great case of the "Mary Lyons"?—Yes, I do, generally.

4674. In which the Privy Council in this country held that those portions of the common law that really did not apply to a country like India, were not applicable?—I forget the particular ruling in the case.

4675. If that should be the case, and the rule of law, if the English law was introduced as a substantive law in the Mofussil, would it not afford a good rule, founded upon jurisprudence, for all controversies that arise between man and man? —I do not think it would, with regard, in particular, to the sale of land. I do not think that there is anything in the law of England that could regulate the sale of land in India.

4676. Surely if the English law were introduced, full effect would be given, as in this country, to all local customs respecting law, would it not?—I think that it has not been the case, and may therefore infer that it would not be done.

4677. Of which court do you speak?—The Supreme Court. I am talking of the universal practice in Calcutta, and of my own practice for a great many years as a conveyancer. We have introduced the feudal conveyance of England, the same as in this country; and I believe it to be utterly inapplicable to that country.

4678. That class of decisions has been overruled by the Privy Council?—With great deference to your judgment, I should not say that the simple decision of Lord Brougham in that case could be said to overrule this great mass of practice which I allude to. I am telling you the manner in which land is commonly conveyed between parties in Calcutta; it is done by lease and release; mortgages are made in the same way by lease and release, or demise of 1,000 years; and I think all this inapplicable to the country.

4679. *Chairman.*] You only speak of the system of coneyance as practised in Calcutta up to the year 1844?—Yes.

4680. You cannot say whether any reforms adopted in England since that time have been likewise adopted in Calcutta?—No.

4681. Sir *Erskine Perry.*] Is not the law administered in the Mofussil this, that first

first of all the judges must be governed by Acts of Parliament and regulations?—Yes.

4682. Secondly, in the absence of such Acts, by the usage of the country?—Hardly.

4683. Are you sure that I am not quoting from the regulations?—It may be so. I am speaking from recollection. The probability is, we mean the same thing; I speak with reference to the phraseology of the Bengal regulations.

4684. The third rule is, that if no such usage appears, they are to go by the law of the defendant?—That was the law; but that law was altered, I think, in 1831. That was the law in theory, but I do not think it was ever the law in practice.

4685. Is not this the governing rule which prevails all over India, that in the absence of specific law and usage, justice, equity, and good conscience alone are to govern the judge?—Yes.

4686. That is really the substantive law which the judge is to administer?—Just so; where there is neither regulation nor Act of Parliament, nor Hindoo nor Mahomedan law applicable according to the regulations to the particular case, the judge is to determine by justice, equity, and good conscience.

4687. Would it not be an immense improvement if the judges, instead of this rule, were able to refer to the jurisprudence of any civilised nation, whether the civil law or the English law, to find a rule applicable to the case?—I think it would be decidedly better to have almost any law of any civilised nation rather than to leave things to the vague ideas of different men as to what is justice, equity, and good conscience.

4688. Without drawing any contrast between the civil or Roman law, and the English law, you admit that the jurisprudence of either country would, in most transactions of life, afford a rule for the guidance of the judge?—That is stating it perhaps, a little too largely. I do not think it would. I am speaking with reference to a vast variety of subjects which it is hardly possible for a man to keep in his mind's eye. But, generally, I should say that there are many cases occurring in India to which I do not think any rule of English law would be justly applicable.

4689. Without drawing any contrast between the excellencies of the civil law, or of the English law, would not a judge, being able to refer to the jurisprudence of either, have great advantages in administering justice, instead of being governed by the general rule of equity and good conscience?—I do admit most unqualifiedly that the power of referring to any rule of any civilised nation is much better than having no rule at all.

4690. And in any application of the English law to the Mofussil, full stability will be given to all local customs, and also to the rules of inheritance and marriage, which are personal laws?—That is now the course adopted in India with regard to matters of inheritance, marriage, caste, and religion, because such is the positive law of the country, and the judge would probably follow a similar course in the case supposed.

4691. Is not that wise legislation?—Clearly; so far it is wise.

4692. And if English law were introduced into India with those qualifications, do not you think that it would supply the defect which you point out of the want of a substantive law?—I have endeavoured to explain how I think it would not be sufficient; and I believe that practically it would be introduced in many cases without the qualifications, as in the case of the feudal conveyance alluded to.

4693. And I suppose you do not think that English settlers settling in the Mofussil would be gratified to find that the rules of jurisprudence to which they were accustomed also prevailed with the judge in the controversies before them?—I have no doubt they would.

4694. Would that be advantageous to the country generally or not?—To the individual, but not to the country generally.

4695. Are the rules such arbitrary rules that they are merely suited to Englishmen, and not to the world in general?—Many are arbitrary.

4696. If those arbitrary rules are not imported into India, if the law is administered soundly, would not it be advantageous to the country generally?—Take the case of a purchase of goods not delivered, and perishing in the hands of the seller; how should that be regulated? By English law, the peril is said to be on the purchaser.

4697. Does it signify much which way the rule is fixed in those cases where third parties are concerned; is not the object to have a fixed rule?—General rule is

Mr. *N. B. E. Baillie.*

3 June 1858.

is required, and would be quite enough when once determined; but in the first or second application, and perhaps in many subsequent applications, before the rule is understood to be the rule, the application of it might, I think, be unjust.

4698. Do you admit that in that case it would be better to have that arbitrary rule that you speak of, than to have 50 decisions from one judge in equity one way, and 50 a different way?—Yes.

4699. And that might happen under the existing law?—Yes, and that is a great evil.

4700. Would it not therefore be much better, both for the natives and the English settlers, to have one system of rules laid down, which a judge with common industry may make himself master of?—It would certainly be better.

4701. And would it not be easy also if that were the system, to have little simple hand-books of jurisprudence to be handed about, and made subjects of study?—It might be, I think.

4702. Would it not be easy for the Government, if the English law were made the substantive law in the interior, to publish themselves small hand-books on the principal subjects of jurisprudence, contracts, dealings with persons, and so on?—It might be so; but the preparation of hand-books would not, I think, exclude the rest of English law, into which it might be necessary, as it were, to make excursions, in order to explain what might be obscure in the hand-books. It would be hardly possible to avoid a reference to English decisions, which would be a great evil with native judges. I admit that a great deal might be taken out of the law of England, but it ought to be permanently cut off from the great body of English law by an Act of the Legislature, and made with suitable additions the law of India.

4703. That is the rule of the English law, is not it?—It may be the rule of the English law in theory, but it has not, I think, been the rule of English law in practice.

4704. And that system has been applied to Calcutta and the Presidency towns in the mode I suggest; namely, that the judges have decided on each occasion how much of English law is imported into India?—In practice I believe not; my impression is, that in all cases to which the Hindoo and Mahomedan law does not apply the judges have applied English law. By Act of Parliament the judges are required to apply, in matters of contract and dealings between parties, the law of the defendant; but in practice, when I was in the Supreme Court, I cannot charge my memory with any case in which there was an application of the Mahomedan law of contract to a Mahomedan, or an application of the Hindoo law of contract to a Hindoo. There is very little of any Hindoo law of contract; and much of the Mahomedan law of contract is utterly inapplicable to the present times (the law of sale in particular being complicated with their peculiar notions on the subject of usury); and therefore it was scarcely possible that the court could have applied the Hindoo and Mahomedan law to cases where it was required according to Act of Parliament. Therefore English law has been applied generally, except to cases of marriage, inheritance, and so on.

4705. Is not the law of contract in all cases much the same; that the parties are bound to perform the contract?—Parties are generally obliged to perform their contracts; but I allude to cases where there is no evidence of any contract sufficient to regulate the matter in dispute between the parties, and then it is that the judge must have reference to some other standard; that is, to the law of the country. I beg to observe, too, that much of English law might be introduced in practice by professional men (as in the case of conveyance), and the judge might have rather to follow than lead in determining whether a particular part of English law is applicable to the country or not; and until determined by a judicial decree, there would be doubt.

4706. Are you aware of the mode in which the inhabitants of the Presidency towns have shown their satisfaction or dissatisfaction with the application of the English law to their contracts?—No, I cannot say that I have seen any particular evidence of their satisfaction or dissatisfaction.

4707. You are not aware that they have petitioned this House over and over again in favour of the continuance of the Queen's courts, and expressed great dissatisfaction at their removal?—Very likely they may have done so; they know very little of anything else but English law. The natives of the great English towns reflect very much the opinions of the English about them; and therefore their opinions are not of so much importance as they would otherwise be.

4708. You

Mr. N. B. E. Baillie.

3 June 1858.

4708. You think they are led by the nose?—I would not go so far as that; I think it is rather a harsh expression to say that they are led by the nose; but I think they reflect English opinion, and have very little opinion of their own. In the little correspondence I have now with natives I find very much a repetition of English opinions.

4709. Do you think the English settlers in Calcutta, if they were dissatisfied with the working of the Queen's court, would express opinions in its favour?—Certainly not. I remember they were very much dissatisfied with the working of the Queen's court at one time in Calcutta, and expressed very strong opinions against it, and in the matters to which I refer there were very great alterations made, in consequence of those complaints of the English settlers; I allude particularly to the fees of the officers of court.

4710. Therefore if the natives are reflecting the opinion of the English settlers, probably the opinion of the natives is a sound one?—In matters of that sort I think the opinion is likely to be sound, and I have told you that I highly approve of much of the proceedings in the Supreme Court. I think that the common law proceedings and the criminal proceedings are generally very good.

4711. Do you think that the appointment of trained judges in the interior, to those situations where the emoluments are sufficient, say 3,000 *l.* a year, would be an advantage to the administration of justice?—It is a very large question; it depends a good deal upon the meaning of the word training; speaking very generally, there is no doubt that a man trained to any profession is better than a man who is not trained to it; but if you will allow me to observe, if training to the legal profession implies training to the legal profession of England, I am not at all satisfied that the introduction of judges so trained into the Mofussil would be a benefit to the people generally.

4712. But have English administrators any opportunity of being trained in any other jurisprudential system than that of England?—I believe at Haileybury they used to have lectures on civil law.

4713. Do you think that Englishmen appointed to administer judicial offices in India, have an opportunity of being trained in any other system of jurisprudence but the English system?—I believe not.

4714. Therefore, if you are of opinion that it would be an advantage to have men trained professionally, they must be trained in the English system?—Yes; but I am not sure that a mere training in the English system would be a great improvement of the present administration of justice in India.

4715. You would rather put men upon the bench who have not been trained?—For the present state of things, if you could have a judicial training without bringing with it the peculiar knowledge and prepossessions which the English lawyer acquires in his training; if you could have the training abstracted from all that, I think it would be of use, but I think that if the training is not abstracted from that, you are introducing an element essentially foreign to the country, and therefore I do not think it would be attended with very great benefit to the people.

4716. And you think that English capitalists settling in the interior would feel no more satisfaction under a trained judge than at present?—I have no doubt they would.

4717. A satisfaction founded upon just causes?—The cause would be perfectly just, as far as they are concerned; the man who comes with a legal training and a legal knowledge from England, comes with a knowledge exactly applicable to their condition, and therefore his decisions would, in their opinions, be just, and give them great satisfaction.

4718. And do you think that, under the present system, they would be unjust in the opinion of the natives?—They might be, from this circumstance, that the judge brings with him a body of notions that are essentially foreign to the country to which they are to be applied; the decisions may or may not be just or unjust, according to circumstances.

4719. Is that opinion of yours founded upon experience in Calcutta, where there are English judges, and the natives are suitors?—It is not; but what I allude to can only exist in the first stages of the application of a new law to a country; in the course of time the injustice disappears, because the people accommodate themselves to the new notions, and understand them, and they become law to them; their own dealings are regulated by them; they are therefore no longer opposed to each other, that is, the dealings and the law; that is precisely the case with Calcutta and the other Presidency towns. English law has been

Mr. *N. B. E. Baillie.*

3 June 1858.

been their law for nearly a century; if there was any injustice in the first instance, it has long gone by; we know nothing about it.

4720. Is it not the fact that the natives in Calcutta are just as well satisfied with a decision when they get it in their favour, and as much dissatisfied when it is against them, as Europeans in similar situations?—Unquestionably, and in the Mofussil also.

4721. Then an English judge in Calcutta has no advantage in knowing the country and the language, as he might have if such a judge were placed down in the Mofussil?—I cannot say that. An English judge has two duties to perform: the most important duties of an English judge in the Supreme Court are not the duties comprehended in the application of the law; the most important duties are, in fact, the duties of a jury, that of determining the verdict on matters of fact. I think it is of the greatest importance that the English judges should be acquainted as much as possible with the manners of the people and the language.

4722. With all those disadvantages that the judges in the Supreme Court labour under from not knowing the language, their decisions on the whole give satisfaction to the community?—Yes, I believe it is so.

4723. Mr. *Villiers.*] What you mean is that a judge ought to be fit for his situation?—Unquestionably.

4724. And therefore he should have some knowledge of law, and of the language in which the proceedings of the court are conducted?—Certainly.

4725. And you think that that training may be obtained by practice in India?—I cannot speak with confidence upon that subject now; I believe that, in consequence of the great extension of the uncovenanted service, there are much fewer opportunities (and I regret it very much) for English judges to get that legal training which they had formerly.

4726. You mean by practice?—By practice.

4727. Are any of the judges appointed in the Company's courts who have not had practice?—I cannot answer that question now. Before 1844 they must have had all very large practice before they came into the courts, but I do not know what the practice is now. I know that they have an opportunity of acquiring a very considerable judicial experience in revenue matters; for the revenue is very much judicial in its character in India, and a good revenue officer frequently makes a good judge. I may mention one instance of a gentleman who was judge in the Sudder Dewanny Adawlut: he had been a collector and commissioner, but my impression is that he was never in a judicial situation; he became one of the best judges in the court: there was no man before whom I pleaded with greater confidence in his decision, though he may have made some mistakes at first.

4728. Are the Company's judges in any respect inferior or incompetent for their situations?—My impression was very strong when I was in the country, that the men with whom I had to do, the judges of the Sudder Dewanny Adawlut, were highly competent in the language, and competent generally. I knew some men whose decision I would have preferred upon matters of fact in India to the decision of English lawyers.

4729. According to your opinion, then, European settlers have no reason to complain of the judges?—At that time I should say that they had no reason to complain of the judges whom I knew.

4730. According to your experience the administration of justice was perfect up to 1844; you never knew an incompetent man, or a man who was not learned enough, and did not understand the language?—Amongst those men; I cannot say that I concurred in all their decisions; I am speaking of the Sudder judges.

4731. Had you any experience of the other judges?—I had no personal experience of them; but their judgments came by appeal into the higher court, and then I had experience of their judgments; I do not mean at all to say that they were perfect, very far from it; I think they were many of them very imperfect; but perhaps on the average they were just as good decisions as circumstances admitted.

4732. You never were out of Calcutta?—Very little.

4733. And you are very imperfectly acquainted with the circumstances in this respect under which European settlers would be placed in going into the Mofussil?—I do not think that follows of necessity. A man in Calcutta, placed as I was, has very large opportunities of knowing at second hand a great deal of what is done in the Mofussil; he may be intimately acquainted, as I was, with the indigo planters, a very respectable and excellent body of men generally; he has

also

also other means of acquiring very considerable acquaintance with the provinces beyond Calcutta.

4734. From what experience you had, and from your personal communication with persons resident in the Mofussil, do you state that the police are as bad as they can be?—I believe the native police is very bad.

4735. And that the procedure of the civil courts is as defective as it can be?—I think at present it is very defective; I believe I characterised it fairly when I said that it was a mass of technicalities.

4736. You stated also that there were defects in the mode of recovering the advances which the planter made to the ryot?—I do not think that there is any defect in the law, except this, that the planter might have a summary remedy when he has only the remedy of what is called a regular suit.

4737. The system is so far defective, and the person making advances constantly loses his money?—I believe there has been a very great loss of advances, inasmuch as one witness told you that the outstanding balances of the concerns with which he was connected were a crore of rupees. I know that they are enormous in the case of most indigo factories; that is, the advances which are made and not worked off by the indigo produced.

4738. You say also, that it would be extremely objectionable to make Europeans subject to the native judges?—To the native criminal judges I would not make them subject; my reason is entirely political.

4739. But you know that it is contemplated; you referred to the Black Act?—It was part of the recommendations of the Commissioners here that there should be no distinction, but as part of a system which would have brought the whole under the superintendence of English judges, some of whom must be English lawyers.

4740. I believe the capitalist also experiences, according to your account, great inconvenience from having to make his payments in silver?—Sometimes. There is no doubt that whenever there are large payments to be made in the Mofussil it must be inconvenient.

4741. Looking to what you admit to be the case, that the police is as bad as it can be, that the civil procedure is extremely defective, that the present law of contract is defective, and that there is difficulty in making payments, owing to the currency being exclusively silver, are you astonished that when indigo planters or settlers who have been to India return here, that they do not encourage other people to go out, and allege that there is much to discourage the employment of capital there?—I never heard it stated that they, when they did come home, did discourage people going out to India. If it has been stated here, of course I am ready to believe it; but the whole of my experience has been the other way; I have never known a person deterred from going from this country with a view to be employed in an indigo factory, or a person in Calcutta being deterred from taking a situation when offered to him. I have recommended young men for employment in indigo factories, but never thought of warning them against these difficulties.

4742. *Chairman.*] With such a state of things as that described by Mr. Villiers, would you be surprised if they deterred?—It might be.

4743. Mr. *Villiers.*] Do you admit also the insecurity derived from the uncertainty of his title; that if the property which he holds under lease, or that he has hired for use, is subject to the Government for arrears of revenue, he may have that property taken from him, or rather that his rights in the land may be totally disregarded?—His rights in the land, if he has what is called a putnee or a zemindary in the land, of course he must take, subject to that great inconvenience that attaches to all land, of its having to pay Government revenue.

4744. The inconvenience I allude to is of another kind, where the land is made subject to arrears, his rights having been derived from engagement with the zemindar are disregarded, and the estate is sold; do you admit that that is the case?—Yes, in the case of putnees.

4745. Do you also admit that it is an inconvenience to settlers taking land to be subject to be dispossessed in that way?—Yes; it is more than inconvenience; of course it is of the greatest advantage to him that he should have the putnee secure. I do not wish to take from the indigo planter anything he has, or the power of getting anything he can get, consistently with what is due to the revenue of the country.

4746. What did you mean by saying that it was rather an advantage to a man to buy

Mr. *N. B. E. Baillie.*

3 June 1858.

buy land subject to the Government charge, because he paid less for it; he has a liability attached to it, and therefore he only pays less in proportion?—He hopes to meet his liability of course; it is just the same thing as a man buying a house in London; a man having a certain sum of money to lay out in the purchase of a house; if he purchases a house, subject to an improved ground rent, he gets his house for less, and has enough over of his capital to furnish his house, as it may be.

4747. You said that he paid less because there was a charge for which he was liable, and it was with reference to redeeming that charge that we asked you whether it would not be an advantage to have the charge of the Government redeemed, and you said that it would not be an advantage, because while he was liable he paid less for it?—It requires a less investiture of capital to acquire a power over the productive energies of the soil when you can get those productive energies charged with the Government revenue, because you get them forless.

4748. But your liability to the Government continues?—That does not matter. I meet my liabilities out of my annual proceeds.

4749. We are talking of the advantage of redeeming the tax, and you seemed to think that it was an advantage to a purchaser to take the land subject to the tax?—With reference to the application of capital to the land, I see no advantage in a man getting the land free from the Government revenue; for if he purchased land free from the charge, if he purchased Lakhiraj land, he must pay so much more for it; and it is more for his advantage to pay less and to have the remainder of his capital which would have necessarily been invested in his purchase, if it was not so charged, free for the purposes of his business.

4750. And to be subject to a liability from which he might otherwise be free?—Yes, I illustrated this by the putnee, which an indigo planter prefers to a zemindary, though more heavily charged, because he gets it with less expenditure of capital.

4751. *Chairman.*] You think it would be a better bargain for him to continue to pay it annually?—Yes.

4752. Mr. *Vilhers.*] You have a peculiar view about the absorption of silver that I did not quite understand; you seem to think that though silver appeared to be scarce, it was not because it left the country, but from going into absorption?—I mean that there are larger quantities of silver now necessary under our rule in India for the payment of rent in the first instance from the ryot to the zemindar, and in the second instance for the payment of revenue from the zemindar to the Government; that there is by that means a very large absorption and waste of silver, which has been rendered necessary by the change introduced by our rule. A larger amount of coin is required.

4753. That is not recent?—It has been going on increasing. I believe that in the Western provinces the change is recent.

4754. It was recommended in Lord Cornwallis's time?—Yes.

4755. You know that there is a constant remittance of silver from Europe to India?—Yes.

4756. Is there that constant increase in demand for silver?—It may go into the countries beyond India for anything we know; but I believe it makes a great waste of silver.

4757. You have no other reason for the opinion you expressed that the people do not hoard?—I never hear of any great discoveries of hoarded treasures. There is not much treasure trove, I believe, in India. It is also inconsistent with my ideas of their poverty and their habits, their love of suits in court, investment in Government loans, &c.

4758. Have you ever heard of extreme measures of severity, torture for instance, being resorted to to make people pay?—Not to pay their revenue; there is no such thing, of course, because the revenue is paid in large payments by the zemindars.

4759. You have no particular reason for supposing that the natives do not hoard money, but that you have never heard of a case?—I have no reason the other way; I see them very generally a poor people, and I see no reason for supposing that they hoard. The ryot gets a little coin, which he must retain for some time, until the time arrives for paying his rent; but I do not call that hoarding.

4760. You hold to the opinion that the resources of India could be developed to a much greater extent than they are at present?—I believe they could.

4761. And you believe, if English capital were introduced further into the country, that would be the result?—I should hope so.

4762. If English capital were brought out there and could be employed securely, the resources could be much more extensively developed?—Yes.

4763. And if in exchange for the products of India we could send manufactured goods, we should cease to export so much silver as now?—The truth is, that these are subjects which are a little out of my beat. There is a balance always; I believe such is our connexion with India as always to make a balance of trade necessary.

4764. You have formed the opinion that there is some defect in the mind of the native that prevents his becoming a useful witness; that he has no idea of testimony that does not bear directly upon the fact in issue, or that is not in the nature of a confession; those are the only two classes of testimony that he understands giving?—Yes, that appears to me to be the case, from a consideration of the evidence in a great many cases, and reflection on what I believe to be the source from which his ideas of evidence are derived.

4765. You seem to think that if those who collected the evidence knew more how to establish proofs by circumstance, the evidence would be more trustworthy?—I think so.

4766. But is it not untrustworthy now, owing to some defect in the moral character of the witnesses, because you say owing to the mode in which they give evidence, you have so much that is the result of extortion, or that is perhaps fabricated or forged; if you instruct them in giving evidence as to circumstances from which you are to infer proofs, why should not this be just as false, and why should not there be just as much forgery and perjury as now, since you can invent one thing as well as another?—You may have in all countries a sufficient quantity of bad and depraved witnesses; there is no difficulty in this country, I believe, and certainly none in India, in getting witnesses to any extent to swear anything you like.

4767. Is it some fault in the intelligence of the collector of evidence, or a fault in his moral character, because you speak of the present system as producing forgery and perjury?—I think it is both; the evidence is very different in the Supreme Court from what it is in the Mofussil courts; the evidence in the Supreme Court is got up by a man of principle and knowledge; that is, an attorney, with the aid of counsel sometimes; he therefore knows how to prove facts, and proves them in the proper way, and has scruples of conscience, which would prevent him from proving them in an improper way. The case is quite different from that of a man who does not know how to prove a case from circumstances; the only way he knows is to prove by witnesses to the actual fact, and when he has not such evidence, he gets it by bribing witnesses. I may observe, that there is also a great difference between criminal and civil cases in the Mofussil. In the former, tried before the sessions judge, I have always understood that the evidence against the accused is more trustworthy, which I ascribe to the fact that it is got up under the superintendence of the magistrate.

4768. You think the great defect is in the want of a good subordinate agency to get up cases?—Yes; I think clearly the great defect in the existing system is the want of a good subordinate agency, that being essential to the existing system; not that I approve of the existing system, nor therefore do I think it necessary that there should be that subordinate agency.

4769. You would not think it a blessing to a country to have more attornies than were actually necessary?—It may be a misfortune to a country, but it may be a necessary evil; and unless you change your mode of procedure it is a necessary evil perhaps. But I want to do away with that mode of procedure, and introduce a much simpler one; and under that system you will get over that great difficulty, because you produce the parties face to face, and there is no necessity, to the same extent, for the use of witnesses.

4770. You think it would be satisfactory if you had a more simple system?—Yes.

4771. If the judges had a more equitable jurisdiction, and had the power of calling the parties before them, you think it would be satisfactory?—Yes; and I think that affords the best remedy for what everybody knows to be the fact, that the testimony of the witnesses in the Mofussil courts cannot be relied upon at all. It appears to me that the only remedy is this. At first I thought you should introduce a proper professional agency, but I think it is far better to go to a simple system.

4772. If you got to the simple system, you would admit that it makes the

Mr. *N. B. E. Baillie.*

3 June 1858.

character of the judge of the highest importance?—Under the simple system, he is of more importance than under the present system; he is *dominus litis*.

4773. Could you trust any judge, not a European, to administer the laws with the powers which you propose?—Yes.

4774. Natives?—Natives. The whole procedure in the first instance is now before natives. If you cannot trust them you may shut up your courts of justice entirely, for you have no other means.

4775. If a judge was a European, it would make it essential that he should have a perfect knowledge of the language?—Essential; that I conceive is a matter of the greatest importance in all cases. I have suggested that in some cases the judge might allow the employment of English with reference to English parties, but that he himself in all cases should have a perfect command of the native language and I think any other system would be pernicious.

4776. Are there any native advocates of any ability?—There were some very clever men in the Sudder Adawlut when I was in it; I had to compete with them.

4777. Learned men, well acquainted with the law?—You cannot call them learned. There is no jurisprudence to which they can have the least access, except the Mahomedan. The Mahomedans were some of them learned in their own law. I knew very few vakeels who knew much of Mahomedan law.

4778. But are they clever in their advocacy or in the examination of witnesses?—The examination of witnesses I think, from what I have seen of the record, for I have never seen it *vivâ voce*, was always very imperfect.

4779. Do you think they are capable of improvement if they were submitted to a proper training?—I believe so, but if they had a good system of law and procedure, training in these would be sufficient, in my opinion.

4780. In speaking of the competency of a judge, you would say that a knowledge of, and a perfect acquaintance with the customs and manners of the people, was almost equal to a knowledge of their language?—He is a judge of fact, and a great deal of that must depend upon a knowledge of their customs and manners.

4781. Did you ever see much of the working of the jury system with natives on the jury?—No, I have heard a good deal of it, but always as a failure; I believe the natives were utterly incompetent for the office of jurymen, perhaps from some such imperfect ideas of evidence as I have alluded to; if they disbelieve the direct testimony, and have imperfect notions of the circumstantial, how are they to judge?

4782. A European would not like to submit himself to a court where natives were on the jury?—I should say certainly not; and in all the accounts I have heard of native juries, they seem to me to have been always ready to take the opinion of the judge; to reflect the opinion of the person who is presiding over them.

4783. Mr. *Willoughby.*] Does that remark apply to the Presidency towns as well as to the Mofussil?—No, I was referring to the juries in the Mofussil.

4784. Sir *Erskine Perry.*] The jury system has been much more fully carried out in Calcutta?—Yes.

4785. And it has succeeded, has it not?—I believe it has succeeded.

4786. Mr. *Villiers.*] When did the people first settle India without leave of the Company; was not it in 1834?—Yes, at the extension of the charter in 1834.

4787. Sir *Erskine Perry.*] Was not it the case that any settler in the interior might be removed by an order of the authorities if he went into countries acquired since 1801?—Up to that time.

4788. It is only the other day that that law has been held to be repealed by implication?—I cannot speak to that.

4789. Mr. *Villiers.*] Your reference to settlers has only reference to persons who have come out since that law was altered, till 1844?—Yes.

4790. Sir *Erskine Perry.*] A European was not allowed to reside in the territories except by license, was he?—No.

4791. And all that the Act of 1833 did, was to allow settlers to go into the interior of such settlements as had been acquired up to 1801?—I am not aware of any cases in which there was any practical distinction.

4792. Mr. *Campbell.*] Your experience is exclusively confined to Calcutta?—Yes, my personal experience is; I qualified that to some extent, by saying that I had knowledge from other sources.

4793. A vast

Mr. *N. B. E. Baillie.*

3 June 1858.

4793. A vast deal of the evidence that you have given has borne upon other parts of India than Calcutta; but you have no personal knowledge of the other parts of India beyond Calcutta?—No, I have not direct personal knowledge of anything else.

4794. Would not you suppose, from your legal knowledge of Calcutta and of the native character generally, that the uniformity of evidence deduced from the native upon oath is more to be attributed to bribery, and the corruption that the low native is so open to, than to any system that prevails because; where such uniformity exists suspicion must arise that they have compared notes before they give evidence?—There is no question of it; that is my belief, that the evidence is got up, as it were, and that of course they all speak as they are instructed; and it is very likely they are swayed by the motives which you allude to. But corruption is not a sufficient reason for persisting in a course that they must have long seen to be useless, as no judge seems ever to believe the witnesses; and their conduct appears to me to be inexplicable, except on the supposition of ignorance, or prepossession in favour of a particular course.

4795. Are you of opinion that no system that did not embrace a substitution of the European element in the Mofussil for the omlah would be effective in doing away with this uniformity of evidence obtained by bribery?—The corruption of the omlah might, I think, be got rid of without the introduction of the European element.

4796. You suggested, as an improvement of the present system, that personal examination before the judge of the parties concerned would be a great improvement upon the present system?—A very great improvement upon the present system.

4797. You are possibly aware of the great antipathy that respectable natives have of coming to court at all?—I am aware of that.

4798. Under the new system do you think that difficulty would be got rid of?—The Commissioners tried to get rid of the difficulty by allowing a party, when he did not choose to appear in person, to appear by another person qualified to speak from his knowledge, and to answer every question that could be put to him in the same way as the party could do himself.

4799. Then how do you account for the present feeling of animosity in a respectable native, or the present degradation that a native would consider imposed upon him, in coming to the existing courts?—I cannot account for it in any way connected with the courts themselves. It may be from some peculiarity of the native manners; it may be from something that is not peculiar to the natives at all, but from a general feeling common to all men in a respectable position of life. I believe we have it to some extent in this country; I do not think there is any essential difference betweeen the feeling in India and that of any English gentleman who would rather avoid than otherwise being brought personally into a court of justice.

4800. Then you do not think that the circumstance of a respectable native going to the court and being foiled by false evidence has anything to do with the disinclination of the native to submit his case or to appear in court, as the courts are at present constituted?—I cannot say that I do.

4801. I believe you have stated that you do not think that the law, as at present administered, although bribery is open and common, affects in any way the interests of the settler or planter, or even the respectable native who has property at stake?—I never said that it did not affect them in any way.

4802. In the event of a planter having a false action brought against him for murder, and his presence being required in court, and that presence in court entailing upon him the entire loss of his indigo season, in your opinion would not such an inconvenience, and such a loss resulting from that presence in court, be considered by that planter discouraging to settlement in India; or would it not be destructive of his property?—Of course it would be discouraging, and would be destructive of his property; it might be destructive of his person if he were falsely accused of murder; he might be hanged for it.

4803. Have you never heard of such cases occurring?—I cannot say that I can recollect at this moment any case of the kind; false charges are brought against people. Mr. Dalrymple, in whose statements I have implicit confidence, mentioned a case of the kind.

4804. You talked of the unremunerative nature of indigo planting; your experience does not extend beyond 1847, does it?—Yes.

4805. Your experience of indigo planting was when the Union Bank carried

Mr. *N. B. E. Baillie.*

3 June 1858.

on the factories, instead of the legitimate agents, or indigo growers themselves? —My experience goes much further back than that; to the old agency houses, and down to the time that I left India; and upon that my conviction was formed, that on the whole, taking into consideration all the parties interested in the production of indigo, there was no profit, but it seemed to me an actual loss.

4806. Are you aware that the custom of the agencies advancing for indigo is to make advances upon estimates, without making any personal examination of the properties?—They trust, I believe, to the indigo planter, or the man they make their advances to.

4807. They have no personal knowledge themselves of the details of indigo planting, and they exercise no personal surveillance?—Not in general, I believe.

4808. Since the failure of the Union Bank, perhaps you are aware that there is a closer identity with the planter and the soil than existed before 1847, and you are perhaps aware that the position of the planters at present is very different from what it was when indigo planting was merely conducted as an agency speculation?—I have not heard anything particular on the subject, but I am ready to suppose that very considerable changes have been introduced; I have no knowledge of the present system.

4809. Perhaps you have a knowledge of the price of the staple commodities produced in India, and the cost of those commodities compared with the sale in Calcutta?—No, I have not; I never had any transactions of the kind myself.

4810. You are not aware that in the last four years the price of rice, jute, hemp, and many other such commodities, grown by the natives, has doubled?—I do not know the fact, but I am ready to believe it.

4811. In your legal capacity have you ever been employed by planters in the Mofussil to defend them in suits, when their interest may have been compromised by the existing state of the law?—I had a good many indigo planters clients in the Sudder Adawlut as well as the Supreme Court.

4812. What was your general conclusion as to those cases which came under your own observation as to the working of the law with reference to their properties?—I am happy to say I very generally succeeded in their cases, and therefore the working of the law so far was good; I do not ascribe by any means their success to my advocacy; I believe they were very generally just; in the cases I had for them I had no reason to suppose they were anything but what they ought to be.

4813. I referred to the bearings of the law upon those planters and their properties; does the law exercise a prejudicial influence upon the planters and their properties in the cases that came under your personal observation?—There is no question that the law does exercise a prejudicial effect upon everybody, for there is no sufficient law.

4814. The Hindostanee language is the language that is used in the Sudder Courts?—When I was in the Sudder the whole language latterly became the Hindostanee; that is, the spoken and the written language was Hindostanee; but when I first went into the court the spoken language was Hindostanee, and the written language was Persian.

4815. How did you manage in a case where a Bengalee was the plaintiff?—I had very little to do with the plaintiff personally; I was in the Court of Appeal.

4816. How did the Sudder Court act when a Bengalee was the plaintiff who was as ignorant of Hindostanee as he may have been of English?—He was always represented by a vakeel; a man very seldom attempted to sustain his own cause.

4817. Do you not think that an English vakeel representing him in the English language would be likely to do him as much justice, and would he not have as much confidence in that English vakeel and the English language as he would have in the Hindostanee, which to a Bengalee is unknown?—I cannot speak with regard to a man who knows nothing but Bengalee; I seldom came across a suitor or his representative who did not know Hindostanee; and I have reason to believe there was hardly ever a person in the Sudder Court who did not understand Hindostanee.

4818. Your experience was confined to a very respectable class of constituents; not the million?—Exactly.

4819. The million in Bengal only understand the Bengalee language?—Exactly.

4820. You say that it would be a great improvement upon the old system to have solicitors getting up the cases; do not you think a Bengalee would have

equal

equal confidence in having his suit heard and determined in English as in the Hindostanee, of which he knows nothing?—If he knew the vakeel to be an honest man he would.

4821. Sir *Erskine Perry.*] And, in point of fact, is not that the case now in the Sudder Adawlut?—I mentioned that, in my own practice, I found that at first my native clients preferred my speaking in Hindostanee, but that afterwards, when I had acquired their confidence, they did not much care, provided they succeeded, whether the proceedings were in English or in Hindostanee; but, in point of fact, the proceedings were very seldom in English in those days.

4822. Mr. *Campbell.*] On the subject of bullion, you have no reason to believe that hoarding goes on to any extent?—No.

4823. You gave evidence in reference to the cause of the gigantic failures of 1833; are you aware that the largest and most fruitful source of those failures was the indiscreet loans made to the civil and military servants of the East India Company by those agency houses?—I am perfectly aware of that, and I qualified my statement by saying "in part."

4824. *Chairman.*] You said that within your recollection the magistrates decided satisfactorily in the part of Bengal with which you are acquainted?—I believe that very generally the magistrate is an efficient officer, so far as I could judge.

4825. If evidence has been given to the Committee that of late years the magistrates have been young and inexperienced, you, having left India in 1844, cannot speak for or against that testimony with regard to recent appointments?—No, I cannot.

4826. Mr. *Willoughby.*] With regard to Calcutta, Madras, and Bombay being the chief resort of European settlers, may not that be accounted for by those places being the seats of Government?—Very likely.

4827. And also being the grand entrepôt of the trade with the interior in each case?—In the case of Calcutta particularly.

4828. With regard to the disinclination of natives of rank to appearing in court, does not that reluctance arise from the feelings among natives of high rank, more especially females, that doing so would degrade them?—I think they may have that feeling.

4829. In fact it is difficult to make the people of India undersand that maxim of the English law, that all are equal in the eye of the law?—Yes.

Joseph Gabriel Waller, Esq., called in; and Examined.

4830. *Chairman.*] HOW long did you reside in India, and in what part?—I resided 20 years continuously in India, and I may say that Calcutta was my place of residence; but I have travelled over a great part of India, along the trunk road up to Delhi, and westward through Rajpootana into the native city of Jeypore. I have frequently been into the Mofussil amongst the planters and other settlers there, and I have been in the principal native towns, and have occasionally resided in them for a short period.

4831. Is that the whole of India that you have seen?—Yes, that is the Bengal Presidency and the North Western Provinces. I have also been in the Hill station of Darjeeling.

4832. What was your occupation or profession while in India?—Originally, I was a solicitor of the Supreme Court; subsequently, I was admitted an advocate at the bar of the Sudder Dewanny Adawlut, upon a diploma, and not under the general licence subsequently granted to professional men, barristers and solicitors, to practise by legal right in that court.

4833. When did you return to this country?—In the year 1855.

4834. Have you since you left India kept up your connexion with the Sudder Courts as well as with any of your native friends?—I have done so, and I do so up to this period by practising as a law agent at the Privy Council, which keeps me in constant communication with the pleaders and the advocates of the Sudder Court, and the rajahs and zemindars.

4835. Have you come much in contact with indigo planters, merchants, and landholders, who are Europeans?—Yes, very much so, both in business and in the relations of social and private life, and with all classes of Europeans and Christians generally.

4836. Do you think that India offers inducements and fair prospects of gain and

J. G. Waller, Esq.

3 June 1858.

and advantages for Englishmen to settle in it?—Most certainly it does. India has soils rich, fertile, and so varied as to be suited to every kind of produce; its resources are great, and but partially developed and explored; its people, generally speaking, are patient, enduring, laborious, and evincing both the desire and capacity for improvement. These remarks are no less true now than they were 25 years ago, when used by the then President of the Board, to show that India, under improved circumstances, promised a sure and steady increase of the public revenue. If the condition of the peasantry and labouring classes be improved, India, while yielding a superabundance of all kinds of raw produce and materials, will require tenfold the amount of manufactured goods from this country to what it now consumes. The natives, however, if left to themselves, are not an improving or progressing people; and therefore the Englishman has all the inducement that a rich and fertile country, with an abundance of cheap labour, can offer to skill and capital for settlement, and to enterprise and activity for the application of his talent and his energies.

4837. Is not the climate a serious obstacle to the settlement of Europeans?—I think that the climate offers no serious impediment whatever; and this is reduced to a demonstration from the fact that numbers of gentlemen in the civil and military services of the Honourable Company reside from 20 to 40 years in that country, and return home to enjoy their pensions for a long time. And it is quite notorious that the indigo planters, silk producers, and commercial men residing in the interior parts of the Bengal Presidency, are the most healthy portion of the European community in India. Their numbers are small; but still I have seen those who have been examined before this Committee, and I am personally acquainted with nearly the whole body of planters; and I can state that those who have appeared before you are but fair specimens of what the rest are.

4838. Do you think that the natives would regard with disfavour and jealousy any great increase of European settlers?—The upper classes of the natives, I think, do look with considerable jealousy upon European settlers, regarding them as much superior to themselves, not only in skill, but in energy, perseverance, and steady attention to business. The natives, generally speaking, are dilatory and procrastinating, and greatly deficient in method and regularity in their business habits. Their ceremonial observances, and what is known as family worship, keep the zemindars and the wealthy in the grasp of the brahmin, and prevent their giving much personal attention to business. The great masses, however, of the people, all in fact below the landed and monied gentry, are most favourably disposed to the European community; certainly in Bengal, the inhabitants of which have, I think, more sympathies with and a greater liking for the English than the natives of the Upper Provinces. I ascribe this to the circumstance of their having come much more in contact with them. The Bengalee is not so muscular and athletic as the up-countryman, but he is generally amiable and gentle, clever, quick, and eager to learn and to work under the European master and employer. I have heard remarks made, having been present throughout this inquiry, very disparaging to the Bengalee as contrasted with the up-countryman. I do not wish to draw comparisons between one and the other to their prejudice, but all the experience which I have had of the Bengalee character makes me think that, though his bodily frame is weaker, yet he is, mentally and morally, in no way inferior to the up-countryman.

4839. Do you consider that the settlement of Europeans in India is likely to prove of much advantage to the natives themselves?—I think the greatest blessing to India will be a large accession of independent Englishmen, labouring with and amongst the people of the country in spreading knowledge and civilization, in developing the many and varied resources of the country, and in bringing into full play the talents and capabilities of the people themselves. What is really required in India is the master-mind and the skill, the guiding and directing spirit of the educated, trained, and energetic European; not merely as a Government and salaried official who retires on a handsome pension after his years of service, but of such as will take root in the country, and have heavy interests at stake, and who will furnish work and impart instruction to the labouring and industrial classes. I believe that private enterprise, if not checked, discouraged, and driven from the country by the opposition of Government, will do infinitely more towards the advancement and good, the civilization and enlightenment, of the people of India, than countless despatches, reports and counter-reports, or any number of legislative enactments. The European in India will

will always be helpless without the aid and co-operation of the natives, on whom he must depend for labour and a supply of the very necessaries of life; it is therefore essentially his own interest to assist, advance, protect, and be kind to them. The zemindars and landholders, as a general rule, do little or nothing to improve the condition of the peasantry and working classes; they regard their ryots to be as much their property as the very soil itself, and claim to deal with them as they choose: these, on the other hand, are too poor and powerless, and too ignorant to resist; and hence submit to almost any amount of oppression. Yet their sympathies are naturally with their own countrymen and co-religionists; and were it not that the adventurous Englishman not only treats them more considerately and liberally, but acts as their protector, as well against Government officials as oppressive landlords, he could never obtain their services nor secure their labour.

4840. Under the circumstances which you have mentioned, how do you account for the small number of Englishmen, not in the service of the East India Company, residing in the several provinces and districts of India which are under the British Government?—It is my own firm conviction, from all the experience I have had in India, that the real serious impediment to the settlement of Englishmen in India is to be found in the policy of the system under which our Indian possessions have been hitherto, and unfortunately up to the present day, are still governed. That policy which, giving certain extensive and exclusive privileges to a corporation established for trading purposes, and gradually formed into a governing power, originally shut out the spirit of private enterprise by excluding from the country Englishmen not servants of the Company. Although the extreme severity of this original policy has been somewhat modified and gradually relaxed, its spirit has remained but little changed, and its effects have been to keep the people of this country very ignorant of the resources and great value of India and of the character, condition, and wants of the natives. Hence it is, in my opinion, that the different classes of England do not feel any direct and immediate interest in our Indian possessions. Moreover, it is a matter of notoriety that there has been, and is at the present time, a constant antagonism between the official and non-official Anglo-Indian communities, and that exactly as the adventuresome Englishman, who is called an interloper, with difficulty obtained his admission in the country, so even now he maintains his position in a continuous but unequal struggle with the local Government, which he in turn regards as an obstacle between himself and the Crown and constitution, to which he owns allegiance and looks for protection in his own country. Then again, the departments of administration, police, the judicial system, both civil and criminal, are notoriously so wretchedly inefficient, oppressive and corrupt that they deter the peaceful and industrious from living within their influence or risking their lives and property under their operations. I believe that even the comparatively few gentlemen settled in the interior of the country would willingly withdraw if they could do so without a ruinous sacrifice of property, for little or no heed has been given to their complaints, nor indeed of the natives, while the evils which have been pointed out for many years past are greatly on the increase; the present constitution of the Legislative Council also has made matters worse than they were before, and that body certainly has not the confidence either of Europeans or natives. With the exception of two judges taken from the Supreme Court of Calcutta, it is composed entirely of salaried and Government officials who have been such from the age of 20, who have really nothing at stake in the country, and who are not likely to live under the operation and influence of the laws which they pass, while those who are directly interested in the well-being of the country, both Europeans and natives, are entirely excluded from any voice in the laws by which they are to be ruled and governed. I am equally convinced that the constitution of what is called the Covenanted Civil Service is the very root and origin of the main evils arising out of a deplorably defective magistracy and most inefficient judicial administration both civil and criminal. Under the present system, gentlemen are appointed magistrates and judges without any regard whatever to their qualifications and aptitude in those respects, but merely as a matter of right, by virtue of their being members of a privileged service. These gentlemen are brought up and trained to no particular business or profession, and yet, from early youth, they are placed in authority and power, and entitled to pass from one appointment to another, the duties of which are wholly dissimilar, but the emoluments of which become

J. G. Waller, Esq.

3 June 1858.

become their rights by seniority usually, and sometimes by interest. A collector of revenue, ignorant of all law generally, as well as of the civil portion of the regulations, is usually promoted to a civil and sessions judgeship, having not only original jurisdiction but also appellate authority over those who have been in the judicial department, such as it is, probably for a period of 12 or 15 years. He is ignorant of the ordinary routine of business, and of the very rules of practice in force in the civil courts. It cannot well be otherwise, for he has never studied or practised the profession of law. He has certainly never drawn a plaint nor an answer, and therefore it is that the power of the omlah or native officials is very great; in fact, such a judge does and must depend upon them, as they (I mean the omlah) possess much of the knowledge regarding at least the current duties of his office and the forms to be observed, to which he is a stranger. I fully and deliberately confirm all that I have heard stated before this Committee by Messrs. Freeman, Macnair and Wise, regarding the wretchedly corrupt state of the Company's courts, and also of the difficulty experienced by English magistrates and judges in having to work in a language which is foreign to them and which they but imperfectly understand. I have no doubt also that the exclusive system of the covenanted civil service deters many well educated and generally most professional men from going to India, from the knowledge that even under their own Government they are hopelessly shut out from all those posts of honour and profit in the service of the State to which they are eligible, not only in their own country, but in all the colonies under the Crown. Finally, there can be no doubt that the most neglected condition of the country, in the absence of roads and the means of communication between the principal towns and the producing and manufacturing districts, to the markets for consumption and export, together with the great difficulty experienced in and the tardy methods of travelling, has very materially prevented the settlement of Englishmen in India. There are no roads connecting the principal towns, such as Moorshedabad, Guya, and Patna, with Calcutta itself; and Calcutta is unconnected with the only road that exists in the country for want of a bridge. You cannot go more than 16 miles by road beyond Calcutta; if you want to go further, you must cross by a ferry to the main road; there is no other means of getting to it. Such are some of the reasons which, from 20 years experience, I think deter Englishmen and Europeans generally from going to India for the purpose of settlement and colonization.

4841. What would you enumerate among the principal objections to the settlement of Europeans in India?—I think I have enumerated several; but there is one other which is of such importance that I cannot with justice to the subject omit it. I think that the transfer of the authority of the Government from the corporation which now represents the Crown, by virtue of a trusteeship, is absolutely necessary. If it be the real intention of the English Government to encourage the settlement of Englishmen in India, and to give full scope to private enterprise for the accomplishment of those objects connected with India, which Government alone can never effect, I mean the general education and improvement of the people, and the development of the great resources of that country, Englishmen, I am persuaded, and the history of the past proves it, will not accept the intervening authority of any corporation, as a government, in lieu of the direct authority and power of the Crown, and the fundamental principles and laws of their own constitution. At present you have, in India, a series of antagonisms which works most injuriously for all classes, and completely prevents that union amongst the governing people, which appears to me to be essential for the well being, not only of themselves, but of the millions of people, our subjects, taken under our care and protection, avowedly for their own good and enlightenment, and advancement in civilization. At present, there is an antagonism in the army by the distinction of two services, and a worse antagonism between the Queen's courts and the Company's courts, between the laws administered in the Presidency towns and in the interior; between the covenanted service, who have a monopoly of the well paid appointments, and the upper or educated portion of the uncovenanted service, who think themselves most unjustly excluded from advancement; and finally, between almost every Englishman (I speak of these as facts, not as matters of opinion), not in the service of the Company, and the local government and covenanted service, who not only represent, but carry out the policy of the East India Company, so as to shut out the direct authority of the Crown, the intervention of Parliament, and the salutary and most necessary influence of public opinion in England. I think that the substitution of the

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authority and name of the Crown is essentially requisite to prepare the way for those sweeping changes in the Government of India which must follow almost immediately, not only to induce and encourage colonization, but to keep our hold over that immense extent of country. Perhaps it would not be unconnected with the subject for me to state, that I think that this would operate most favourably upon the native mind as bringing the natives in contact with Europeans settling in India. *J. G. Waller*, Esq. 3 June 1858.

4842. Why do you think that it would operate favourably upon the natives?—I have lived among the natives, and have had great experience of them in villages and towns, and I think that they have no particular attachment certainly for the Government or the name of the Company, nor have they any confidence in the professions of the local government, with regard to their non-interference with their prejudices and religion. The resumption proceedings, and the confiscations under those proceedings will I am convinced ever be remembered by them with indignation and bitter feelings, while the laws altering the course of inheritance, and the re-marriage of Hindoo widows are not only regarded by them as a state interference with their religion, but have destroyed every remnant of faith on the part of the natives in the assurances and professions of their present rulers; I believe the change would be very popular with the natives, who will be glad to become the direct subjects of a powerful Sovereign, but then this formal change must be immediately followed by a very extensive improvement in the working of the local Government.

4843. Are there any changes in the local form of Government and administration which appear necessary for the purpose of encouraging English colonization in India?—It appears to me that India is much too large, and its people of too many races and varied habits and usages to be placed under the authority of a single Governor-general residing at Calcutta, and under one Legislative Council, the members of which represent only the official class, and are for the most part ignorant of the feelings, wishes, wants, and prejudicies of the different races spread over such an immense extent of territory. Each Presidency ought I think to have its independent governor, secretaries, and staff, as also its own Legislative Council, the authority of the Governor-general extending over the army, to making war and peace, and settling the terms of treaties, and so forth.

4844. How do you show that this would be conducive to the settlement of Europeans?—I think you cannot disconnect the Europeans and natives. If you legislate simply with the idea of what is suitable to the English, without referring to the native and redressing the grievances of the native, there will be that unhappy antagonism between them that will effectually bar Europeans from going out to India. The Supreme and other local councils are, in my opinion, wholly useless and enormously expensive. The chief secretaries and heads of departments may well supply their place, by being made, as it were, cabinet ministers to aid and assist the Government by their advice and knowledge. The present constitution of the Legislative Council must be wholly changed; there ought, no doubt, to be a certain number of *ex officio* members receiving no other salary than that of their respective substantive appointments; there should also be as many non-official as official members, composed equally of Englishmen and Christians, and of natives who are not Christians. None of those members should be in the service of the Government. The Government of each Presidency should have the power of putting a veto to or suspending the operation of any law passed by the Council pending a reference to the home Government, but not to have the power of making any law whatever without the sanction of the local Legislature.

4845. You suggest the infusion of some representation of European settlers into the Supreme Legislative Council?—It is absolutely necessary, without which Europeans will never be satisfied in India. It will be one perpetual system of warfare with the Government. But I think it equally important that natives as well as non-official Europeans should be introduced into the Council.

4846. You think that the introduction of natives as well as Europeans would be conducive, ultimately, to the settlement of Europeans by bringing about a harmony between the two?—Yes, and unless you have natives in the Legislative Council you will always be ignorant of the wants of the natives, and of their objections to certain laws, or of the proper time for promulgating certain laws affecting them, such as the law to which I have referred, and the law affecting widows. So far as they affect our own interests, we speak favourably of them,

J. G. Waller, Esq.

3 June 1858.

but had we had native gentlemen in the Council, who would have shown you that you were legislating, not for a want but for a sentiment, probably the Legislature would have deferred passing such laws until they were really warranted by a change of social circumstances amongst the native population.

4847. Mr. *Villiers.*] How would you determine the selection of non-officials and natives for appointment to the Legislative Council?—I am not quite prepared to say. My idea is that I should leave it to the Governor of the Presidency in the first instance in both cases.

4848. Mr. *Willoughby.*] Do you recommend that they should be paid or unpaid?—Unpaid; the official members merely to receive the pay of their substantive appointment, and the non-official members to receive nothing.

4849. Do you think that respectable persons of that class would be found to devote their entire time and attention to their legislative duties?—I think the question covers more than is necessary. The members of the Legislative Council do not devote all their entire time and attention, indeed I think they at present devote more than is necessary. They make too many laws; they are too rapid.

4850. You think that people would be found to devote all the time that is necessary?—Yes, superabundantly.

4851. Mr. *Kinnaird.*] Well qualified persons?—Yes, well qualified; I think that the best class of Europeans and natives in India would be found to take the appointment. I can simply say, if it is not presumptuous, that were I in the country, and the appointment were offered to me, I should most willingly become a Member of the Legislative Council, with the desire of doing what is needful and requisite.

4852. *Chairman.*] You have heard a good deal in this room with reference to the introduction of the English language into the courts of law; do you consider that that would be an improvement or otherwise?—I think that it would be a very great improvement. I am able to speak practically, from my experience, and from the knowledge which I have of the condition of the courts with regard to the languages; but I wish distinctly to guard myself by stating that while I make the remark that the gentlemen of the civil service are unable efficiently to discharge their duties by reason of their having to use a foreign language, I do not make that observation in the remotest degree in the sense of a reproach to the gentlemen of that service, but I make it as a reproach to the system; I believe that the gentlemen of the civil service know the native languages better than the Europeans who are not in the service, and that they know the native languages quite as well as any body of men are ever likely to know a foreign language. The native languages are never used by Europeans, except upon absolute compulsion under the law, and in social life, from the necessity of giving orders to your servants. We never think in the native language; we do not read and write in the native language. And here I may speak of those gentlemen of the civil service who have passed their examinations very creditably; some of them are able to read the native languages, when they pass, tolerably well; but if they were examined a year afterwards, you would find that very few of them could read, for the simple reason that they never do read the native language in business. Every man has a reader, as he finds it much easier to have the papers read to him than to wade through them himself. Then the present system of using the native language is very modern; it has been introduced within the last 20 years. There was a regulation passed in 1836, intimating that the language which was then used in the Company's courts would cease to be the official language; and that in 1838, I think it was, the vernacular would be introduced. I have heard civilians admit to me that they found an immense benefit in using one uniform language, that was the Persian language, to that of having a mixture of languages. It is quite as bad as if you expected the best of our Greek, Latin, French, German, or Italian scholars, after they had passed a scholastic examination, and written a theme and some hexameter verses, to transact business in Greek, Latin, French, German, or Italian; and yet there is no doubt that their examination papers would show that they had passed a creditable examination. You have simply to apply the same test to the use of languages which people study in order to pass an examination, so as to have the portals of the service opened to them, and have thereafter the enjoyment of all the offices in that service. Then, looking at the question practically, I was admitted as an advocate in the sudder court, in the year 1843. At that period the sudder court, compared with what it now is, might well be said to have been almost benighted; not from any

fault

fault of the gentlemen who presided over it, but from the error of the system. At that period I was not permitted so much as to use the words "yes" or "no" in English. I had studied the native languages, but when I entered that court to practice, I found that I was as a perfect novice in the use of those languages; that I was constantly confounded; and I had to make translations of my cases before I could appear in the presence of the judges to argue them. The same difficulty I found after 10 years; and the same difficulty I saw was felt by judges who had been 30 and 40 years in the service, to that extent, that when the late Mr. John Colvin was appointed to the sudder court, seeing the difficulties which beset the system of Englishmen having to administer laws and work in a foreign language, he proposed to the Government that they should have a sufficient number of translators allowed the court to enable the pleadings to be translated for the judges, so as to save their time in wading through the pleadings, and translating and listening to disputes about the meaning of passages; the Government sanctioned the measure; and up to the period when I left India the pleadings were translated for the judges. The result of that was, that it opened the way to the use of the English language to a great extent. When I went to that court in 1843, oral pleadings, such as we know at the bar of our courts, were really nominal. The pleaders used to be called upon by the judge after reading through a heap of papers from beginning to end; but so soon as oral pleadings became the rule, that habit ceased, and the work was performed by the gentlemen at the bar, natives, Christians, and such Europeans as were there, and the papers were no longer waded through as formerly. The result was also this, that bribery and corruption were afterwards unknown in the sudder court; but when I went into it, I can speak from my own positive knowledge, that bribery and corruption were the order of the day.

4853. This happy change you attribute partly to the introduction of the English language?—I attribute it to the introduction of the English language in a very great measure, and to the introduction of improved and professional assistance.

4854. You refer to European agency?—Yes. but natives are admitted to be solicitors in the Supreme Court. A native can qualify himself by serving his articles exactly as a European can; and I should be very sorry to advocate anything in the way of professional work for Europeans which I would not do for the natives; if anything, I would help the natives, as they are the weaker of the two.

4855. Mr. *Campbell.*] Within what period has this change occurred?—I commenced to practice in the court as Mr. Baillie left it. It was not till 1844 that I held a brief. I think I once heard Mr. Baillie in court; but I can testify this, that oral pleadings nominally existed.

4856. You heard Mr. Baillie's evidence?—Yes, and Mr. Hawkins'; and I think, nearly every other gentleman who has given evidence before the Committee.

4857. Do you concur with Mr. Baillie on this point?—No. I think his convictions have been directly the opposite of my own. I have no doubt that the expression of his opinion is equally based upon his convictions.

4858. You saw the fruits resulting from the change, and Mr. Baillie did not?—Yes. I have discussed these subjects with gentlemen in the civil service; my own tendencies were, in the first instance, rather to advocate the maintenance and preservation of the native languages based upon those ideas which I have heard advocated by Mr. Hawkins and Mr. Baillie; but I have been converted to the opinion which I have now submitted to the Committee by a gentleman in the civil service.

4859. How do the natives regard the English language, as compared with their own?—Very much as they regard the English rule; they would, in the first instance, be disposed to oppose it. But all my remarks are made upon the assumption that the English rule is to be the rule for India; that it is to be maintained. I do not for a moment desire to enter into abstract theories; but taking facts as we have them (we now have an English Government in India), we never shall do justice until we use the language of the governing power. The Mahommedans did so; and I ought to have explained that the language which prevailed before was the language of the Mahommedans, namely, the Persian.

4860. *Chairman.*] Do you think that the national tendency of the people of India generally would be to accept the language with the rule of the governing power?—Most assuredly. I think that if a three years' notice were given, all those imaginary difficulties would vanish. I heard it stated that the interpreter

J. G. Waller, Esq.

3 June 1858.

would have it in his power to explain as he liked, so as to be more powerful than the judge. The thing is as impossible in the mofussil as in the sudder courts. The judge at present does not and cannot speak consecutively. There may be rare exceptions, and I am bound to say that Mr. Hawkins was an extraordinary exception; he was a great adept at reading an oriental manuscript; I never met anybody equal to him, yet I have known a great number of gentlemen in the civil service. But I put the question to him the other day whether, if he had a Bengalee manuscript before him now, he could use it familiarly; and he said that he thought he could not. No other judge (and I think there were some 15 or 18 judges at various times presiding over the sudder court when I was at the bar) was able to handle a manuscript in the way that Mr. Hawkins could do.

4861. Have you turned your attention to the expediency of introducing as much as possible the Roman character into India, while preserving the language?—That question was very much discussed between some very benevolent gentlemen of the civil service, who saw the necessity of making a change in the system, and wished to make a compromise of it evidently. When I first went out to India in 1835 it was much discussed by Sir Charles Trevelyan, and I rather think that he was one of the advocates for making that sort of compromise, by keeping the native language but using the Roman character.

4862. Sir *Erskine Perry.*] That controversy would not at all apply to written documents, but only to printing?—Just so; but it would be a death-blow to the language; it is an admission that we encounter some extraordinary difficulties, which we propose to get rid of by compelling the natives to sacrifice the facility and expedition with which the native languages can be written in their proper characters. For facility of writing, the Persian character has a vast advantage over the Roman character; so that we should really, if we did an injustice in the matter at all, be doing the natives a most grievous injustice, by compelling them to adopt the Roman character, which has no letters to express a great number of the sounds which would convey an idea of their words at all, and yet agreeing to retain the language for which the Roman character is not at all adapted.

4863. You think that it would be better to introduce the English language?—Entirely; I am firmly convinced of it.

4864. You are not of opinion that it would conduce ultimately to the introduction of the English language, to introduce more of the Roman character, for instance in the printed works in India?—I look upon the question in a much larger view than as it affects the use of the language in the courts of law. You could have no better means of diffusing the use of the English language through the whole country, and thereby assimilating the natives and Europeans to one another. You will never open the literature and learning of the West to the native mind, to produce its humanising and harmonising effects, unless you familiarise them with the English language.

4865. Do not you think that the introduction of the English language is in harmony with the general character of the progress of the ascendancy of this country over another nation?—Yes, most essentially so; and the natives of Bengal have a wonderful aptitude for picking up our language.

4866. Mr. *Villiers.*] Does any case occur to you in history where conquerors have forced their language upon the nations whom they have conquered?—I have given the instance of the Mahomedans, and I may mention likewise the Romans.

4867. It has not continued in either case?—It continued as long as their power continued; but I think that there is that power and vitality in the Roman character, and in the languages of Europe which have the Roman character, that they will necessarily displace those languages which are more complex than the languages that can be brought into use for all purposes in the Roman character.

4868. Sir *Erskine Perry.*] You do not contemplate English ever becoming the language of the millions of Hindostan?—I have not entered into that question.

4869. *Chairman.*] Does the present system of competitive examination secure the best and most able men for the public service in India?—Very far from it, in my opinion, because I think that the competitive examination leaves things exactly as they were, with this difference, that it has taken away the patronage from the East India House of nominating to the civil service; but the service with all its inherent evils is left exactly the same. No man after the age of 23 can aspire to serve the State in India. You do not require a man to be put upon the bench till he is 40, or say 35; but at present, if a youth does not pass a scholastic examination,

examination, covering learning in seven languages, only one of which is useful to him in India, he is shut out, and the country is burdened with the expense of maintaining the civilian till the age of 40, and then he is put on the bench without any previous training. There are seven languages in the scheme for examination, yet not one of the Indian languages; there are the Sanscrit and Arabic, which are dead languages; then there is German, French, Italian, Latin, and Greek. For a vast number of offices filled by the civil servants these languages are useless. It should be understood that the Government of India, in India, is the civil service of India; and if what is stated by those who live under that Government, but are not members of it, be correct, it is clear that what must be radically changed is that system. Either such of us as are opposed to that system, and who are not gentlemen of the service, are stating that which is the fact, or we are wholly mistaken about it. Then it seems to me that what is to be eradicated is the entire system, and not merely to change the door by which people shall be admitted into that same objectionable system; yet nothing beyond this is effected by the present competitive system.

4870. You arrive at the same place by a different gateway?—Yes. The patronage has been taken away from the East India Company, and given to certain examiners; and I think that the gentlemen who framed the rules for examination were never in India; it is obvious that the examination does not meet the evil complained of. The only way of meeting it is by the abolition of an exclusive service altogether, and by allowing men to aspire to serve the State in every post in India just as in this country. The one argument that I have ever heard used against the abolition of the exclusive service is this, that if you do not maintain it you will not get fit men to serve the Government. Where the salaries are, for a zillah judge 3,000*l.*, a sudder judge 5,000*l.*, members of the Councils from 5,000*l.* to 8,000*l.*, of a collector 2,300*l.*, I do not see how there can be any difficulty in getting fit persons to fill those situations. Why not put the thing to the test? Why protect the service by rules? I am convinced that educated lawyers, who are fully equal to the discharge of all the duties of a judge, would willingly go out to India to take the situations of zillah judges at 1,500*l.* a year, and yet the present judges are paid 3,000*l.* a year.

4871. Mr. *Villiers.*] Would they qualify themselves by acquiring a knowledge of the language?—The only knowledge of the language necessary is for colloquial purposes. I think that the English language should be introduced; and I think that all those presiding in the courts should be previously examined colloquially.

4872. You would not appoint the men without some examination?—No other examination beyond their position at the bar is necessary. At present, in this country you do not examine gentlemen for judgeships, but they give you the best test you can have, that is, their position at the bar. It is impossible for a man to be a judge who has never studied the law. I believe that jurisprudence is quite as much a science as engineering; and all men are not born with the gift of discriminating, reasoning, and judging, so as to be fit to preside over their fellow creatures. If a poet is born, I believe we may with equal truth say that a man who is fit for a judge is born with a peculiar idiosyncracy which must be developed and cultivated.

4873. *Chairman.*] You think that education in jurisprudence is essential, and you think, further, that that education is sufficiently given by the position which persons attain at the English bar?—Yes, I think it indispensably necessary; and I wish to put it upon record that I have had the admissions of numbers of gentlemen in the civil service that the attempt to dispense justice in India is a total failure; and I believe that if those gentlemen were free to give their testimony before this Committee, nine out of ten connected with the judicial department would acknowledge that it is a total failure. I was astonished by the observation of Mr. Bailey, that the judges are competent to give satisfaction, and do give satisfaction. The cry is universal that it is not any fault of individuals, not anything approaching to corruption or dishonesty on the part of the judges; but it is the positive want of knowledge on their part of the laws and the duties of a judge that gives such universal dissatisfaction. You may occasionally get a man of a greater grasp of mind and greater powers, who may do more than another; but the system is wrong. I have known a political officer who had never been in a civil court perhaps for 24 hours, who was utterly ignorant of the civil system of India, nominated to a judgeship in the sudder court.

J. G. Waller, Esq. 3 June 1858.

4874. You heard the evidence with regard to the desirableness of the great increase of European magistrates, police inspectors, and superintendents and other professional men for the judicial department. Would not that entail a considerable increase of expenditure if the alteration was carried into effect, as has been proposed?—As regards the police I should observe that it is impossible to exaggerate in becoming language the miserable condition of the police and of the magistracy in the Lower Provinces of Bengal, and I believe it is no better in the rest of India. I believe that the whole thing is most perfectly rotten to its very core.

4875. With reference to the expense, what is your opinion upon that point?—I think that the present outlay would really meet the necessary expense by making those reductions which are necessary in the present enormous pay given to the civil service. I have been told by more than one collector, that from half-an-hour to two hours in the day was amply sufficient for any collector to discharge his duties, and yet they are paid from 19,000 rupees to 23,000 rupees a year, having the advantage of receiving their pay monthly. Now there can be no doubt that to discharge those duties you would get a most efficient and honest man for 600*l.* a year, or 6,000 rupees. It will be observed by any one who will have the interest and curiosity to look back to the different deductions that have been made on a large scale, that it has been followed by a declaration that the reduced appointment shall no longer be held by a covenanted civilian. I observe that Mr. Ricketts, of the civil service, has suggested certain deductions, and the abolition of certain offices as no longer to be the right of the covenanted servants, with a recommendation to reduce the pay of those offices enormously. Yet there will be no difficulty in finding gentlemen to take them; the Government knew this well, and so did Mr. Ricketts; therefore, I say, if there is any truth in the observation that you will not get men to accept those appointments without enormous salaries, why protect the present incumbents of those offices by laws and rules which prevent the matter being put to the test?

Martis, 8° *die Junii*, 1858.

MEMBERS PRESENT.

Sir Erskine Perry.	Mr. Campbell.
Mr. Willoughby.	Mr. Gregson.
Mr. Danby Seymour.	Mr. W. Vansittart.
Mr. Lowe.	Mr. De Vere.
Mr. Kinnaird.	Mr. Villiers.
Mr. J. B. Smith.	

WILLIAM EWART, Esq., IN THE CHAIR.

Joseph Gabriel Waller, Esq., called in; and further Examined.

J. G. Waller, Esq. 8 June 1858.

4876. Mr. *Campbell.*] IS not business much better and more satisfactorily conducted in the sudder than in the zillah and district courts?—Unquestionably it is so; but I ascribe that not to the circumstance of there being judges on the bench in the sudder court who are more familiar with the administration of the law, but to the circumstance of the sudder court being in the metropolis of India, where professional assistance can be had, where the court is under the influence of public opinion, and is very much assisted by the guidance of the public press; the improvements in the sudder court have been progressive; and there is no doubt that court, working in the metropolis, is immeasurably superior to the mofussil courts.

4877. Is it an easy or simple matter, after obtaining a decree in any of the Company's courts, to enforce its execution?—Quite the contrary; the trouble of a litigant may really be said to commence from the day on which he gets his decree.

4878. Do

4878. Do you think that there are any good and valid objections to subjecting Europeans, or Christians generally, to the authority of the Hindoo and Mahomedan in civil and criminal matters?—I think so; we know as a fact that Christians do object to being placed under the authority of Hindoos and Mahomedans; I think that their objections are really well founded; it is not likely, in my opinion, that they will ever willingly submit to be placed under their authority; and I believe that the effect of any attempt to place them under their authority will be to continue the unhappy conflict, which has existed in India as long as I can remember it.

4879. Would you then propose to exclude all natives who are not Christians from civil employment, or from the magisterial and judicial department?—Very far from it; I think that too much cannot be done to encourage the natives by education and example to qualify themselves for every civil department; and I think it is the bounden duty of the English Government to employ them to the utmost possible extent, having a due regard to our position as a conquering people, and having regard also to political causes which may make it necessary to exclude them from high appointments; they may be appointed even judges, but not to have authority over Christians.

4880. Do you not think that the introduction of the English language would be a great advantage?—Very great indeed. I do not look upon the introduction of the English language into the courts and offices of Government with simply the narrow idea that it will be a convenience, and that it will lead to a more satisfactory mode of dispensing justice, but I think it will open western literature and western learning to the people of the East, and lead to an elevation of their moral and social position.

4881. Do you think that Europeans ought to be made subject to the jurisdiction of the Company's courts, presided over by gentlemen of the civil service, or by Christians of the uncovenanted service?—In the present condition of India I think not, but I would let the courts be improved, and then I think that all classes should be made subject to the local jurisdiction; but until a very extensive reform is made in the Company's courts, it would certainly be monstrously unjust to subject Englishmen or Christians to their jurisdiction, and to deprive them of the blessings they enjoy, and which they are capable of giving to themselves by the introduction or establishment of good and proper courts. The Supreme Court was introduced as a protection to them, and as a means of their being able to do justice to Europeans; and I think that there is now no reason why they should be deprived of that benefit, and why they should be subjected to the inefficient tribunals of the Company.

4882. Are the present revenue sale laws such as to deter Englishmen from investing their capital in landed property?—Most certainly; if we bear in mind that a revenue sale destroys all engagements and incumbrances on an estate, it clearly follows that a man in business would be very chary in vesting his capital in the purchase of what are called putnees and talooks in India. I am quite sure that it does so operate on Europeans, and that it does prevent them from purchasing what may be called large farms.

4883. *Chairman.*] What is the difference between a talook and a putnee?—A putnee is never separated from an estate, but a talook may be; talooks sometimes pay the revenue direct to Government.

4884. Are they a sort of manorial right?—No; they have been created, time out of mind, by grants from the zemindars themselves and otherwise.

4885. Mr. *Campbell.*] Would it be, in your opinion, advantageous to allow zemindars and proprietors to redeem the land-tax?—I think it would be a very great advantage; it would be a vast advantage as regards the great landowners and rajahs, for it would ensure to us their fidelity; and that being the case, we should have a sense of security in the country which would enable us as colonizers and settlers to work with a degree of confidence which at present we are unable to feel.

4886. Would doing that to a limited extent extinguish existing debts of the East India Company, do you think?—Yes, no doubt; the debt is not large, and that debt could easily be extinguished; it is a small debt, compared to the wealth of the nation.

4887. Do indigo planters maintain what are called clubmen, for the defence of their property?—Not so; throughout India, taking Calcutta itself, and it is much

J. G. Waller, Esq.

8 June 1858.

the same in Madras and Bombay, I believe every man who has anything valuable to guard maintains a body of up-country police; all the merchants in Calcutta guard merchandise by these sort of clubmen; it is a necessity in Bengal, for the Government yields them no protection; the police of the Government are actually tyrants; instead of being a blessing, they are a curse wherever they are introduced; indigo planters do no more than the rest.

4888. Is there anything in the native character presenting serious difficulties in the way of Englishmen desiring to settle in India?—No; on the contrary, I think that their character is such, that it is rather an invitation to Englishmen than otherwise; I think, that notwithstanding the terrible events which have lately convulsed India and shocked the world, the natives are a mild, docile, and gentle people, capable of being trained to everything that is good. I think that all that is bad in their nature has been developed in them. This, I believe, has arisen from neglect and oppression. I believe that they possess everything good in human nature in common with the rest of mankind, and that all we have to do is to check the evil, and to cultivate and encourage, as far as we can, all their good qualities. I speak from my own experience, and from my knowledge of their character.

4889. Do you think it desirable to introduce in India generally the non-regulation system, and to deal out justice summarily?—By no means; understanding the regulation system and the non-regulation system as I do, I do not look with any horror at what is called the regulation system, as some gentlemen are accustomed to do; I believe that if you attempted to introduce the non-regulation system you would cause a complete revolution. I can well understand a great man of genius like Sir John Lawrence, and others of like experience, knowledge, and will, moulding into order a country newly acquired by conquest; but if you were to attempt to introduce the same system in parts of the country that have not only been conquered a hundred years ago, but have had the blessings of peace, and those advantages which a peaceful period generally brings with it, you would spread very great discontent, and cause a very great amount of mischief.

4890. Is it not of great advantage before a man is elevated to the bench as a civil or sessions judge, to make him pass through a gradation of various offices and duties?—I think it is obvious that it cannot be so; it is not a system which we adopt in any country but India. It is a correct saying that the law is jealous, and requires all a man's time and attention if he wishes to devote himself to it. To make a man a good judge it is of no advantage that you should make him first a political ambassador, then a superintendent of a railway, then an opium and salt agent, and from that elevate him to the bench; that is something like making a man do work as a shoemaker, and then as a tailor, in order to make him a good watchmaker.

4891. Does any antagonism exist between the civil servants and settlers in India?—I think very great.

4892. How do you account for that antagonism?—In this way: that Englishmen cannot forget that they were originally excluded from India, while all the servants of the Company had it handed to them as a monopoly; and although they are now admitted, still what are called the good things in the service are reserved exclusively for those gentlemen who are the fortunate members of a most princely service, who, whether they have work or not, are entitled to receive handsome pay.

4893. Do you not think that in an isolated district, containing, perhaps, a million of native inhabitants, with a single Resident there, subjecting a civil servant to the influence of public opinion, has something to do with that antagonism?—Very much so. I think, without meaning it at all in any offensive sense, that the civilians very much dislike being under the influence of public opinion or of the public press; that is my conviction arising from knowledge and observation.

4894. Have you had considerable experience of indigo planters, and of indigo growing?—Yes; I have been indirectly connected with the indigo business for many years.

4895. Have you heard the evidence of Mr. Baillie on the subject?—Yes.

4896. Do you concur with his evidence as to the unremunerative results of indigo growing?—No; although I think that Mr. Baillie was very correct in representing the mischief that has been caused by people undertaking the business of manufacturing indigo, and of making advances on indigo, without studying

ing and understanding what was requisite; but certainly, at the present time, it is well understood and is remunerative in itself, if we put aside those influences and those evil causes connected with the police and the maladministration of justice which really make the manufacture of indigo much more expensive than it ought to be.

4897. Then you consider that the state of the law, and the state of the police, have operated against the profitable settlement of Europeans in India?—Unquestionably.

4898. What suggestions can you make of a practical nature to remedy the evils you have enumerated?—I think it is absolutely necessary, in the first instance, to put an end to that unhappy and mischievous conflict which has always existed between the official and non-official English community. This can only be done by Parliament giving a defined constitution for securing to all Englishmen those fundamental laws and rights, including the liberty of the English press, which are so much valued in this country. Englishmen will not go out to India and consent to live under the authority of their own Government in a worse condition, as regards liberty, freedom, and laws, than they are accustomed to in this country. You must therefore introduce the body of English law, with such modifications as are necessary to suit the religious habits and social conditions of the natives. The close and exclusive system of the present civil service must be abolished, or there will never be any improvement in the administration. All Englishmen ought to be eligible to every post and appointment, which for present political purposes should be filled by Englishmen only; and there should be no such distinction as that of a covenanted and uncovenanted service. The police must be very greatly remodelled and reformed by the introduction of an extensive European element, such as constables, inspectors, and superintendents, in its constitution, and by a large mixture of the Christian population in its ranks. The magistracy must be unconnected with the police, and left to the performance of those obvious duties which belong to it in this country. Magistrates should be selected from experienced and well-tried professional men of mature years; they should be well paid and increased in numbers, so as to have much smaller jurisdictions. I fully confirm the very worst that has been stated before this Committee, supported by the testimony of Mr. Halliday, Governor of Bengal, regarding the most wretched, cruel and oppressive character of the police, as well as of the utter inefficiency of the magistrates. Then, as regards the judicial system, it would be scarcely possible to devise a scheme better calculated than that which now prevails, not only to give insecurity to life, liberty, character, and property, but to encourage corruption, bribery, perjury, and forgery. Speaking of the sad results of this system, the Marquis of Hastings observed, in a despatch from the Directors to the Bengal Government, dated February 1819, "The present state of landed property in Bengal may be brought under review as connected with the judicial administration, since it appears to have originated more from the practical operations of legal decisions than from the fiscal regulations of this Government. The powers which have been assumed by the auction purchasers have completely destroyed every shadow of a right in the tenants, and reduced a happy and comparatively rich peasantry to the lowest stage of penury and indigence. We seem to have accomplished a revolution in the state of society, which has, by some unexpected fatality, proved detrimental to general morals, and by no means conducive to the convenience of our Government; since the first establishment of the Zillah Courts in 1780, and from the regular organisation of them in 1793, a new progeny has grown up under our hands; the principal features which show themselves in a generation so formed, beneath the shade of our regulations, are the spirit of litigation which our judicial establishment cannot meet, and a morality certainly much deteriorated. If in the system or the practical execution of it we should be found to have relaxed many ties of moral or religious restraint on the conduct of individuals, to have destroyed the influence of former institutions without substituting any check in their place, to have given loose to the most froward passions of human nature and dissolved the wholesome control of public opinion and private censure, we shall be found to acknowledge that our regulations have been productive of a state of things which imperiously calls upon us to provide an immediate remedy for so serious a mischief."

4899. Has that remedy been since provided?—On the contrary, the evils have increased

J. G. Waller, Esq.

8 June 1858.

increased under the system which was then complained of. I think that one point, which is very material with regard to the judicial system, is not to make litigation a source of revenue to the Government. I think that the stamp law has operated most detrimentally; the Government looks to litigation as a source of revenue; I think that the abolition of that, and the introduction of professional judges independent of the Government (for the present judges are anything but independent of the Government), are matters which are absolutely necessary to make the administration of justice what it ought to be.

4900. Mr. *Smith.*] You have stated that the police are very inefficient for the protection of life and property; and that in consequence of that it becomes necessary for persons to keep watchmen to protect themselves?—Yes.

4901. Are you of opinion that if a proper system of police were established, the people would willingly pay for it?—I certainly think so.

4902. And do you think it would be to their advantage to do so?—Most assuredly; I think it would not be difficult to convince them of it, and to show them that it would be a gain to them in a money point of view; for they are at a great expense at present in maintaining this private police.

4903. Have you paid any attention to the tenure of land?—Yes.

4904. Would you suggest that there should be any change in the existing tenure?—Certainly; as regards the sale law, I think that a change is absolutely necessary.

4905. What are the changes that you would suggest, with reference, for instance, to Bengal?—I do not know that the ordinary tenures there are objectionable; I have not thought them so myself, nor have I understood that the system has been found to work disadvantageously.

4906. Do you think that if the Government were disposed to allow the land tax to be redeemed, that would be an advantage to the natives?—Very much so.

4907. What are the advantages which you would anticipate from such a redemption?—It would make them more earnest, I think, in the improvement of their property; and what, connected with this question I think all-important, is, that it would make them favourably disposed towards the English Government, as they would be quite conscious that on a change of Government they would lose the benefit thus acquired.

4908. You think that in that case they would be interested in upholding the English institutions?—They would.

4909. But any change of that nature should be accompanied by a registration, should it not?—Most assuredly.

4910. And a remeasurement of the land?—Yes, on a different principle from that which is pursued at present, because there is so much conflict now in the civil courts; they change their opinions so constantly as to the legal value of a survey, as to make it difficult to determine the boundaries.

4911. Have you ever paid any attention to the debtor laws of Bengal as applied to ryots?—I think that the whole of the laws there are in a very unsatisfactory state on those points generally.

4912. Is it not usual for a son to take upon himself the debts of his father?—That is the law of their religion; but that is not enforced in the civil courts, though really it might be enforced next year. The civil courts vary most wonderfully in their decisions; there is no fixity of purpose with them.

4913. Is it not a very cruel law, and does it not operate very injuriously upon the people?—Not practically, for the law is really a dead letter; that is their religion; their law and their religion go together. By the Hindoo religion a son is bound to pay the debts of his father, but as yet no one has found the means of compelling him to do so; the civil courts have held it to be a religious obligation which the courts are not bound to enforce.

4914. If the son receives no property from his father, is he, notwithstanding that, bound to pay his father's debts?—Yes, out of his own earnings.

4915. Does not that keep him in a constant state of poverty?—No; the fact is that a man never pays a debt; if you get a decree for 10,000*l.* against a man, he never pays you.

4916. But the liability to pay is held in suspense over his head, is it not?—Yes, but he generally finds the means of defeating it; the courts themselves are so incompetent to enforce their own decrees, and so ignorant of the very principles which should operate in giving effect to their decrees, that the law, it is found, is very easily evaded. I could show instances in which a decree has been

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for 20 years under execution, and has never been enforced, or only partially enforced; and at the end of that time it has been ruled by the highest authorities that the decree ought never to have been passed; that it was illegal, and incapable of execution.

4917. Do you not think, with a view to the benefit of the ryots, that some change in the law is necessary?—So long as you do not touch the law of their religion; wherever their civil position is mixed up with their religious institutions, I think you cannot interfere; you must leave it to the operation of time and the effect of education.

4918. Do you think it would be inexpedient to make any change in that respect?—I think it would be inexpedient to make any change by legislation, as in the case of the remarriage of Hindoo widows, and the alteration of the law of inheritance; I know that those two alterations in the law prevented the very good that was contemplated; it struck at the very root of their religion, and if there had been Hindoos in the Legislative Council who could have pointed out what would be the probable operation of such laws, the probability is that they would never have been passed.

4919. Do I understand you to say that you, being an advocate, could hold no office of any sort in India, however capable you may be of holding it, in consequence of you not being a covenanted servant?—I could hold none but a subordinate office; such an office as would be beneath my social position and fair expectations.

4920. What is the highest office that you could hold?—In the judicial department the highest office that I could hold would be that of an uncovenanted judge, having as much or more work to do than the judge himself; having unlimited jurisdiction, but not receiving anything like the pay, or occupying anything like the position of the covenanted judge, and being incapable of elevation.

4921. What does a covenanted judge receive?—Two thousand five hundred rupees a month, and the uncovenanted only 700 rupees.

4922. When as a barrister you come home to your own country, is there anything to prevent you from taking any office there for which you are capable?—Nothing whatever; I may keep my terms here, and be called to the bar, and then I should be legally as much qualified as any man, so far as my rights are concerned, to be elevated to the bench.

4923. There is nothing here to prevent you, if you are fit for the office, from being Lord Chancellor, while in India you can only occupy a menial appointment?—Yes; a menial appointment for a gentleman of education and position.

4924. That does not offer any great encouragement, then for people to go out to India?—No; I only speak from my own experience as to what I should do, if I were training my own family for India.

4925. You have stated that in your opinion a free English press is a necessary security for the good government of the settlers who go out to India; is it your opinion that it is equally beneficial to the natives?—Most assuredly; the English press has always protected the natives; every measure that the Government has introduced which has been unpopular with the natives, and which has been thought to prejudice them, or to work to their injury, has met with the most decided opposition from the press; and the press, I am bound to say, has advocated the rights of the natives quite as fully as the rights of Englishmen.

4926. Do you think that the Government have anything to apprehend from the discussions incident to a free press in India?—Not in the remotest degree whatever; it is either a fiction or there is a desire to get rid of it.

4927. Do you think that the natives are able to discriminate, when our free press discusses a question affecting them, whether it is doing so for their benefit or not?—Such natives as can and do read the papers, most certainly can do so.

4928. What is your opinion as to a free native press?—I think that the time has not arrived for the introduction of it; we must regard the natives, to a certain extent, as children, and take the position of parents with regard to them, raising and elevating their minds, and preparing them for future liberty.

4929. Would you prohibit the native press altogether?—No; but I would put it under certain restrictions. I speak with hesitation upon this point, certainly; but such are my convictions, and I have thought a good deal upon the subject.

4930. Do you think that, so long as Englishmen going out to India are shut out from offices of honour and profit, it is likely that they will take root in the country?—Not at all; I think they will not take root there; and, more than

J. G. Waller, Esq.

8 June 1858.

that, I think they will not go out in large numbers if they know that they are to be shut out from all appointments.

4931. But is it your opinion that if Englishmen were eligible to every office of the State for which they may be fit, as is the case in all our colonies, that would operate as an inducement to them to go and settle there?—It would be a very great inducement indeed; I can hardly exaggerate the extent of the inducement.

4932. Is it not a part of the nature of an Englishman to expect, wherever he goes, to have some share in the government of the country?—Most assuredly, and it is in consequence of the want of that, that you have a political antagonism in India between the governors and the governed.

4933. And are you of opinion that the admission of Englishmen into the Legislature would not only do away with that antagonism, but would eventuate in great benefit to the country?—Yes, that would be one means; but I think that that is a *sine quâ non*.

4934. Would not the Legislature in that case have the benefit of a much larger amount of experience and information than it has at present?—I think it would be quite as beneficial to the Government as to the governed, but you can hardly do so so long as you have but one Legislative Council; how are you to introduce people resident at Madras into the Legislative Council located in Calcutta?

4935. You would consider it desirable that there should be a Legislative Council for each Presidency?—Yes.

4936. And that Englishmen who are fitted for the appointments should not be excluded from them?—Englishmen and native Christians; I would not limit it to Englishmen.

4937. Are you aware that in the Island of Ceylon the experiment of introducing natives into the Legislative Council has been tried and found to be very beneficial?—No, I was not aware of that.

4938. If it has been found beneficial there, do you think that there would be any danger in trying the experiment in India, with regard to some of the most intelligent natives?—So far from there being any danger in it, it would be, I think, one of the best measures that could be taken for insuring the safety of India.

4939. Do you know as a fact that there are many natives quite sufficiently intelligent to justify their appointment to such an office?—Most assuredly that is the case; there are many of them who are fully qualified in every respect.

4940. Are natives allowed to be pleaders in the courts of law?—They are more than allowed to be pleaders; they have had a monopoly of pleading hitherto in their own hands. The class of people who are pleaders in the courts generally are most incompetent, and unfit for their position.

4941. Are they untrained?—Yes, they are untrained. In the Mofussil courts they are no help to the judge; but, on the contrary, they are great hinderances.

4942. Would it not be an advantage, therefore, not to allow people to be pleaders without undergoing some sort of examination, or going through some test of their qualification to undertake the duty?—Their qualifications should be such as are peculiarly required for performing the duties of a pleader, but no general rules for examination by book would, I think, suffice; their preparation should be similar to that which is necessary in this country for the exercise of any profession or business. They should undergo a sort of apprenticeship, doing practical work; book-learning will never enable them to discharge their duties, any more than a man would know how to make a watch from reading in a book a description of the manner in which it is made.

4943. Are natives allowed to plead in the superior courts?—There is no law excluding them; but they are subject to this hardship, which is as bad as a law: a man must come to England and keep his terms here, and be called to the English bar, and then he may go back and practice in the Supreme Court. They may be admitted as attorneys, and there are natives who are attorneys.

4944. Do you think that there would be any objection to admitting them as pleaders in the Supreme Court?—None, considering how much Mahomedan and Hindoo law is administered in the Supreme Court. It is a hardship that they should be required to be called to the English bar in order to qualify them to practise in India. I think that in Australia a gentleman may be called to the bar and practise in the local courts without first coming to England; and I do not

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see why the same (I will not say privilege, but right) should not be conferred upon parties in India. *J. G. Waller*, Esq. 8 June 1858.

4945. Would it not be a means of qualifying them for filling judicial situations?—It is the only preparation which you can give them; in fact, the remedies that are required are all of the most simple nature.

4946. Mr. *Kinnaird.*] You have spoken of the antagonism which exists between the governors and the governed; do you refer there chiefly to Calcutta?—No, throughout India; the government of the Company all over India; that government is not willingly accepted in India, and as the direct government of the Crown is denied to India, that antagonism, I am convinced, will ever continue to exist between the Government and the governed.

4947. Do you think that arises practically from the exclusion of any but the covenanted servants?—I think that has a very great influence upon it; and I think, moreover, that the Company have worked as you might expect a corporation to work, not with large and liberal ideas, but, generally speaking, with small ideas, with a view to the maintenance of their privileges and rights. They have acted wisely as regards themselves, but they have acted injudiciously and illiberally towards the country in all respects, as well with regard to the natives as with regard to Europeans.

4948. In your opinion, has the want of competition for public offices a deteriorating effect upon the service itself?—I think so; because if you have an incompetent person in the service, you are bound to maintain him, whether you give him work or no work, and you shut out the possibility of admitting people of merit; your selection is confined to 400 or 500 gentlemen who have passed a scholastic examination at the age of 18 or 20, but you are debarred from selecting from gentlemen who, without expense to the State, have qualified themselves. We, out of the service, should be glad to qualify ourselves at our own expense, with a view to our admission into such offices as we find ourselves best adapted for.

4949. What is the meaning of what is called a bad bargain in the service?—I think that the question almost gives its own answer, when I state that the rules of the service are such as they are. In fact, there is a covenant between the Company and the civilian; and I think it would be important that the form of the bond signed by civilians should be put upon record. By that bond there is a mutual obligation.

4950. Sir *E. Perry.*] A man cannot be turned off?—No, unless he has been guilty of corruption or the like. When once a man has signed the bond, the State is burdened with him, although he may be of no use. You may find that, although he has a good deal of book-learning, although he may write a Latin theme or hexameter verses, yet when he is put to work he may be fit for very little, and yet you must provide for him.

4951. However incompetent he may have proved, he is still eligible for a judgeship, is he not?—He is not only eligible for a judgeship, but the more incompetent he is the more certain is he to be elevated to the judgeship. That is explained by a very zealous partisan of the East India Company, Mr. Campbell; he states in a work which he has published that when a man has been found fit for nothing else, it is determined to shove him on the bench, and make a judge of him. That really is the fact. I am myself able to corroborate Mr. Campbell's testimony in that respect.

4952. Have you known instances of such appointments being made as would corroborate the opinion expressed by Mr. Campbell to which you refer?—I have known too many instances of that kind, but I hope I shall not be required by the Committee to mention them.

4953. Mr. *Campbell.*] In the Sudder?—Yes. I have known men who have never been judges or decided a case at all nominated to the Sudder Bench.

4954. Mr. *Kinnaird.*] And have you ever had brought under your notice any decisions made by the judges which have been remarkable for their absurdity?—A great many. If the Committee will only take the trouble to read the decisions of the Privy Council, they will see that the decisions of the highest court in India are often reversed; and when you introduce professional assistance the judges are embarrassed.

4955. Suppose the experiment were made in every Presidency of associating some of the natives of the upper class in the Legislative Council, would there be any difficulty, in your opinion, in finding natives competent to the post, and still well

J. G. Waller, Esq.

8 June 1858.

well affected to English rule?—I think there would be no difficulty; we have many natives who are very popular with the European community, and I think we should be very happy to see them put into the Legislative Council.

4956. Would not such a course tend, in your opinion, to conciliate the natives, and make them favourable to our government?—Very much so, if you carried it out fully; it would not be enough to put into the Legislative Council a native who merely follows the observances of the Hindoo religion in order to avoid being out-casted; but you should act with good faith and admit into the Legislative Council natives from all parts of the country, who are able men, and respected among their own community.

4957. Are there among the natives many superior men who are scattered about in the Mofussil?—Among the gentry and old families I have come in contact, most assuredly, with natives who are really gentlemen in manners and habits.

4858. And who are not disaffected to our rule?—Certainly not; I am speaking of Bengal. I think those are measures which would go a wonderful way to conciliate and make them well affected towards us.

4959. Should you not think that the present time would be very suitable for the introduction of measures, such as those of which we have been speaking?—As soon as you can put an end to the military insurrection. I think that any measure of the kind, if introduced while the Sepoy army is in force against us, would have a bad rather than a good effect; the moment we have destroyed that army it would be necessary to follow it up by the immediate introduction of reforms; delay, I think, would be fatal.

4960. Do you think that the employment of Christians, either separately as a body or collectively, would have a prejudicial effect on the native mind, so as to endanger the peace of the country?—Quite the contrary; I think that the moment we take the position which as Christian rulers we are entitled, and justly entitled, to take, the natives would not only respect us, but would have greater confidence in us than they have at present, when our professions and our conduct differ from each other as they do. The more pains we take to make professions to the natives that we shall exclude Christianity, the greater is their suspicion that our intention is by underhand means to supplant Hindooism, and to introduce Christianity.

4961. Do you know anything in the native character which, in your opinion, is calculated to deter and discourage the settlement of Englishmen in India?—Very far from it. I know, and I do not say this out of opposition to gentlemen who have spoken to the contrary, that the natives have most admirable qualities about them.

4962. Would the extension of missionary labour operate prejudicially in your opinion, so as to cause apprehension to the Government, or so as to deter commercial and agricultural gentlemen from settling in the country?—By no means; the natives have not the slightest objection to independent and non-official people working according to their convictions, but what they have the greatest objection to is, the interference of those who are connected with the State or the interference of the Legislature with their religious habits, usages, and feelings. I think you are not likely to do much in the way of European settlement or colonization if any effort is made to exclude a body of useful men, such as the missionaries are found to be, under the idea that the natives do not like them.

4963. Have you ever heard of instances of missionaries asking for the assistance of Government on their behalf?—Not at all. I never heard of any violence or opposition offered to missionaries, or of missionaries being unpopular with the natives more than any other class of Europeans.

4964. You would say that they are rather respected than otherwise by the natives?—Yes, and for this reason, that they believe them to be virtuous and good in private life, and that they are honest in their convictions. As a body of men they have rather elevated the English character in India, and as such they are respected.

4965. You are of opinion that if the Government had taken an open and plain course as regards Christianity, it would have had a better effect upon the native mind than the course that has been taken?—Yes; because in that case Government would have been believed; but it never will be believed, when being a Christian Government it professes to discourage Christianity.

4966. There are many Christians, are there not, in the Bengal Presidency who

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are not Europeans?—A great many; there would be no difficulty in either supplying a police force or in getting up militia regiments for the protection of the principal towns in which there are many Christians.

4967. What is their condition generally?—Very degraded and lamentable. The coloured Christians are a class generally looked on with great contempt, and very little is done to help them.

4968. What do you mean by coloured Christians?—Those who are usually described as Eurasians.

4969. Why are they looked upon with such contempt?—They have been condemned without cause; they are supposed to have all the vices of the Christian as well as of the Hindoo; but such is not the case. I think they are capable of all the good that others are; they are the most useful body of men to the Government in filling subordinate offices. We shall never get the natives to entertain a favourable idea of Christianity if they find that Christians who are not white are degraded amongst Christians who are white.

4970. What has tended to cast this slur upon them?—I suppose it originated in the first instance in the stigma that attached to their birth. The word half-caste is used to imply that they are not generally legitimately born; and that has extended to the whole body of coloured Christians. If a Hindoo, becoming a Christian, adopts European habits and manners, he immediately falls into their position.

4971. Mr. *Lowe.*] Then is it his change of religion that makes him degraded in the eyes of Englishmen?—No, because the Eurasians are born Christians.

4972. What is thought of a Hindoo of full Hindoo blood turning Christian?—Generally speaking, he is not looked on as a very trustworthy person; as to the lower order of natives who become Christians, we do not trust them much.

4973 Mr. *Kinnaird.*] Hitherto the Government have entirely abstained, have they not, from giving any employment to converted natives?—Yes.

4974. Have any grounds been stated for not treating them in the same manner as any other portion of the population?—I do not know; the impression on my mind has always been that the Government are not anxious for the spread of Christianity, but that on the contrary, they would rather prefer that things should remain as they are, because their own existence is thereby apparently secured; most certainly if you introduce a large number of Christians, by bringing a body of settlers from Europe, or if you so educate the natives that they become Christians, the present constitution that prevails in India could not exist for any time; I think that the East India Company are perfectly conscious of that, and it has been with that view, in my opinion, that they have never encouraged Christianity.

4975. Mr. *Lowe.*] Do the Mahommedans and Hindoos agree generally in their views of Christians and Christianity?—No, the Mahommedans, as a class in India, are very bitter against Christians; they have all the vices and all the evil conditions of the Hindoo with those of their own peculiar creed, but they are most hostile and most antagonistic to the English. The Hindoo religion does not admit of increase by proselytism, the Mahommedans work zealously, making as many converts from Hindooism to their own religion as they can, while Christians almost sleep over it.

4976. With regard to those who are Christians, do you consider that they ought to be subjected to the jurisdiction of the native and Company's courts, while Englismen alone are exempt?—I do not; what I have said as to Englishmen applies to all Christians. I can hardly conceive it possible, that while Englishmen in India claim these as rights to themselves, on account of their being Christians, and appreciating free institutions, they should seek to deprive, not only all other Europeans, but all their fellow Christians in India, of those blessings which they themselves so much value.

4977. Do you think that they have equally strong objections to be subject to the Hindoos and Mahommedans?—I do.

4978. Do you consider the Bengalese inferior to the people of Upper India?—Only physically; in all other respects they are equal if not superior.

4979. You seem to think that there should be some censorship over the native press?—Yes.

4980. You think that under proper restrictions the native press should not be entirely suppressed?—I think not.

4981. The tendency of the freedom at present enjoyed has been rather to elevate the natives than otherwise, has it not?—Very much so; I think that the

J. G. Waller, Esq.

8 June 1858.

press is a most powerful instrument for doing good in India. The observations which I have heard made against the English press are, I think, very unmerited; I think that the press in England is far more severe and satirical with regard to those in authority than the free press in India has ever been.

4982. Do you think that the press in India never deals in personal attacks on individuals?—I will not say it never does.

4983. Are not actions for libel frequent in India?—I have not found them so; I cannot call to mind many instances of the kind.

4984. Is not the tone of the English press in India what we should call in opposition to the Government?—Not only the press, but the whole community in India, is so, and the press represents that feeling very strongly.

4985. That is, there is an opposition by parties who have no hope of getting into office, and therefore no responsibility?—It is not only from that cause, but because Englishmen in India are deprived of those institutions and laws which they so much value in England, and because the Government of India is always hostile to the non-official population of India.

4986. Has the Government of India any means of defending itself?—Yes, the press.

4987. How would it defend itself?—In the same way as it would in this country; a defence, as a measure of justice, will always be allowed to an attack made in the press; the press of India was as much in the service of the Government as against it, that is, you had a portion of the free press devoted to the maintenance of the state of things existing in India, and to a justification of Government measures, although at the same time another portion of the free press of India satirised and criticised the measures of the Government.

4988. Does it pay, as a mercantile speculation, to set up a newspaper to defend the Government in India?—I can state that the proprietor of a paper which defended the Government has retired with a handsome fortune, while those who have taken the course of opposing the Government are still struggling; the "Friend of India" was notoriously, when I was in India, supporting the Government measures.

4989. Do you think that the Government of India would do wisely to allow any paper to be understood to be its official organ?—I think so, just to the same extent that is done in this country.

4990. Do you think it advisable that the Government should be so connected with a newspaper, that what is said in that paper should be taken as an admission by Government that it has so said?—I should think not.

4991. I understand you to say that you are against any greater control of the English press than there is in England?—Yes; having lived under the influence of a free press, and having seen the effects of its suppression.

4992. Will you state, if you please, what has been the effect of the suppression of the freedom of the press in India?—I think it has left the Government blinded as to the real state of the country; I think, also, it has led the Government to go on in its errors by not having the truth laid before it.

4993. Do you think that the press of India was doing any harm to the native mind?—Not at all; on the contrary, I think it was doing a great deal of good; it was enlightening and elevating the native mind.

4994. Do you think that the articles which have appeared in the India press with reference to the natives, and the tone which has been taken with regard to them in those articles, is calculated to bring the present disturbances to an end?—Some of those articles, I think, were injudicious. They are partly to be ascribed, I think, to an irascibility at having been deprived of their liberty, and partly to the antagonism, the existence of which is found between Europeans and natives of India. The natives have never asked to have Europeans subject to the Hindoos and Mahomedans; it is only the East India Company that has been perpetually originating that question, and thereby creating strife and contention between Europeans and natives; but if any one conversant with India for the last 25 years will look at the whole course of conduct and policy in India on all subjects in which the interests of the natives have been supposed to be hurt, or prejudicially affected by the acts of the Government, he will find that the free press has ever advocated their interests and taken their part.

4995. Do you consider that the course which was taken by the press before the recent disturbances in India was judicious?—Very much so; and if the Government had acted on the hints which were given them by the press, and had taken warning

warning in time, the storm, I am convinced, would not have burst as it has done, or, at all events, it might have been controlled.

4996. Do you not think that articles appeared in the press calculated to excite the apprehensions and to irritate the resentment of the natives?—Quite the contrary, with the reservation before made.

4997. With regard to Christianity, you have said that the Government was afraid of introducing it; I want to know whether you think it the duty of Government to introduce Christianity?—No; but it ought not to oppose it.

4998. You do not think that the Government ought to be an active agent in introducing Christianity?—No; I think that the Government should be perfectly neutral.

4999. You think that now it is hostile to the introduction of Christianity?—Yes, or it professes to be hostile, though it is not believed by the natives to be hostile; I think that if all classes of coloured Christians were allowed to enlist, and if you were to form police battalions, and militia regiments, they would not be in that degraded position in which they now are.

5000. *Chairman.*] I understand you to say that the natives suspect the Government of not being sincere in the conduct pursued by it, with regard to the introduction of Christianity?—Yes.

5001. And that that suspicion of insincerity introduces a want of respect?—Not only a want of respect, but a perpetual apprehension that the Government means, by underhand agency, to deprive them of their religion; and they look upon the law enabling the Hindoo widows to marry, and the law altering the course of inheritance, to have directly negatived the professions of the Government with regard to their non-interference.

5002. Mr. *Lowe.*] You say that men who can write Latin verses, and who are good scholars, make bad civil servants?—Pardon me; I am very sorry if I have been so misunderstood; I think that a good classical and literary scholar may be, and is, indeed, perhaps the best person to be put upon the bench; but you have a variety of posts in the civil service for which book-learning, in that sense, is not necessary. I find that the course of examination prescribed, and which it is necessary to go through before a man can be admitted into the civil service, makes it desirable that he shall know seven languages; it is very possible that a man having but little aptitude for government or for the bench may pass a creditable examination in German, French, Italian, and other languages; and yet another who knows nothing of them may still be better qualified than he to fill the office of judge, as well as any other under the Government.

5003. Is a knowledge of those seven languages compulsory?—No, not exactly so, but it enables a candidate to get a greater number of marks.

5004. It is not compulsory upon him to take them up?—No; but if he does take them up, and passes, he gets a greater number of marks.

5005. By what test would you ascertain the fitness of civil servants?—No one common test can be applicable to every case; the test which would be good for an accountant, or for a man in the finance department, would not be a test for a man in the judicial department; and the two together may be no tests for the political department or for the post-office. At present the whole world are excluded unless previous to the age of 23 they have been able to pass a scholastic examination, which is one test for everything; but they are never required in after-life to qualify for anything. They never become a part of the people; they are officials from first to last, and as such are entitled to hold every appointment.

5006. Do I understand you to say that a person who has passed a competitive examination is never qualified in after-life for any business whatever?—Not so. What I say is, he never is tested. I said it is no test; you can have no one common test applicable to every case. I would have no exclusive civil service.

5007. But you must have civil servants, must you not?—Yes, but not monopolists, nor with the right of being maintained whether they are fit for their work or not.

5008. If the Government wants a collector for such a place, how would you propose to find him, or by whom would you say he should be appointed?—By the governor of the country, or wherever you put the patronage.

5009. Who is to have the patronage, according to your scheme?—I should take up a great deal of the time of the Committee if I were to go into the scheme fully. There would be an amount of patronage in the hands of the Governor of each Presidency, who should always have a right to remove any person from an

J. G. Waller, Esq.

8 June 1858.

office for which the Governor might consider him not qualified; but he cannot enter into the details of every appointment; the heads of the departments therefore should have the right to nominate to all posts subordinate to their own; in fact, I would follow very nearly the system which is followed in this country. I would have no exclusive civil service. I would allow the heads of every department to make the appointments, leaving it to the Governor-general to interpose his authority by veto.

5010. The patronage then would be in the Governor-general, and in the Governors of the different Presidencies?—Yes, that is my view of it at present.

5011. Suppose the Secretary of State for India, or whatever the minister is called, has a friend who wants to get rid of an incompetent relation, and sends him out to the Governor-general of India, with a recommendation to him to put him into some situation, is there not a risk that he, although incompetent, will be placed in office in India?—I think there is a chance of that, but there is a risk in everything that is human. I think that the check of public opinion and of a free press are the best remedies that can be suggested with a view to the prevention of such an abuse of power. It would be an abandonment of his obvious duty; and I think that if the Governor should be shown to have acted under such a recommendation, with a knowledge of the unfitness of the party, he should be visited with the consequences. In fact, I think that our policy ought to be to govern India in India, and to prepare India for it as rapidly as possible. I would also suggest that the Governor-general should not have the nomination to offices, except as regards the heads of departments; and I think that if we sent out a responsible Governor-general, he would hardly venture to appoint to the head of a department an incompetent person, merely because the Minister of State for India recommended him. I should certainly myself have no apprehension that there would be any extensive abuse of that kind.

5012. Are you aware whether such has ever been the case in the colonies?—I cannot point out any special case of the kind, but I am satisfied that there have been such cases. To suppose that such cases have not occurred would be to ascribe to those who are in power a degree of perfection which we cannot expect to find in anything human. I believe that most men, when they are in power, would be glad to be free from the control of public opinion, and from a free press.

5013. Do you think that there is great risk of the service being jobbed?—I think not. I think the class of gentlemen contemplated as likely to go out to India, with such recommendations, will never go there. They are the branches of the aristocracy, and they will not expatriate themselves; by preserving the monopoly of the civil service you do, to a certain extent, check such an abuse as that, but you exclude all merit; the merit of the world is not at your command. I think that if you had small-cause courts established, and if men who had efficiently discharged their duty at the bar were, on passing a colloquial examination in the native languages, held qualified for the bench, numbers of gentlemen would go out to India.

5014. Mr. *Seymour*.] Do you think it would be possible to introduce some kind of check, such as that of a residence of so many years in India, in order to qualify persons for holding a civil appointment?—It may be so; but I should be very loath to introduce anything in the sense of a protective or exclusive measure. I speak with hesitation upon the subject, because these are questions which go so much into detail. I can point out, and speak of the evils, and state the broad remedies, but as to matters of detail, I speak with hesitation.

5015. You remember the story of Warren Hastings saying that he had 500 young gentlemen sent out from England for him to provide for?—Yes, but what was possible then would not be possible now, so long as you have public opinion. The Marquis of Hastings observed in that very passage which I read just now, that the absence of public opinion was a serious loss.

5016. Do you think that the civil service could be separated and divided from the judicial service?—As long as you did not protect the service by exclusive laws; as long as you did not give them the right, whether competent or incompetent, to remain in the service, drawing their pay; as long as you open it to the whole community who choose to compete, it would be a wise subdivision.

5017. Would you have all judges trained lawyers?—Unquestionably I would; I would keep them solely to their work.

5018. You would select them entirely from the legal profession?—Certainly I would.

5019. And

5019. And probably you would require that they should have practised a certain number of years as barristers?—Yes, as barristers in practice, because you have gentlemen here who take a sort of honorary degree in order to gain a position in society. If persons of that class only were appointed, that would be an abuse which would very soon remedy itself. If a Governor-general were found to abuse the power given to him he would soon be taken to task by a free press.

5020. In order to fill the office of judge properly, ought not a man to have been first an advocate?—I think so; unless he has studied and worked and has acquired knowledge of pleadings and examinations of witnesses by practice, he is never fit for the bench.

5021. And it is only in that way that a man can acquire that knowledge which is necessary for a judge?—It is only in that way. You may apply the same principle to the humblest or to the highest departments of learning.

5022. Have you ever heard any instances of persons who are highly connected going out from this country and receiving high appointments on their arrival in India, over the heads of others?—Such cases must have occurred.

5023. Might not that take place if you did away with the civil service?—It might, occasionally and rarely.

5024. If there were an important and lucrative office open in India, the work of which was easy, would not the son of a gentleman, highly connected in this country, have a better chance of obtaining it than other persons there?—I should strike at the root of the evil at once by having no such appointments. I would have no lucrative appointments with no work.

5025. Is it not the case that where a man has charge of large sums of money you must pay him well to insure his honesty?—I think not; I think he should give security; I would not put temptation in his way.

5026. When you speak of a native press, what do you mean?—A press published in the native language.

5027. Are you not aware that there are many papers published in the English language, the proprietors of which are natives?—Yes; but what I mean in speaking of the native press is a press in the native language; not English papers edited by natives.

5028. Then any English paper edited by a native would be considered an English newspaper?—The proprietors may be natives. I do not think that we ought to do anything to prejudice the natives in that respect.

5029. If any Mussulman or Hindoo turned Christian, you would take him out of the civil jurisdiction of the Mussulmen or Hindoos, and put him under English law and English judges?—Not English judges, because you have plenty of Christian judges who are not English; they have the same jurisdiction and authority, except that the uncovenanted judge, having unlimited original jurisdiction, has only appellate authority over those below him, but a covenanted judge has authority over him also.

5030. You think that independent Europeans would not object to being placed under a native so long as he was a Christian?—I think not; I think that a Christian would not like being placed under a Hindoo or Mahomedan judge.

5031. Would not a Mahomedan have the same objection to be under a Christian judge?—Yes.

5032. Then he would object very much to the doctrines which you lay down?—He would object to a Christian Government *in toto*; he hates Christian Governments.

5033. Is that the case with all Mahomedans?—Yes.

5034. Do you not think that rich Mahomedans who are engaged in commerce look to Government for the security of their property?—That is the case no doubt with many of them; but I speak of them as a class. There are individually many Mahomedans who have appreciated the blessings of our institutions, and who are not so hostile to our rule.

5035. And the more our subjects generally are engaged in commerce, and have the possession of land, the greater in your opinion would be the security of our rule there?—Most assuredly.

5036. From all you have observed, do you not think that self-interest has as much influence in India, and other eastern countries, as it has in England?—Most assuredly.

5037. As a practical fact, where self-interest is concerned, do you think that caste

J. G. Walter, Esq.

8 June 1858.

caste interferes very largely?—No, I know that the Hindoos would be very glad to be relieved from the tyranny of their caste system; they have admitted, over and over again, that if Brahminism could be removed from them they would be very glad, but no man single-handed can fight against it.

5038. Is it not one of those institutions that should be left, in your opinion, gradually to disappear?—Yes; I think it would be cruel, unjust, and impolitic to attempt to wage war against it.

5039. Do you not think that would be the surest way in the end of getting rid of it?—Yes; I think it would be the only way.

5040. Would not any attempt to get rid of it attract great attention, and be likely to excite great antagonism?—That is quite my idea.

5041. You think that by degrees, if left alone, it will disappear?—I do; I am perfectly convinced of it; I have conversed a good deal with Hindoos upon that subject, and it is my firm conviction that it will die out, if left alone; whereas, by direct opposition, you would feed and encourage it.

5042. Have you heard natives say that if we remain quiet, as far as our religion is concerned, its silent progress will be great?—Yes. The Hindoos believe the Christian religion to be a true religion.

5043. Do you think that the Church should be separated from the State in India?—Yes, I do.

5044. Do you think it has been a wise thing to give military honours and salutes to bishops there?—I do not.

5045. Is it a subject of discontent with the people of India that so large a sum as half a million of money is annually spent on our Christian ecclesiastical establishments there?—I really do not think they know it.

5046. But you would not go on extending that?—No, I would not; that is, as a Government I would not do it. I think it is a very unjust application of the public revenues, and it is directly at variance with the assurances and professions of Government.

5047. If the inhabitants of India generally knew that large sums were expended on Christian establishments, would they not have a strong objection to it?—Yes, and they would regard our actions as being perfectly at variance with our professions and promises.

5048. How large do you think our legislative council ought to be?—If you subdivided it in the mode I have suggested, leaving one for each Presidency, I should say there might be 20 members.

5049. Would you have 20 or 100?—I would start with 20.

5050. Do you think you could get the most important men among the English communities to serve without a salary?—Yes, just as easily as you get the most important men in England to serve in Parliament.

5051. Do you think you would get commercial men to serve?—Yes, if you followed the same reasonable course as regards the conduct of business that is pursued in this country. It would not do for them to be meeting in business hours; you must act with good faith in the matter.

5052. You have stated that the collectors received a salary of 2,300*l.* a year, and that you have been informed by collectors that they are not occupied more than two hours a day?—Yes, collectors have assured me that from half-an-hour to two hours a day has sufficed for the performance of all the duties of a collector.

5053. Can you tell me where that is?—That is in the Bengal Presidency; and yet in that province they are paying from 19,000 rupees to 20,000 rupees a year.

5054. In what way has the Government discouraged the propagation of Christianity in India?—By discouraging Christians; they are not allowed to enlist in the native army, and they are excluded from the police.

5055. Do you mean that there are no Christians in our civil service in India, filling Government offices?—Yes; all half-castes are employed, but only in subordinate places.

5056. You seemed to think that there had been a deep-laid scheme to discourage Christianity; do you remember a clause in the Charter of 1833, in which it was said that no man should be prohibited from holding any office on account of his religion and his caste; do you not think that the Black Acts are rather in that spirit, putting them all under the same laws?—No; my argument is, that a native may be put into the highest civil appointments, but it is not necessary to subject Christians to his authority; a Christian, at present, is only one against

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ten thousand, and it is galling and bitter to his feeling, which the Hindoos and Mahomedans know perfectly well, to be made subject to them.

5057. Do you say that you would class all Christians with Europeans, and put them under European law?—Yes; I hold that native Christians should have authority over Christians.

5058. The Christians would be under English law?—I have not spoken much upon that subject; my proposition is, that you must extend the best courts all over India; you must improve your courts.

5059. But in a criminal case an Englishman now can only be tried in the Supreme Court?—I have never contended for the maintenance of the existing system.

5060. I have not seen anywhere what the system is which you would recommend?—I have not been asked any questions on the point.

5061. I should like to hear what your views are upon the subject?—I think you should have courts, the character of which should be very analogous to the Supreme Court, established all over India; I think that those who ought to be the judges should be, in point of character and attainments, similar to what the judges of the Supreme Court are; the idea of subjecting people to most wretched courts, simply because a good court is further off, seems to me to be most monstrous; you must improve local courts, and make them fit for the trial of Christians; in introducing the English law it would be necessary to do so guardedly. I think that the substance of the English law should be introduced all over India. I think that the general law of equity, which is the law of truth and justice, should be introduced into India, but you must strike out all admitted evils, from which we are trying to free ourselves.

5062. What do you mean by the law of equity?—There is a sense in India of equity according to every man's mind, but equity, as a science, is that state of perfection to which we have come in dealing with jurisprudence, and which is to be found in the decisions of our most eminent men. I would not have law and equity separated, as they are in this country.

5063. In these courts, which you are to establish over the whole of India, you would have none but Christians and Europeans as judges?—No; on the contrary, a great number of them should be Hindoos and Mahomedans.

5064. In that case, in one court a Christian could be tried, while in another he could not be tried?—You must have Christian judges; where the plaintiff or the defendant in a cause was a Christian, you would go before a tribunal where the judge was a Christian.

5065. But you would have this law of equity established all over India?—Yes.

5066. And you would have the judges indiscriminately taken from Mussulmen, Hindoos, Christians, and Europeans, if they were fitted for the post?—Most assuredly.

5067. But, at the same time, you state that Christians should not, in your opinion, be tried by Mussulmen or Hindoo judges?—I do.

5068. Where there are two neighbouring courts, a Christian or European could be tried in one court and not in another?—Just so; because there would be no district without a Christian judge.

5069. You would exclude from those posts Mussulmen and Hindoos?—I think that the sessions judge should always be a Christian, at all events, for a long time to come; he is so superior at present in education and morals that you cannot dispense with his services, and Englishmen and Christians are entitled to the benefit of them; you do not do an injury to the Hindoo and the Mahomedan, but you do an injury to the Christian, and deprive him of that blessing which he is capable of giving himself, by means of his own institutions.

5070. What did you mean by the expression which you used, that Government had a right to introduce Christianity by reason of being a conquering power?—I meant rather Christian institutions. I do not know to what question you are referring; it is very likely that I used the term in speaking rapidly, but my meaning is, that in whatever the Government does it must be neutral.

5071. With regard to the feeling against native Christians, do you not think that there is a feeling among Europeans against those who are of Asiatic blood, somewhat similar to that which is entertained by Americans towards those who are of African blood?—Probably; there is a great deal of unwarrantable prejudice, no doubt.

J. G. Waller, Esq.

8 June 1858.

5072. But that prejudice largely exists, does it not?—Yes; no man can have been in India for two months without being conscious that all coloured Christians are in a degraded position.

5073. Does not that feeling extend down even to the third and fourth generation, where there is known to be a mixture of Asiatic blood?—Yes.

5074. Mr. *Willoughby*.] I understand you to advocate the extension to Europeans of the jurisdiction of native judges?—Native judges who are Christians.

5075. But not native judges who are not Christians?—No; I say so with all that hesitation which one must feel in recommending a measure which is beset with some difficulty.

5076. In dealing with native Christians, would you subject them to the authority of a native tribunal only?—You must not make any distinction between black and white skins.

5077. Then, in fact, you would make the religion of the parties the ground of selecting the court before which they plead?—No doubt, as regards Christians, but not as regards Mahomedans and Hindoos.

5078. In your answer to Question No. 4839, you say this: "What is really required in India is the master-mind and the skill, the guiding and directing spirit of the educated, trained, and energetic European; not merely as a salaried official who retires on a handsome pension after his years of service, but of such as will take root in the country." What do you mean by the expression, "take root in the country"?—People who will buy property, who will invest their capital, have important interests at stake, and who would be glad to live there from generation to generation.

5079. Do you think, having regard to the wants of India, with which you are intimate, that Europeans can take root in that way and rear up children, so as to augment the European population of India?—Your question is twofold; first, I think and know that Europeans live there from generation to generation; even in the civil service you have them to the third generation. My meaning is that the civilian has nothing at stake beyond his appointment; he does not buy property; he takes no root in this way. The settler invests his money there, he buys property there, and he is determined to remain there, and that his family shall have property there. It does not involve the necessity of his living in India to the end of the chapter, or of educating his children in India. I should always deprecate any attempt in the case of those whose means permit them to educate their children in England, to deny them the blessing; that I regard as no difficulty, but as a great advantage.

5080. Therefore the colonization you speak of is not that kind of colonization which we mean when we talk of colonizing Canada or Australia?—No; but I think that even in Australia the education of the rising generation is largely carried on in this country; the time may come when we shall have institutions in the hills of such a magnitude, and of such fitness, that children may be educated there, and so remain in the country.

5081. To what do you particularly refer when you state that a European settler at Bengal is now obliged to maintain a continual but unequal struggle with the local Government?—First of all, he is dissatisfied with the form of government; that is one great element which in itself creates a perpetual antagonism; the feeling of hostility which they have towards one another creates sometimes an unwarrantable opposition; so also the Government have equally a hostile feeling I think towards the non-official population of India.

5082. In what way is this hostility that you suppose to exist on the part of the Government exhibited?—In their antipathy to the free press for one thing, and in their desire to pass Acts, which civilians, who have been examined before this Committee, have admitted to be unjust and impolitic.

5083. Do you not think, with reference to our position in India, that the policy or impolicy of allowing a free press is a very important and a very difficult question?—No; because it has been tried and found to answer admirably.

5084. Of course a great number of people were opposed to it at first?—And throughout; most gentlemen who are in the civil service do not like the freedom of the press.

5085. You state that under the present system gentlemen are appointed magistrates and judges without regard to their qualifications and aptitude; do you mean that no inquiry and no test of qualification is required in the case of the civil servants of the East India Company?—No; but being once admitted into

into the service, they are not selected to their particular offices on account of any aptitude they have shown for the particular employment to which they are put.

5086. But they are obliged to pass certain examinations, are they not?—Yes; but a civilian examines a civilian, and it is only to a civilian the appointment can be given.

5087. My question is whether a man can enter the civil service without undergoing a certain examination?—Without being required to show his qualification for any particular appointment; there is a test before entering the service; but I would have no exclusive service, because, under the existing system, you burthen yourself with the maintenance of a man before you have ascertained what he is fit for; if you want a collector, you should select a man of the age of 30 or 40, who is fit for the work.

5088. Are not the duties of a collector partly of a judicial character?—They are, and very objectionably so.

5089. Do you consider it a mistake, on the part of many great men who have served in India, that the revenue line is the best for acquiring a knowledge of the manners and customs of the natives of India?—No. I do not say that the revenue line does not give them a knowledge of the customs of the natives, but that knowledge is not what makes a man necessarily fit to be a judge. They are helps, no doubt; but a man may know all that, and yet be very unfit to be a judge.

5090. You observed, when you talked about transferring the Government of India from the East India Company, that it is essentially requisite to prepare the way for those sweeping changes which are to follow; to what did you then allude?—One is the complete abolition of the civil service, and the other the abolition of many offices, and an enormous reduction of the salaries attached to offices; the abolition of the Supreme Council, the protection of a constitution for India, under the guarantee of Parliament, and many others.

5091. Do you contemplate any change in regard to our treatment of the natives with reference to giving them employment, or being tender towards them?—I think we cannot do too much to conciliate them. I think that they ought to be eligible to the highest appointments short of political appointments. I think that our policy, under any form of government, should be to do the utmost we can for them, in order that they may be content to be governed by a people so alien and foreign to them.

5092. Are you correct in saying that the members who are now selected for the Legislative Council of India are ignorant of the wants, wishes, and feelings of the people?—I think they are; I do not mean that they are totally ignorant of them; it would be monstrous to say so of men who have been long in the country; but their official position has been such, that their knowledge is partial. I think that official gentlemen in India, generally, know very little of native feelings.

5093. Are not the members of the Legislative Council selected from among the most distinguished members of society in India?—I think not; I think it is as much a matter of interest as anything else; the pay is 5,000 *l.* a year, and that I think very much influences the appointment.

5094. Still it is a matter of selection?—Yes; I am not disposed to say much about its having been improperly exercised; the evil is in the system itself. I have not a word to say against the civil servants individually.

5095. Would you propose that in future the Legislative Council should consist of a certain number of civil servants, who should be members of the Council *ex officio*, receiving no salary, except such as they receive in respect of their substantive appointments?—At present two judges of the Supreme Court receive pay in respect of their substantive appointments, who are *ex officio* members of the Legislative Council, for which they receive nothing; but when a civilian is appointed he holds no substantive appointment but that, and he gets 5,000 *l.* a year for it.

5096. You mean he is to be a member of the Legislative Council, and to hold some other office; what particular class of office?—I think, as you have judges of the Supreme Court, you might have judges of the Sudder Court.

5097. A hundred and fifty years ago the Councils of India were formed in that manner, were they not?—I am not aware; but then you had no non-official members in it. I should not advocate *ex officio* members only.

5098. Are the duties and responsibilities of an uncovenanted judge the same as

J. G. Waller, Esq.

8 June 1858.

those of a covenanted judge?—Very nearly; the civil judge has appellate authority over the uncovenanted judge, but the uncovenanted judge has unlimited original jurisdiction, and he tries most of the cases.

5099. He has also ministerial duties, has he not?—Yes, but the judge is the superior officer in the district; I would make the judge entirely independent in India.

5100. You have alluded to uncovenanted judges; are there not police magistracies and other law offices open to you?—Very few; I do not mean to say that there is no such thing, but they are so few in number as scarcely to be worth naming; but those are very poorly paid compared with what is paid to those who are appointed from the civil service.

5101. The advocate-general, for instance?—No; he is appointed as I might be appointed, as advocate to a plaintiff or a defendant in a cause. The head magistrate at Calcutta must be a civilian; those who are under him need not be civilians, but the head must be a civilian. You have professional under-magistrates, but you have a non-professional head magistrate.

5102. You are an advocate for the abolition of covenanted service in India, and you think there would be no difficulty in supplying their places by gentlemen who would repair to India for the express purpose?—I am quite convinced of it.

5103. What rule would you establish to insure competency on the part of the gentlemen who would be candidates for the numerous appointments that there are in India?—I would have no one rule which should be applicable to every appointment; I think you should state what are the requirements for each particular department; that is done in this country, and in every country.

5104. Do you think that the circumstances of this country and the circumstances of India can be compared?—Quite so; we err in supposing that we must ignore all those ordinary rules which guide us in human transactions, and that we must imagine something different from those rules which generally influence human actions, in dealing with India.

5105. What are the qualifications that you think would be necessary for a judge?—Just the same as those that are required in this country.

5106. You would have no other qualifications besides those which are required in England?—Yes; I think that in addition to that, he should pass through a colloquial examination in the native languages.

5107. Would you say that it is unnecessary for him to know anything about the natives?—You need not have any rule to examine him on that point; it might be a matter which would influence the party appointing him.

5108. How is the party appointing him to ascertain how far his knowledge extends?—If you have proper courts you will have proper men at the bar; how is it ascertained in this country?

5109. I have the misfortune to differ from you upon that point; I think that the cases are not parallel?—I think they are parallel.

5110. You advocate a Legislative Council for each Presidency?—Yes.

5111. That is, that each Presidency should enact its own laws?—Yes, and act as far as possible, subject to the Imperial authority of this country; I think that nothing should be submitted to the supreme authority at Calcutta; I think that the reference to this country should be direct from each Presidency.

5112. You do not think that the Government should take any direct part in the extension of Christianity in India?—That is my opinion.

5113. And yet you have said that the East India Company have adopted the non-interference system, because an increase of settlers who are Christians would be inimical to their rule?—I did not say the non-interference system, for I think it is rather the interference system; I think that they ought to be neutral.

5114. You have said that the Government, though ostensibly neutral, is believed to be insincere?—I never can believe that the members of the Supreme Government in India are indifferent to Christianity, but they, as members of the State, cannot interfere with it.

5115. You have alluded to the English language having been introduced into the Sudder Court in Calcutta?—I hope I have made myself understood; I do not mean that it has been introduced as the language of the court, but the use of the English language has very much increased there; in one province it has been introduced altogether, and found to work most admirably.

5116. Has not the use of the English language given a monopoly of business

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to English persons there?—No; the same men who had the lead there before the English language was introduced have the lead now.

5117. Does it not give them an opportunity of making their own terms with their clients?—No; they have no more influence than any man who rises to great eminence in his profession may be supposed to have here; to excuse a native gentleman of the bar from understanding English, would be, I think, an injustice; those who understand English know all that is going on on the bench, and the judges always speak in English to one another.

5118. Are not the fees now payable considerably above the old standard?—Quite the contrary; they are much below the old standard as far as awarding costs to parties is concerned: a barrister may receive what he likes, but there is a limit as to the costs to be awarded to the successful party.

5119. If the system of introducing English were extended, do you not think that the number of native vakeels would be much diminished?—No; because they would be able to read and study the law, and the immense advantage that they would gain by that would be very soon experienced throughout the whole of the country, as well as by the judges on the bench.

5120. Would you recommend the introduction of the English into the Mofussil courts?—Yes. I put that question to Mr. Hawkins, because he was on the bench when I was at the bar; he does not object to the introduction of the English language, I think, but he deprecates its being introduced with hot haste, and I do the same; but unless you make a beginning you will never do it at all.

5121. How would you set about it?—I would issue a notice, in the same way as was done when the Persian language was abolished. You abolished the Persian language by giving a three years' notice; you might make the trial, in the first instance, in some one district, and then you would see how it worked.

5122. In the Sudder Court is not the business frequently delayed while they are making translations?—It may be delayed in this way, that a case may not be taken up when it ought to be; but business gains enormously, for the judge can decide a dozen cases where he could not decide six formerly.

5123. Are the translations generally rendered into good English?—No, not very good, because they are rather faithfully and not idiomatically translated; but they do not proceed on that translation only; the judges are able to understand the language, and gentlemen of the bar are able to correct any error that may be found in the translation.

5124. I believe that you practise before the Privy Council?—I do at present.

5125. Is it not found that the translations which come before the Privy Council on appeals from India are found to be very defective?—No. There are mistakes in spelling; a name is sometimes spelt one way in one passage and in another way in another.

5126. But they are correct in substance?—I do not remember to have heard of any complaint of their inaccuracy; they are often very voluminous, containing statements on subjects wholly unconnected with the matter in dispute.

5127. Have you never heard that agents practising in that court have complained of appeals being delayed from the cause to which I have alluded?—Yes, I have made that complaint myself; I have complained that there is a vast delay in the arrival of translations in this country; but that is the neglect of the local authorities, by whom appeals to the Privy Council are looked upon with great jealousy.

5128. Have you known them to be delayed for more than a year?—Yes; very often years expire from the time of the appeal being lodged before the translation arrives in this country.

5129. If the English language were universally introduced as the language to be used in the courts, it would become the language used in the Supreme Courts in the Presidencies?—Yes.

5130. Have you often heard of judges and barristers of these courts being acquainted with the native languages?—Yes; and causes are taken by the natives themselves at present into those courts. Since the law has thrown open to the profession the right of practising in the Company's courts, many gentlemen of the bar have taken to those courts; and though they speak the native language but poorly, they most of them understand it tolerably well. In fact, any one who has resided for three or four years in India will pretty well understand the substance of ordinary conversation, even if he has been indifferent to improve himself in the native language.

J. G. Waller, Esq.

8 June 1858.

5131. Would you recommend that English should be spoken before the magistrates, and in the collectors' courts also?—Yes. I should be quite indifferent about the collectors' courts; for I think that the collectors should do no more than the work of revenue officers.

5132. If the English language were made the language of our courts of justice, would the effect of that, in your opinion, be to discourage the acquisition of the native language?—Possibly that might be the case. I have not speculated upon that point.

5133. Politically, would that be advantageous with reference to our power in India?—I do not think it would do the slightest harm, except it should be the determination of the English Government never to give independence to India when India is fit to have it; but I hold the opinion that the day will arrive when India will be fit to govern itself.

5134. You state that the Company's judges now are not trained; what do you mean by training the judges; what is the particular deficiency to which you refer?—It is a total deficiency; I do not mean for a moment to cast any individual reproach upon them; my objection is to the system. If you were to select a merchant of repute, or a statesman of repute, and put him on the bench, you might as well ask me to point out what particular objections I have to him as a judge.

5135. Where is that training to be got, the absence of which you lament?—In the same way as training is got for any other profession. The only way in which training is to be got in any profession is by keeping a man to his work from early days, and by making him do the work of his craft or profession.

5136. Sir *Erskine Perry*.] I gather from your evidence that, in your opinion, the best mode of encouraging British settlement in India will be by an improvement in the administration of justice?—That is my opinion.

5137. And you think also that the condition of the natives will be bettered by such improvements?—Most certainly; I entertain no doubt whatever upon that subject. I think you can do nothing to advance the interests of the English without materially advancing the interests of the natives.

5138. Have you heard some opinion cited as to the native judgment on the Queen's system of law as opposed to the Company's system?—Yes, I have.

5139. Have you heard it doubted whether the natives prefer the Queen's system of law to the Company's system of law?—Yes; I have heard it doubted; it is generally objected to by gentlemen in the service; they do not like the introduction of the English system of law.

5140. I am referring to Mr. Hawkins's opinion and Mr. Baillie's, that if the native inhabitants of Calcutta were polled, they would not be favourable to the Queen's system of law?—I feel so certain upon that subject that I have no hesitation in saying, that if in a district you were to have a Company's judge administering the law on the Company's system, and alongside a Queen's judge administering the law under the system prevailing in the Queen's courts, nine natives out of every ten would, within the first six months, go to the court having the Queen's judge administering the law according to the English system, and would totally abandon the Company's court.

5141. You do not, therefore, agree with Mr. Baillie and Mr. Hawkins?—Not at all.

5142. Do you recollect a petition which was presented by Mr. Gregson last year from the inhabitants of Calcutta, signed by Mr. M'Adam Stewart, Mr. Robinson, and others?—Yes; I do remember that.

5143. The petitioners profess to represent a population of half a million of souls, consisting of British subjects, East Indians, Americans, French, Germans, Greeks, Mahomedans, Hindoos, Armenians, Jews, and several other races and creeds?—Yes.

5144. I will read a passage in their petition, and then I will ask you to tell me whether you agree with what they state. They say, "Your petitioners affirm that the result of this system, proved by an experience of upwards of 80 years, has been in a high degree satisfactory; that by reason of the three judges of the said court being trained and experienced lawyers, conversant with the particular law which they have to administer, and of their sitting together to hear all civil cases, their decisions, both in law and in fact, carry with them that weight and authority which is requisite for procuring respect for the bench and the law, and finality in litigation for the suitors; and that in consequence, though the average of the cases brought

brought before them fully equal in importance and difficulty the average of those tried in Westminster Hall, the number of appeals from the decision of the said court carried home bears so small a proportion to the number of cases heard, as practically to admit of their decisions being considered final"; do you believe that that is an opinion generally entertained by the inhabitants of Calcutta?—Yes; and I believe that if you were to remove the power and authority of the Supreme Court from Calcutta and maintain the system of the East India Company, the bulk of European inhabitants would desert Calcutta.

5145. Do you know a society called the "British Indian Association of Calcutta"?—Quite well; I was their agent for a short time in this country; but there is no agent at present. I was the last recognised agent of that body.

5146. Does that association include all the most respectable and intelligent native inhabitants of Calcutta?—Not quite; it includes a very large section of them.

5147. Do you remember a petition which was presented also last year by them, with respect to the administration of justice?—Yes; I have seen most of their petitions.

5148. You are aware, are you not, that the argument used by the East India Company in favour of the Company's judges administering justice is that they are so well acquainted with the native language?—I am aware of that.

5149. I will read to you what this association say in their petition, and then I will ask you whether you think it a correct opinion: "Your petitioners consider it to be a fact long established, notorious and admitted by all (by all at least whose opinions merit attention) without reserve, that the training for office of the judges of the courts established by the East India Company is essentially defective. They, and the class from which they are taken (scarcely selected) are assumed by their masters, and by the advocates of the present system, to have special qualifications, namely, knowledge of the vernacular languages, and familiarity with the usages and habits of thought of the people. This, however, when applied to the whole body, or to any material portion of it, is but an assumption. As a rule, neither of those special (and undoubtedly valuable) qualifications exist in a competent or tolerable degree, much less to an extent to afford any apology for the absence of other most important and vital qualifications for the responsibilities of the judicial office." Do you believe that to be a true opinion, or that the natives of Calcutta are competent to form a judgment upon the matter?—I believe it to be true of the natives of Calcutta, and also of the natives throughout the Bengal Presidency.

5150. Therefore the natives who are best qualified to form an opinion upon the subject do not think that the Company's judges are so qualified?—No; but the error is in the system; I do not believe that any body of Europeans or gentlemen can ever do more with the native language than is now done by civilians; but I say that that is very far from what is wanted; if it were merely a matter of pronunciation, they pronounce it so badly that an interpreter is necessary to explain to the native what the judge has said.

5151. Have you heard a quotation from Lord Macaulay respecting the Supreme Court of Madras, that the court, by its expensive procedure, having ruined everybody, has nothing else to do because there are no natives to bring causes into court?—Yes.

5152. I will read you a sentence from the petition to Parliament of the Madras Native Association: "That your petitioners are able to appreciate the value of an independent Supreme Court from having long lived under its jurisdiction, and they are not prepared even to risk the diminution of the benefits it confers. They have for years, and latterly more especially, remarked the judicious reforms that have been effected in it, whereby proceedings have been simplified, costs lightened, and litigation rendered far more speedy; and those who are compelled to have recourse to law can calculate upon obtaining a decision within the space of a few months, as well as that the quality of the judgment, when delivered, will ensure satisfaction, because it is arrived at upon investigation conducted according to the settled rules of evidence, based upon well-understood principles of jurisprudence. Your petitioners are desirous of seeing the principles of such an administration of justice more and more widely extended, until it embraces all their countrymen in the provinces as well as at the Presidency." Do you think that that is more in accordance with what the natives in India think of that administration than Lord Macaulay's pointed sarcasms?—Most assuredly; I have

J. G. Waller, Esq.

8 June 1858.

come in contact with too many natives not to be able to speak to that very affirmatively.

5153. I will read you one more sentence only from the petition from Bombay. The native inhabitants of Bombay presented a petition last year, in which they say this: "Even supposing that an improved system of training and appointment should be introduced, and the civil servants of the Company no longer be transferred from political and fiscal employments to the highest judicial appointments, of which so many instances have been seen, still the objections to the appointment of civilians to the bench of the highest court are not removed, hardly lessened. These gentlemen have not that one advantage for which no other can be substituted, an education in the legal axioms and method, in the habit of thinking and reasoning which prevail in and about the superior courts of England, and of which your petitioners see the excellence in every judge who takes his seat on the bench of the Supreme Court, whose demeanor and decisions command respect, notwithstanding his ignorance of the habits and language of the people; while the judgments of even the most experienced and intelligent servants of the Company fail to carry the weight which should attach to the decisions of the higher courts of justice." Do you think that that accords with the opinions of the most intelligent natives of India more than it does with the opinion which has been expressed by Mr. Hawkins?—Yes; all educated natives would perfectly corroborate that.

5154. Do you think that the passages which I have read truly represent the opinions of intelligent natives?—All those who have any knowledge of the two systems.

5155. With respect to the local government, are you of opinion that the principle of centralization has been carried too far in India?—Decidedly.

5156. Are you aware that up to 1833 the local government had the power of making what were called regulations or laws?—Yes, I think they had.

5157. Have you heard that, in the opinion of many eminent Indian statesmen, that system was far better for the development of India than the centralization system, referring everything to Calcutta?—Yes, I have. All the attempts at reform have been complete failures; but they have been reforms with the maintenance of the old system.

5158. You think that matters would go on better in India if each Presidency were to govern itself, as it were, and held allegiance to the Home Government of this country?—I do, with those alterations which, in my opinion, are necessary in the constitution of the Legislative Council, and in other departments.

5159. You would leave it to the Supreme Government to check the expenditure of other Parliaments?—Scarcely so.

5160. Would not that course be equally pursued by carrying out the views of Sir James Graham and Sir Charles Wood, namely, making local governments send accounts of their expenditure to this country?—Yes; but even the other is not a remedy, for the Supreme Government has but very limited power as to expenditure.

5161. And now, by the application of steam, the means of communication between the local presidencies and London is as rapid, is it not, as it used to be formerly between the local government and Calcutta?—I should think so, and it might be much shorter by means of the electric wire.

5162. Have you also considered whether the large powers held by the Governor-general are not a great temptation to put those powers into exercise?—Yes; and I think that they ought to be checked and controlled.

5163. The power of entering into war, the annexation of provinces, and other acts which illustrate the nature of a government among the vulgar, are powers which, in your opinion, are very detrimental to good government, are they not?—Yes; I think those powers should be vested in a constitutional government only.

5164. With respect to the system which you have suggested, of throwing open the whole civil service of India, it has been objected that such throwing open of the service would open a great door to jobbing; you do not seem to be deterred by any such considerations?—No; the evil of jobbing would be nothing to the evil which now exists.

5165. I dare say you are aware that in the colonies this jobbing from home has been carried out to a great extent?—I cannot speak to it from my own knowledge. I have made India particularly my study, and have not paid much attention to our colonial possessions.

5166. Are

5166. Are you not aware that in the island of Ceylon a chief secretary has been several times sent out from this country without having any acquaintance whatever with colonial government?—I am not aware of it, but I am willing to assume it, if you state it to be the fact.

5167. Supposing that to be the case in the colonies, would it not be very objectionable to send out a Member of Parliament, who had never attended to Eastern business, to be chief secretary at Calcutta, Madras, or Bombay?—That would not be the case. We require eminent statesmen in India. I would not make a prohibition. There is no doubt that the power might be abused; but an incompetent person should be no more sent than an incompetent person is now sent within the circle of the service.

5168. But if a power existed in the home Government to send out a chief secretary for Calcutta, Bombay, and Madras, would not that power be occasionally used?—I doubt whether it would be attempted a second time, if it was found to work ill.

5169. In order to serve political purposes, might not a minister at home send out a man as a governor or secretary?—I would suggest that there should be other checks to prevent that. The minister for India, I think, should not be a political officer; he should not come in and go out with the ministry; he should not belong to any party in politics at home. I see the fear is that the power will be abused in this way, that parties of particular political opinions at home might make India a great field of patronage. I think there is a very remote apprehension of that; and that it is no reason against removing abuses which at present exist, to say it is possible that other abuses may creep in.

5170. Do you not think that this evil would accrue, that the Governor-general and the different local governors would have numerous applications from dukes and duchesses, lords and ladies, recommending different gentlemen for their patronage?—I think not; it cannot be worse in the case of a single minister of state, than in the case of 24 gentlemen forming the Court of Directors; if you are afraid so much that one minister would do a vast amount of injustice to India, by yielding to the solicitations of his friends at home, the same thing would apply to the 24 gentlemen who are directors of the East India Company; they no doubt would be called upon to supply the wants of their friends in the same way; I cannot suppose that a gentleman in the Court of Directors would refuse to a powerful minister any appointment that he wanted.

5171. Are you not aware that the Court of Directors have no power to appoint to any offices in India?—I am speaking of the civil service.

5172. I was calling your attention to all the patronage in India?—Then I quite misunderstood you; I would not make those appointments dependent on the home Government at all.

5173. I understood you to say that you would entrust to the local Governors of India the appointment to offices throughout the whole service?—The heads of departments; and then I should put all appointments within those departments under that head, with a veto to the Governor-general; this is only a scheme, and therefore I speak of it with deference and hesitation; I do not think there would be any difficulty in framing a scheme that would effect the object in view; I think that to a mind that sees the difficulty, a remedy would soon suggest itself; I should state that I have answered all the previous questions under the supposition that each appointment was to be within the gift of the home Government.

5174. I am taking your own view; I am supposing that the patronage in India is to be distributed by local authorities, and that they are to have the power of taking whatever servants they think fit; and I then ask you whether, under those circumstances, there is not great danger of the Governors being beset by applications made to them by great people in this country to give such appointments to the scions of noble houses?—I do not think there would be any great danger of that; but there would be some danger of it, and I think that the proper check would be public opinion and a free press, and supervision by Parliament; I think we must have a very zealous and close supervision by Parliament for some time to come, whatever system is given to India.

5175. I dare say you are aware that the Court of Directors have no power of appointing to offices in India?—To some they have; that is to say, the Supreme Government are acted upon by influence in the appointments they make as much as a powerful minister is acted upon by his friends at home; it is human nature: they do no better and no worse than others would do.

J. G. Waller, Esq.

8 June 1858.

5176. Is it not the fact that the Governor-General and Governors are really the supreme arbiters of patronage in India?—No, I think not. I think that the secretary is the real man who has influence; he is the practical arbiter; I should be wrong in saying that he is not.

5177. In fact, the Court of Directors not only do not communicate, but have no power of communicating with the Governor-General as to how he shall exercise his patronage?—No legal power.

5178. Are you of opinion that the Court of Directors, either directly or indirectly, write to the Governor-General or Governor with a view to influence them?—I dare say that gentlemen who are in the Court of Directors are in private correspondence with the Governor-General. The Court of Directors as a body are, of course, in correspondence with him.

5179. But not with regard to appointments to offices?—No.

5180. Are you aware that the Act 33 Geo. 3, in fact, imposes a limit upon the abuses of patronage?—Yes.

5181. By the 33 Geo. 3, c. 52, the local governments are precluded from giving appointments exceeding 500 *l.* a year in value to any one who shall not have resided for three years in the country?—Yes.

5182. Would there be any difficulty, supposing your system to be carried out?—I think not.

5183. And if these restrictions have had the effect of preventing jobbing to some extent in India, you see no difficulty in extending them?—No.

5184. Suppose the Governor to be appointed to Bombay, and that the year he goes out he receives a letter from some great personage in this country, asking him to appoint the Honourable Mr. ——— to a certain appointment, would not a clause in the Act, preventing his giving such an office to a man who had not resided three years in the country, prevent him from having the power to comply with the wish so expressed?—With a little addition; not merely that he had been resident in the country, but engaged in some business or profession.

5185. You could so word it as to prevent its evasion?—Yes.

5186. And if there were other restrictions, such as that the party should have passed an examination in the native language, that would operate, would it not, as another check?—Yes. I think that the scheme itself is perfectly sound, and that the details merely require consideration.

5187. Would not the restrictions I point out prevent jobbing?—Much more so than the present system.

5188. But the present system is very much lauded, is it not, as contra-distinguished from the colonial system in preventing jobbing; are you aware that these restrictions do not extend to colonial government, and that therefore jobbing is allowed to a great extent by law?—I am not aware of it; but if you state it to be the fact, I do not doubt it.

5189. Mr. *Willoughby.*] How does your opinion that the estimates might be sent home from India to this country, instead of from the subordinate Governments to the Government of India, tally with your previous opinion that India ought to be governed in India?—I think it would. I think that, with certain reservations for purposes of imperial policy, India must be governed in India as soon as you can qualify it for government, which is not the case at present.

5190. Would you oblige the Governor-General or the local Government to send over to this country estimates for public works?—No, I think that the Government of each Presidency should exercise its own discretion in regard to public works.

5191. Sir *Erskine Perry.*] You think they should do what they choose within the estimate?—Yes, I think that is very desirable.

5192. Mr. *Willoughby.*] When you speak of judicial training, do you mean training in English law and practice?—I refer to the general system of jurisprudence, which is recognised by the whole civilised world.

5193. You would not adopt the present English law with reference to the transfer of land?—No, I think it would be most objectionable to make an attempt to introduce that. I would say, strip the law of all those evils which are avowed and admitted as evils, and which we are trying to get rid of, and then introduce the principle.

5194. Would there not be some danger in the case of a judge who had been fully trained in the English law, bringing in that law in cases in which it was not strictly applicable?—I think not, generally speaking; every intelligent man is sensitive

sensitive of those evils which it is desirable to get rid of. The greatest reformers of the law have been those who have been trained to the law.

5195. But do you not think that they might be overburdened with law not required by the state of society in India?—No; at present there is no law that governs India, and it is a fearful state of society. The good of the people will never be insured unless you have a complete system of law for the country.

5196. Among such a multitude of judges what certainty would there be that they would all apply the same quantity of English law?—I would specify what should be included, and then they would all have to go upon the same basis. If there is any fear of disparity of judgments, or of the judgment of one court clashing with that of another, there should be an appeal court in each Presidency.

5197. With reference to the distinction between law and equity, where they differ, which would you select?—I would not separate law and equity; I think that the separation in England is a misfortune. I think they should be united, as they are in America.

5198. Would it be easy to do so?—Perfectly easy; I do not hesitate to state that that is my firm conviction.

5199. Do you concur in the evidence of Mr. Hawkins and Mr. Baillie, that with a good system of procedure and a system of substantive law, the training now would be sufficient?—No; you cannot train a man in a particular procedure only; you must have a man with a judicial turn of mind, as you must have a man with a musical ear to qualify him to execute music.

5200. Mr. *Vansittart*.] You have been in the Hill station of Darjeeling?—Yes.

5201. What are its capabilities for English colonists and settlers?—Its capabilities are very great, and it invites colonization to such an extent, that even the labouring classes may settle there. I think that the resources of the hills are boundless for the purposes of colonization. In the plains we can only have what I understand by the word "settlement."

5202. Would their children's children live and thrive in Darjeeling?—I think so; but that is rather a question for medical men than for me.

5203. You do not think that after a generation or two they would degenerate?—Not in the hills.

5204. In your answer to Question No. 4857, you say, "I think that the climate offers no serious impediment whatever to the settlement of Europeans;" are the Committee to understand from this that colonization is practicable in the plains of Bengal?—No; I used the word "settlement," that I intended to cover the whole of India: Europeans may settle there, although they may not colonize; that is, you cannot introduce labourers into the plains of India; but if you have 500 Europeans settled in Bengal now, as far as climate is concerned, there is no reason why you should not have 5,000.

5205. Do you not think that the climate of Australia, Canada, and our other colonies, offer far superior advantages and attractions to the English settler than the arid plains of India?—No doubt.

5206. Do you not think that an enterprising European would turn his money much quicker in Australia than in India?—It is my conviction that he would not.

5207. Could any investment, for instance, in pasture land for grazing and for the sale of sheep and oxen (as I believe is done very extensively in Australia) ever pay the European settled in the plains of Bengal?—Not that particular branch of business.

5208. In point of fact, there are no extensive and rich tracts of pasture ground to be found in India, are there?—I know of none.

5209. You say you have associated with all classes of Europeans, Christians, Greeks and Armenians?—Yes, I have come in contact with them.

5210. Did you hear Mr. Mackenzie's evidence?—Yes.

5211. Do you agree with him in opinion that if the new system of police is introduced, and native Christians are employed, it would be necessary to send out 200,000 European soldiers, as the natives would be so exasperated at that measure?—I heard that stated with extreme astonishment; my convictions are completely the other way. I believe that it is the surest way of making the natives not only respect us, but that it is the surest way of securing the stability of our rule.

5212. What is the amount, on a rough guess or calculation, of the native Christians in Lower Bengal?—I could not say. I should say that in Calcutta itself there

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
10 *June* 1858.

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THIRD

REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1858.

Martis, 16° *die Martii*, 1858.

Ordered, That a Select Committee be appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of European Colonization and Settlement in India, especially in the Hill Districts and Healthier Climates of that Country; as well as for the Extension of our Commerce with Central Asia.

Lunæ, 22° *die Martii*, 1858.

Committee nominated of—

Mr. William Ewart.
Mr. Baillie.
Mr. Campbell.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.
Mr. Lygon.
Mr. Mangles.
Sir Erskine Perry.
Mr. Seymour.
Mr. John Benjamin Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willoughby.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 25° *die Martii*, 1858.

Ordered, That the Committee do consist of Sixteen Members.

Ordered, That Mr. De Vere be added to the Committee.

Jovis, 6° *die Maii*, 1858.

Ordered, That the following Petitions be referred to the Committee, viz.:—From Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal;—and, Indigo Planters' Association in Bengal;—and, British Subjects resident in Calcutta and the Mofussil Districts of the Residency of Fort William, in Bengal.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

REPORT - - - - - - - - - - - - p. iii

MINUTES OF EVIDENCE - - - - - - - - - p. 1

THIRD REPORT.

THE SELECT COMMITTEE appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of EUROPEAN COLONIZATION and SETTLEMENT in *India*, especially in the Hill Districts and Healthier Climates of that Country, as well as for the Extension of our Commerce with Central Asia, and who were empowered to Report the MINUTES of EVIDENCE taken before them, from time to time, to The House:

HAVE taken further Evidence on the Matters to them referred, and have agreed to Report the same to The House.

12 *July* 1858.

LIST OF WITNESSES.

Jovis, 10° *die Junii*, 1858.

PAGE

Captain John Ouchterlony - - - - - - - 1

Martis, 15° *die Junii*, 1858.

Captain John Ouchterlony - - - - - - - 21

Martis, 22° *die Junii*, 1858.

Alpin Grant Fowler, Esq. - - - - - - - 48
William Balston, Esq. - - - - - - - - 61

Jovis, 24° *die Junii*, 1858.

John Warden, Esq. - - - - - - - - - 71

Martis, 29° *die Junii*, 1858.

William Balston, Esq. - - - - - - - - 96
Colonel William Campbell Onslow - - - - - 100

Jovis, 1° *die Julii*, 1858.

Colonel William Campbell Onslow - - - - - 114

MINUTES OF EVIDENCE.

Jovis, 10° *die Junii*, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Mr. W. Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Knight.	Mr. Willoughby.
Sir Erskine Perry.	Mr. De Vere.
Mr. Danby Seymour.	Mr. Gregson.
Mr. J. B. Smith.	

WILLIAM EWART, Esq., in the Chair.

Captain *John Ouchterlony*, called in; and Examined.

Captain *J. Ouchterlony.*

10 June 1858.

5240. *Chairman.*] HOW long have you been in India?—I have been in India, on and off, since 1834, 24 years, but I have visited England during that time.

5241. When did you leave it?—I left it in March last year.

5242. In what capacity were you there?—I was in the corps of Engineers at Madras.

5243. What was your employment?—Latterly I was a district engineer, which combines a civil and military engineer's duty, having charge of a particular district, and of all public buildings, whether civil, ecclesiastical, or military.

5244. Was that your whole occupation in Madras?—No; I held many other appointments. I was employed for nine years on the grand trigonometrical survey. I was out in China for three years. I have been all over the East, to Bombay, Bengal, China, Singapore, Malacca, Ceylon, the Cape of Good Hope, and Aden; but I was chiefly in Madras.

5245. What parts of Madras?—In many parts of the south, and also in the north, as far as Kurnoul.

5246. Were you ever in the north-eastern parts?—Not beyond the Guntoor district.

5247. Have you any practical acquaintance with any of the hill districts of India?—Yes, I have had several years' experience of various tracts of land elevated considerably above the level of the sea in Southern India, as the Neilgherries and Koondahs in Coimbatore, Wynaad in Malabar, and Coorg, Shevanoys, Coillamulleys, &c. in Salem, the southern part of Mysore, and the ceded districts, which comprise the Ramandroog hill station near Bellary; also, but with more limited opportunity of exploration, the Pulney hills in Madura, and the uplands and mountain chains of Travancore, the Baramahl, the north of Coimbatore, &c.

5248. Are any of these hills totally unexplored?—Yes.

5249. Will you point them out on the map, if you please?—These which I am now pointing out have not been surveyed properly on a detailed scale, but they are sufficiently well known.

5250. What do you consider a proper height above the level of the sea for a European settlement in the hills?—It varies very much; if the hills are situated near the sea, you can have a very pleasant climate at about 4,000 feet above the level of the sea; but if it is far into the interior, we consider that 6,000 feet gives a fair European climate.

5251. Have you any great rainfall in those parts?—There are very heavy rains in a portion of the Wynaad during the monsoon, but not on those hills called the

Captain *J. Ouchterlony.*

10 June 1858.

Neilgherries. On the western portion the rains are heavy, but otherwise they are not heavy or excessive. The quantity of rain that falls is not very great; it has been very much exaggerated.

5252. Do you consider the tracts to which you have referred adapted for colonization by Europeans, as well as the provinces which lie adjacent to them?—I consider all the hill districts named eminently adapted, in a greater or less degree, for colonization; and my impression is clear, that although Europeans could not perform much manual labour in the low country, they may nevertheless, if of naturally robust constitution and of abstemious or temperate habits, superintend and even initiate agricultural operations on estates whether of cotton, cereals, indigo, sugar, hemp, &c., without loss of health or deterioration of their personal vigour, provided they had within a reasonable accessible distance a hill station to resort to occasionally to recruit their strength and to locate their children in for the advantages of climate, education, and European association. Even when deprived of the advantage of a *sanitarium*, I have not observed that Europeans at the present time employed in Southern India, or superintendents of estates on low levels, suffer from the heat of the climate, provided temperance is observed. In Ceylon I have noticed Europeans in charge of cinnamon, cocoa-nut, sugar, and other plantations near the sea level, who have been resident many years enjoying apparently excellent health; and in the Spanish colony of Manilla I have encountered Spaniards and other Europeans who superintended the haciendas or farms attached to the numerous convents in the Philippines, who appeared in perfect health and vigour, though half their lives had been devoted to their occupation in the tropics, without once resorting to Europe or to a hill climate. I have never visited Java or Sumatra, but I have been informed by Dutch officers who have been stationed in those islands, that the same remarks would apply to the numerous European colonists who reside there; many of the Dutch officers have told me that they have a large population of Europeans.

5253. In any of those climates have you known successive generations of the same family?—No.

5254. Are you of opinion that the families of European colonists could thrive or exist on the plains in India?—I think, speaking generally, that they could not; and that even if children were reared to maturity, their constitutions would be enfeebled, and their "Saxon energy" impaired, and I believe that their progeny resulting from the intermarriages of colonists would be found deteriorated in all English or European attributes; but I believe that this difficulty in the way of the measure of colonization for India, would be entirely removed by connecting the trunk lines of railway by branches to the hill stations, where for the most part advantages in regard to climate, education, and training could be commanded equal, and in many respects greatly superior to those enjoyed by the class from which agricultural emigrants would generally be furnished in this country. If such means of communication were established, Europeans might carry on their farms or estates in the low country at great distances from the hills, each particular range of which would thus form as it were a centre of colonization, and a sure refuge against the only enemy which, humanly speaking settlers would have to dread in the land of their adoption; as an exception, however, to the (assumed) general law or axiom that Europeans must infallibly deteriorate in their second generation in India; I may instance the case of a family with which I am acquainted, the head of which (now an uncovenanted servant of the Madras Government,), was born of European parents in India, as was also his wife. Neither of them has ever visited Europe, yet their children who may be called of the third generation, are healthy, vigorous and decidedly above mediocrity in intellectual capacity.

5255. Are all the hill stations you have named equally accessible and advantageous in the respect alluded to by you?—No; there is a gradation to be observed in the scale of their utility as places of refuge, or European resort. The most important and valuable in southern India is, in all respects, the Neilgherries, whose advantages are fully set forth in a memoir published in 1848 by the Government of Madras in connexion with a survey executed by me by order of the Honourable Court of Directors, both of which documents I beg permission to lay before the Committee. Whether considered in regard to climate, to richness of soil, cheapness and abundance of the necessaries of life, to its position, political as well as commercial, intersected as the tract almost is by a main line of rail from the east to the western coast of India, and brought, or shortly I hope to be brought, within a few hours journey of a magnificent port and harbour on the latter (Cochin),

(Cochin), it is beyond mere speculation to say, since experience of many years warrants the assertion, that it stands unrivalled in the entire range of Southern and Central India in its attractions to the capitalist, and seeking a profitable investment of his principal, to the emigrant in search of a soil, which he may till with his own hands at the outset, and eventually by superintendence, alone maintain himself and his family in comparative comfort and affluence, but certainly first in importance to the Government desiring to locate masses of European troops in a position where, while available to be moved at the shortest notice upon any point menaced by hostility, whether along the coast or in the heart of the British territory, their health and efficiency could be preserved, while their condition socially and morally would be in every way ameliorated. The agricultural resources of the Neilgherries are so fully set forth in the memoir laid before the Committee, as well as the particulars of the markets open to their produce, the prices of labour, cost of materials, of articles of food, &c., that it is unnecessary to take up the time of the Committee by recapitulating them; but I may mention, that since the statement in question was compiled, the experiment of a tea plantation with plants brought direct from China has been tried, and the result has been so far most successful, leading to the expectation that along the lower steppes or ranges of the Neilgherries, above the level which marks the limit of successful coffee cultivation, there (probably 4,500 feet), and below the average level of frost (6,000 to 7,000 feet) this most important cultivation may be introduced with every prospect of advantage.

5256. When was that plantation begun?—Two years ago; Mr. Fortune sent the plants from China to be tried.

5257. Mr. *Willoughby.*] Was that a private speculation?—Yes.

5258. *Chairman.*] Do you think that there would be a great demand for tea in that part of India if it could be successfully grown there?—Yes, there would be no doubt an immense demand for it. I may also state that one great drawback to the future promise of the Neilgherries which I adverted to in the memoir, namely, the probability of want of fuel, has been obviated by the discovery of peat very generally distributed over the entire range of the hill tract, and the supply of which promises to be so constant, that it is now sold from the bog side at the rate of half a rupee, or 1*s.* per cart load of 1,000 lbs., or less than 2*s.* 6*d.* per ton in the chief settlement called Ootacamund. It is used now to a great extent, and is found to be an immense advantage; an Irishman found it out in the bogs, and the poor man has never been rewarded for it. When the Madras Railway is completed it will be very easy to get to this magnificent hill station, where the climate is infinitely superior to anything we have in England.

5259. Has there been a great increase of the population in the district to which you are now referring?—Yes, there has been a very great increase.

5260. To what cause do you attribute that increase?—To the arrival of an European regiment which has been stationed there, and the increased facilities for settlement.

5261. What has been the increase of Europeans and natives there?—

	In 1848:	In 1856:
Europeans and East Indians - - -	496	1,200
Native immigrants from the plains - -	8,887	55,000
Totals - - -	9,383	56,200

I should say that every acre of these hills is available for farms and for residence. The districts which the Neilgherries would more especially benefit in respect to the sanitarium it offers for the resort of European colonists employed in superintending estates or manufactories, &c., in the "low country," are Mysore, the Barahmahl, Coimbatore, Malabar, and Canara; but when the Madras Railway is completed as far as the foot of the Neilgherries, it will be almost as easy of resort to the same class located in Salem, Madras, North and South Arcot, Trichinopoly, Tanjore, and the provinces adjacent, through which single line branches to the trunk line can, with economy and rapidity, be constructed. The fertility of most of these districts is great, and under a European system of cultivation and superintendence it is reasonable to conclude that their produce would be very shortly doubled. In the article of cotton alone, I feel convinced that a wonderful change would be wrought if European or American planters aided by capital, and strengthened by a thorough practical acquaintance with the proper system of cotton culture, could be induced by a favourable alteration in the present law

Captain *J. Ouchterlony.*

10 June 1858.

regarding the tenure of land, and by the creation of facilities of access to a hill sanitarium, to take up extensive tracts of land for the purpose in Coimbatore, Trichinopoly, and Salem, which are all, fortunately, cotton producing districts. Experience has proved that cotton of excellent quality can be grown in all these provinces (as well as in Madura and Tinnevelley, which belong, however, to the sanitary circle of the "Pulneys," and are not, therefore, treated of at present); provided the land in which the cotton trees are planted is properly cultivated, and irrigation provided for in the event of the failure of the periodical rains. But this is utterly neglected by the native cultivators, who plough their cotton field with a wooden plough, which merely scratches the surface, put in the plants in rows without any manure whatever, though the soil is generally the poorest on their farms, and leave them for three or four years to the mercies of the seasons. I must remark that I consider deep subsoil ploughing a very difficult if not altogether impracticable operation in India, both on account of the want of docile draught animals of sufficient strength to drag a heavy plough, and by the inability of the native ploughmen to hold down and direct such an implement properly impelled through the soil. No European could, in the plains, bear the fatigue of holding the plough-stilths for any length of time, and hence no resource remains but to trench the soil to the proper depth by manual labour, or, as it would be called in this country, by spade husbandry. The expense of this process per acre can be calculated from the data given in the Neilgherry Memoir alluded to, and may be put down as so much capital invested in the soil, since it would not, in my opinion, be found necessary to repeat the trenching for many years, the native or other light plough sufficing to turn the loosened soil, and expose a fresh surface to the action of the atmosphere, when the land required replanting. The Government sent me out grain to try on the hills, and that is the system I pursued, which answered very well. For manure, until the planter could organise his farming operations towards the production of cattle manure heaps, he should, I think, have recourse to guano, which, it is to be hoped, could be imported at a very low cost on the western coast from the Persian Gulf (where the discovery of guano deposits on the Kooria Mooria Islands has recently attracted attention), and be transmitted with economy and facility along the line of the railway. But the Committee will readily admit that in no country would the production of cattle manure promise to be so easy as within the tropics, where, through the heat of the atmosphere, fermentation of vegetable and decomposition of animal matter set in in a few hours. This branch of agriculture, however, is totally and entirely neglected by the native husbandmen of India; and it is fully time that a better system should be introduced and taught, if not insisted on, whenever the Government or European settlers are the lords of the soil and the natives their tenants, bound by the terms of their lease not only to pay a due tax or rent, but to maintain unimpaired the value and fertility of the soil they stipulate to till. The difficulty, however, in enforcing such a clause in a lease would be found in the fact that the native tenant or ryot is almost invariably in so impoverished a condition, that he cannot afford to keep up a farming establishment of sufficient strength, especially as regards cattle, to admit of the due production of manure, or of those requirements which are considered in this country indispensable to the proper cultivation of the commonest arable land.

5262. Will you state to the Committee what products of the soil would best promise to yield a profit to European cultivators on the Neilgherries?—The most highly remunerative is, I believe, coffee, for the cultivation of which extensive forest tracts offer around the western and southern slopes. At present I conceive some difficulty might be experienced in regard to labour if many plantations were opened simultaneously in close proximity, as the labourers have to be brought from Mysore, Canara, &c., none being on the spot, owing to the existence of extensive forests all around. I believe that the quantity of coffee, even now, although it is only a novel introduction on the hills, amounts to 600 tons a year, which would be worth, in this country, about 48,000 *l.*

5263. What kind of coffee is it?—The most beautiful coffee known in the London market; it bears now the name of the Neilgherry coffee.

5264. What proportion of it comes here?—The greater portion of it comes to London and to Liverpool; it is quite well known now, so much so that I believe, in the grocers' shops in some of the provinces, it is marked in their windows as Neilgherry coffee.

5265. Is it superior to Mocha?—I do not know that it is superior, but it is equal to some descriptions of it, at any rate. Tea, as I have already remarked,

seems

seems to promise well, but its success has not yet been quite fully established. The other articles are potatoes, wheat, barley (for malting), hops, grasses for hay, dairy produce for the consumption of many thousand troops and settlers, and cattle and pigs for salting for export to the seaport towns. Plantations of trees of quick growth, as the acacia lophanta, imported from Australia, would yield a large return in five years, when the trees would be fit to cut down and sell as firewood; it is one of the gum-tree tribe.

5266. What is it useful for?—For firewood and for building purposes; it is of such rapid growth that in five years it becomes an immense tree, and then, when it is cut down, it grows up again to the same size in five years more.

5267. How many feet will those trees grow in a year?—From 8 to 10 feet.

5268. Has it been tried in this country at all?—No; it is a native of Australia. The produce of orchard fruit trees will also become very valuable when the railway is completed across the Peninsula; when also, and scarcely before, will the resources of these invaluable hills be fully and really developed. I may mention that beer also has been made there; some of that beer we issued to different regiments, and there was not one regiment that did not report favourably of it; the men were made to pay for the beer, so that they might grumble if there was any cause of complaint; but there was not a single report adverse to it, except the report of two surgeons of the 51st regiment, which I considered to be in its favour; they said they never would recognise the introduction of such strong beer.

5269. Can hops be cultivated there?—Yes; the Court of Directors sent me out the hops, and I put them in the ground; but having to leave my residence on duty, on my return I found that as they were nothing but roots the natives had thrown them away into the manure heap.

5270. You have no doubt that they would grow there?—No; but you must choose a particular situation for them.

5271. Is there more than one brewery on the hills?—No; there is only one. My idea was to give a cheap beer, in order that it might be used in preference to arrack; the men there drink an immense quantity of arrack, which is very prejudicial to them; and I have no doubt that if, instead of arrack, they could get good beer, their health would be much better preserved; the Court of Directors were favourable to the scheme at first, but latterly it fell to the ground; I do not know from what cause.

5272. Mr. *Willoughby.*] At what price was the Neilgherry beer issued, as compared with the price charged for beer sent from England?—The beer that was brewed there was, I found, invariably preferred to the ordinary beer imported; the cost of it was about ninepence a gallon.

5273. Mr. *Smith.*] What would it have cost if it had been imported from England?—We pay on those hills, on an average, about 12 *s.* or 14 *s.* for a dozen quart bottles; the chief expense is in bringing it from the low country, whereas we could produce it on the hills themselves; I employed sugar in making this beer; the barley was so poor that we added sugar, which comes to the same thing, using a certain quantity of malt to give it a due flavour. Government sent me out a quantity of barley, and I put it into some ground of my own, and cultivated it by spade husbandry, and sent it to the Court, who sent me a report from some man in Mark-lane, who said that it had only deteriorated one per cent.; of course our mode of culture was unfavourable to it, and one would not have been surprised if the difference had been five or ten per cent.

5274. Mr. *Villiers.*] Do you say that the men liked the beer which you brewed?—Yes; I had no one report against it. Colonel Milner, of the 94th, said he wished to have sent down to his regiment 200 casks of the beer, of which we had sent a sample, because the men had requested that the porter from England might be stopped, and that they might have the Neilgherry beer in preference.

5275. The Pulneys of which you have spoken are south of the Neilgherries, are they not?—Yes.

5276. And there is in the Neilgherries good soil, independent of the rocky eminences which you find in other parts of India?—Yes; there is comparatively little rock.

5277. There is fertile soil capable of being cultivated by Europeans?—Yes; there is in some parts cultivable soil 15 feet thick, before you come to a substratum.

5278. Mr. *Vansittart.*] Is most of it now in a state of cultivation?—No; the

Captain *J. Ouchterlony.*

10 June 1858.

greater part of it is waste; there are about 200,000 acres on the Neilgherries alone perfectly waste, but which I believe to be well adapted for farming. The Pulneys are not throughout quite so lofty as the Neilgherries; but their climate is delightful, and for several years Europeans (chiefly servants of the Government) have resorted to them to recruit their health. They offer a considerable extent of undulating table land for cultivation, and when a railway is completed, opening up the southern provinces, and passing near the base of the Pulneys, Europeans superintending or farming cotton, sugar, and other estates in Tinnevelly, Madura, &c. will be able to locate their families in comfort and safety in them, and resort to them themselves when oppressed by the heat of the low country. The Shevaroys and Coilamulleys are situated in the province of Salem, and offer a healthy and cool place of resort to planters and superintendents cultivating in the plains in their vicinity. They are more limited in geographical extent than the Pulneys, and their maximum altitude does not exceed 4,500 feet above the sea level; but the climate is temperate and delightful, peculiarly favourable for young children; and many a shattered constitution has been renovated by a few months' residence on these hills. Coffee is extensively cultivated on them. The resources of the Coilamulleys remain yet to be developed, owing to an apprehension entertained as to the prevalence of fever on them at certain seasons. I know that a Roman-catholic clergyman who lived there many years believed the report of the prevalence of fever there to be unfounded; he was entirely alone there. The Government authorities were all very kind to him, and did their best to make him comfortable. He resided there as a missionary. The Barahmahl and northern part of Coimbatore comprise a hilly undulating tract of country not very well known by Europeans, but offering, as far as casual observation enabled me to judge, a fine and very extensive field for European enterprise. Unfortunately, when I had extended the triangulation of the southern series into this tract, for the purpose of embracing it in my detailed survey by order of the Supreme Government, the local Government of Madras interfered, and claimed my services for the Revenue department, and as no competent officer could at the time be found to take my place, the survey was arrested, the establishment broken up, and all the instruments and material sent to the nearest arsenal. This was in 1853. The opportunity was thus lost, and the tract in question remains unsurveyed and neglected to this day. The Travancore hill districts are but very imperfectly known, owing to the country being under the administration of a native sovereign, influenced by a British resident or minister; and I believe they have not been traversed by more than three or four Europeans now in India. From what I have seen of them from their base, and from the accounts I have received from parties who have visited them, I cannot but think that they must possess very great and valuable resources as to climate and agricultural capabilities; while a glance at the map will show how extensive the range is. Much of it is unsurveyed, and such portion as is entered on the public maps of the country is known to be very incorrect. I think it is of the greatest importance that Government should appoint competent officers, as as soon as they can be found, to complete the survey and to frame a memoir or report, comprising all the details which bear upon the important question of the adaptability of this valuable mountain tract to the purposes of European colonization and settlement. The magnificent teak forests existing on the Travancore hills would prove an invaluable acquisition to this country for naval purposes, especially for the supply of what must shortly become the eastern Portsmouth Dockyard, Bombay; also the port of Cochin, which is admirably adapted for building gunboats, so useful in China, Burmah, and the Straits. There is a great opening here for settlers; the trade has increased from a few thousand pounds, eight or nine years ago, to 500,000 *l.* in exports alone last year. It ought to have been the terminus of the Madras Railway, instead of Beypoor. At present it is reported that the most ruthless system, or want of system, prevails in the administration of these beautiful forests, trees being cut down without any reference to their age or position, and not a single seedling being put in to replace them. I may mention that in the Neilgherries, some time ago, I wished a particularly broad plank for a lintel; I got hold of some of the natives, and having explained to them what I wanted, they brought me a most beautiful cedar plank, and gave it to me for some ridiculous sum, two or three shillings. It was very roughly cut, evidently not by a saw, and I asked them what implement they had used; they said they had selected the biggest tree they could find, and cut the tree down, and then chopped away the two sides till they got to the middle,

from

from which they got the plank. They had cut down and destroyed a superb tree to procure me that one plank.

5279. Mr. *Willoughby.*] On whose ground did the tree grow?—It grew on the public ground. The Government are very strict now in their orders; since that time conservators have been appointed of all the Company's forests.

5280. When did this of which you have just spoken occur?—In 1846 or 1847. Since that time conservators have been appointed of all the Company's forests, who have a most difficult task to perform, and who perform it well. I may mention, that in the year 1838 I was sent for by the Admiralty to give them some information about the teak forests. I gave them all the information I could, and they asked me if I would go out and execute for them a contract. The Court of Directors were extremely kind, and gave me up my time in order to enable me to do this. Unfortunately the negotiation, which was with some great house in the City, the name of which I forget, broke off on a question of price; and thus was lost an opportunity, which we never had afterwards, of opening out those forests, and of systematising the production of teak from them; that was in 1838, 20 years ago. I went to my duty, and the matter ended.

5281. Where were these forests?—I am speaking of the part which lies under the Travancore country, which is the great teak-producing territory.

5282. Mr. *Villiers.*] Are there any facilities for bringing that timber to market?—Not that I am aware of.

5283. Would it be brought here, if there were facilities for it, at a cheap rate?—No doubt; there is no part of India that we know so little of as Travancore, although it lies in the heart of the country. The Mysore country, including Coorg, offers unquestionably a wide and most inviting field for British enterprise, skill and capital, or I should say it would offer inducements to investment were the regulations as to tenure of land modified, and were a more popular element introduced into the form and system of government. Already numerous Europeans have settled on sugar and coffee estates, and extensive sugar factories have been established, all, as far as I can ascertain, doing well; but even these examples of success will, it is to be feared, fail to induce wealthy capitalists to embark in the extensive undertakings so much required to develop the resources of this fine territory, until a better title than is now granted for jungle lands brought under cultivation is conceded, and until immunity from arbitrary taxation hereafter is secured to the colonist; there is a sugar work doing an excellent business at Astagram in Mysore; they used to supply the troops on the Neilgherries with most beautiful refined sugar at a cheap rate, but at first they could not induce the natives to work, because they were employing bones for the purpose of refining the sugar, which was contrary to their caste. The products of Mysore are so numerous that there is scarcely an article in the Indian export list which may not be included in the catalogue; but those which would chiefly claim the attention of the European agriculturist are, coffee, sugar, wheat, oil, seeds, hemp, cattle of a remarkably fine breed, cotton, and I may add tea, for I cannot but think that the plant might be successfully cultivated in many of the more hilly tracts of the great Mysore table land, and of Coorg. The climate is during eight or nine months of the year very agreeable to a European, and as the Neilgherries lie within easy distance, as well as the Bababouden and other elevated hill tracts, there seems no reason why European emigrants should not thrive well in these regions, and maintain themselves and their families in health and affluence; there are already many pensioners from the Royal army, who prefer remaining in these rather elevated regions like Mysore, instead of coming to England and starving on their poor pensions. The average of the southern part of Mysore is nearly 3,000 feet above the level of the sea; it is a sufficiently cold climate during some parts of the year.

5284. Mr. *Vansittart.*] Could European children live there, do you think?—In Mysore they could live. I should think that, at certain times of the year, they ought to be removed.

5285. Do these pensioners marry native women?—A few of them marry native women, but they chiefly marry East Indians. With a few administrative modifications, such as have been indicated, and a railroad intersecting the Mysore table land, and bringing it into communication with a good shipping port for its produce, like Cochin, it seems not too much to predict that it would become one of the most popular districts in India for emigration and permanent settlement.

5286. *Chairman.*] Is there any port on that eastern coast to which a railway might extend?—We have no sheltered port on that coast.

Captain *J. Ouchterlony.*

10 June 1858.

5287. Is Coringa a good port?—Yes; that is susceptible of improvement, but Madras is not.

5288. Vessels of what burthen could lie with safety in that port, or enter it with safety?—I do not know it practically; but I believe vessels of 600 or 700 tons.

5289. There is no really good port till you get to Coringa?—There is no place except the Armogum shoal; that is a shoal which comes up within eight feet of the surface; a very dangerous shoal. Admiral Sir Henry Blackwood, lay in the "Castor," or some frigate anchored inside the Armogum during the north-east monsoon many years ago, and reported to Government that he had done so in safety, and in comparatively smooth water. He recommended the formation of a harbour there, and the transfer of the commercial port from Madras to the adjacent coast. Reports were sent in, and there were counter reports, and in the end nothing was done. Sir Henry Blackwood made a most able report upon the subject.

5290. Was that report made 50 years ago?—Yes, fully I should think; I speak from recollection only.

5291. Mr. *Willoughby.*] Was there any estimate made for the works?—Yes; by Colonel De Haviland: it was a tremendous estimate.

5292. Have you any idea of the amount?—No; it was something that we should consider in India very large; not what you would consider so here.

5293. *Chairman.*] Does the rainfall diminish as you extend eastward from the western coast in the hill districts?—It does very decidedly; that is why we chose Jacatalla for the position of the barracks; the climate of the Neilgherries is most magnificent; in fact, you have half a dozen climates there; there are four distinct English settlements there, every one of which has a different climate; if a man comes up with a particular disease, he is sent to a climate which is suitable to him; if a man comes there with a liver complaint, he is able to get just that sort of climate which suits him, and which produces an action on the skin; it is the greatest blessing to us that we have this district of the Neilgherries; it has never been half appreciated.

5294. At different seasons persons might migrate from one part to another?—Yes, with the greatest ease.

5295. Do you consider the Neilgherries well adapted for the purposes of a great military depôt?—Unquestionably; and I not only think that the mass of the European force detailed for the protection of all Southern India should be located on these hills, together with such military establishments as are not hampered with material, but that it would be eminently for the advantage of the State that the seat of Government should be established there, as also all civil departments and offices, which may be termed offices of deliberation, record, and accounts. I would support this view by the argument, that in a congenial and bracing climate like that of the Neilgherries the mental and physical energies of the European would be developed to the utmost, and not only would a more vigorous spirit be infused into his course of action, but the absolute amount of work performed would unquestionably far exceed what could be accomplished in an enervating and oppressive climate like that of Madras. No better or higher authority could be quoted in favour of the measure than that of Lord Dalhousie and his secretariat, who carried on all the duties of the Government of India during 1855 while residing on the Neilgherries, and who, by means of the electric telegraph, which his Lordship caused to be established to connect them with the main lines of India, conveyed his orders to and received reports from all parts of the empire with as much facility and celerity as though his seat of government had been in Calcutta. Before two years have elapsed, the Madras Trunk Railway ought to have been brought to the foot of the Neilgherries, and extended to the west coast; this would bring Madras within 12 hours' distance of the hill seat of government, which might be reduced to 10 if a branch were carried to the summit.

5296. Would such an undertaking be practicable?—Such is my opinion; and I submitted a project on the subject in 1851 to a body in Madras, called the "Board of Revenue," composed of civil servants, who, assisted by one European officer, sat in deliberation and judgment upon all schemes relating to the public works of the country. No notice was taken whatever of the project, and in 1856, hearing that Government had sanctioned, or were about to sanction, an outlay of 300,000 rupees upon a common cart road to the summit of the Neilgherries, I addressed Government direct upon the subject, imploring that before such an expenditure should be resolved upon for a line of old-fashioned cart road 50 miles

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Captain *J. Ouchterlony.*

10 June 1858.

in length, my scheme for an incline of railway by a direct route of 10 miles should receive consideration. This apparently had the effect of stopping the road scheme, and I was directed to submit my estimates in detail, with traffic statements, plans, &c. This I did in November 1856; but I never received any reply to the letter which accompanied these documents, nor have I any idea at this present time what decision was come to upon the subject. I advert to it, however, because it has an important bearing on the view I take of the advantages to be derived from establishing the seat of Government, and the chief civil and military departments of state, upon the Neilgherries. The departments I allude to are, first, The entire secretariat of Government; second, Council; third, Board of Revenue; fourth, Board of Revenue or Department of Public Works; fifth, Offices of Audit, Civil and Military, the Commander-in-Chief; sixth, the Adjutant-general's Department; seventh, Quartermaster's Department; eighth, Judge Advocate-general's Department. The Artillery Instruction Depôt for officers and recruits. Infantry Instructive Depôt for officers and recruits, and Sappers and Miners, and the Engineering establishment of instruction. I would take, for examples of the efficacy of the proposed change, the case of young recruits arriving at Madras for the artillery or infantry. If they have to join their depôts at Madras itself, they at once enter upon a train of instruction and duty which the novel and oppressive climate renders most irksome and unbearable. The ennui of their life, confined as they are within the walls of their barracks between eight or nine a. m. and five or six p. m., with only drill in the morning and evening, to chequer the monotony of their existence, soon induces habits of intemperance, and the regimental records would show what premature loss of life, or of constitution, is the result. But if their depôts were on the hills, how different would be the history of the recruit. His drill and training carried on, as in England, in the middle of the day in a bracing and exhilirating climate, agreeable and congenial occupation, either in gardening, cricket, foot-ball, or other English amusements, and athletic exercises; he would, at the expiration of his term of instruction, be a far more able-bodied man than when he first landed, while his mind would be toned to receive better impressions of the service and duty he had undertaken than any he could have gleaned in the tap-room of the canteen, or in the camp suttler's hut. It is not too much to say, that by this mode of operation, disembarking the recruits, and fresh unacclimatized troops at Cochin, whence in a few hours they could be conveyed (the railway having been completed) to the summit of the hills, hundreds of young lives would be annually preserved to the public service; a result which, apart from the consideration of humanity, would exhibit an absolute saving to the State, calculating that each recruit, as he lands in India, is worth to the public 100 *l.*, of a sum which would go far to repay the interest of any amount expended upon buildings erected to furnish the necessary shelter and accommodation. Upon the same principle I would argue that it must be manifestly for the interest of the State that all instruction and training, whether of European officers or men, which involve out of doors employment, should, if possible, be carried on in a climate where the health of its servants can be preserved, and where much more work can be got out of them than in a locality where the temperature engenders lassitude, and predisposes to illness, if any undue exertion, though restricted to the few hours of the day when the sun's rays are not oppressive, is made. Therefore, I would have the training for the artillery, for engineering duties, and for other professional employment, all pursued on the Neilgherries instead of, as now, near the town of Madras. I will make a remark here as to the enormously expensive establishment which we have at Chatham. We have now a body of 40 young officers there, a great portion of whose time, in my opinion (and I say so without intending to give the least offence), is altogether wasted; they learn there much that they never get rid of, and acquire habits which, if not idle, are at least prejudicial to the pursuit of that practical knowledge which should be imparted. In my opinion, if a young man goes out to India direct from the military college, and sees that the way to win distinction and wealth is to cultivate his mind, and if you say to him, "We will give you a fine hill climate, and put you in the way of learning practically all that it is essential you should know to fit you for a successful career in India," he would, with the field of that career immediately before him, learn more in six months than he would acquire during 18 months spent in the morally enervating atmosphere of Chatham.

The men we had on the Neilgherries (the 74th Highlanders) were fresh from England, and we never had a sick man; sickness was unknown among those

Captain *J. Ouchterlony.*

10 June 1858.

men; they were able to drill at any time in the day; pieces of garden-ground were given to them, and they were the happiest set of men I ever saw; the engineer had large working parties of these men, and gave them two shillings a day; they became most useful servants of the State as well as trained soldiers; they are now building their own barracks.

5297-8. Mr. *Willoughby.*] Then the system you recommend has been already commenced at the Neilgherries by locating regiments there?—Yes; but they have been moved down on account of the disturbances; we never train artillery recruits in this country at all; their practice is all taught to them in India; they are now taught near Madras, at a place where the climate is most oppressive; surely it would be much better that they should be trained in a situation where they can be out the whole day, where it is a pleasure to them instead of a punishment, which it is while they are in the abominable place they occupy. Pursuing the consideration of the advantages offered by these hills for the location of masses of European soldiery, I would submit that there is no district in India which can boast so many. Supplies of all kinds are procurable from the surrounding districts to an almost unlimited extent, and, when the railway is completed, at an exceedingly moderate cost; this we have proved with the 74th Highlanders; the greater the demand was for supplies, the more rapidly the natives seemed to bring them in; and as the men would not require, in so good a climate, the number of native servants to attend upon them which are indispensable in the plains (and I may mention that every man there is allowed a servant; the men do not even clean a firelock themselves), while they would be able by the work of their own hands to produce their own vegetables out of plots of ground which it would be wise to allot to each regiment, to brew their own beer, make their own bread, and even pursue their respective trades in meeting regimental requirements, there can be no doubt that a battalion of European infantry or artillery would cost the State less in the aggregate while stationed on the Neilgherries than when cantoned in the low country. I am prepared to show from official reports, and not merely from a book of my own, that in that situation the expenses of a regiment would be infinitely less, while the saving of life would be enormous. The absolute pecuniary saving to Government, by the economy of the valuable lives of these brave and patient men, which a residence on the hills would induce, is too obvious to need comment. A glance at the map will show how admirably the Neilgherries are placed to serve as a great depôt station, whence should issue forth bodies of European troops to suppress any insurrectionary movements, or take part in wars likely to be waged in coming years, to preserve the integrity of our Eastern empire; and how they may with perfect safety, when the various lines of railway in progress and projected are completed, be made to supersede all stations in the Madras Presidency where local causes for apprehension do not absolutely present themselves, and where the climate is unfavourable to the European constitution. With the exception of a wing at Madras, to garrison Fort St. George, a battalion at Bangalore, and one at Secundrabad, I would have no European troops anywhere but on the Neilgherries, abolishing the stations of Trichinopoly, Bellary, Cannanore, and Masulipatam, and for guards over the arsenals and public property; since it will be seen by the map that, assuming the railway lines to be in operation, all of these districts could be overawed by the presence of a detachment arriving in health and vigour from the hills within a few hours of the receipt of a requisition for its services by electric telegraph. Before quitting this subject, I would beg leave to suggest the importance of establishing a school on the Neilgherries for the education of the children of the European troops serving in the Madras Presidency, similar in plan and principle to those in operation, and I believe with the greatest success, on the Himalayahs and at Mount Aboo, in Bombay.

5299. Sir *Erskine Perry.*] Would you suggest that the Government should take part in that?—Yes; the mortality amongst young children nurtured in low-country barracks is fearful; and I believe I am within bounds in stating that scarcely one child in four reaches maturity. The late charitable and excellent Sir Henry Lawrence wished to establish a school on the Neilgherries, and offered the same assistance towards its endowment as he had rendered with so much liberality to those in the north of India; but a difficulty was raised by a section of the Protestant party, regarding the powers to be conceded to Roman-catholic priests, in the matter of spiritual instruction to the children of Catholic soldiers, so numerous in the regiments serving in India; and the benevolent scheme fell to the ground. Sir Henry Lawrence said he would not continue his excellent offer to us, if there was this squabbling and difference.

5300. Mr. *Willoughby.*] Who were the objecting parties?—Not the Government; the present Commander-in-Chief behaved most nobly to us.

5301. Who was the Commander-in-Chief then?—Sir Patrick Grant; he took our side. I think it is a great grievance and hardship upon the poor soldiers that this scheme should have fallen to the ground. I think it ought now to be revived by Government, both for the sake of humanity, and for the important political object of training up a fine body of young men, either for the service of the State, or for the initiation of the natives into a knowledge of those trades and callings which might be taught and practised as well on the Neilgherries as in London; and also for the education and preservation of a class of young women whose present prospects it is painful to reflect upon, but who, if carefully trained, might be made to subserve an important object in the question of European colonization, presenting a class of educated and comparatively accomplished females, from which wives might be selected, and so save many a settler a plunge into a slough of vice from which recovery is difficult and rare. The community of Madras would subscribe liberally towards the establishment of this school, provided perfect religious freedom and equality were secured to all sects of Christians entertained within its walls.

5302. Did the Government subscribe to this school?—No; they refrained from doing so until they saw the principles on which the community were disposed to act. The Commander-in-Chief, as the head of the army, entered into correspondence with the Committee, and said that before recording his sentiments upon the subject for the use of the Government, he would give his sanction to their addressing an official circular to all regiments and corps in the army, with a view to eliciting from them their opinions and feelings on this great question of religious toleration; that was how the matter stood when I left; I have no doubt that the whole of the army responded to his views.

5303. *Chairman.*] Will you state to the Committee the advantages you anticipate to India from European colonization?—It would, I think, in the first place, supply the great desideratum of capital to be spread abroad through the country, and expended upon the improvement of the soil. At present such capital as there is in India is hoarded up by native bankers for usurious traffic, or amassed by the native princes and zemindars, only to be lavished in the pursuit of sensual pleasure, or in the celebration of the disgusting ceremonies and mummeries of paganism. No one dreams of spending any money on his land, and a native who would allot a large sum to bedizen his wife, or a hideous idol with costly jewels and ornaments, would grudge a few shillings to repair a road through his own farm, even though it were to save his own carts from the risk of upsetting. The impetus which such appropriation of capital would give to trade, and to the production of articles of commerce and consumption throughout the country, cannot fail to be most beneficial; and perhaps there is no item in the list of exports which will benefit so immediately from the change as the important one of cotton; next, as regards the improvement which must soon result through the same means as regards labour, which at the present time it must be confessed stands at a very low ebb. The cause is no doubt the wretchedly abject and impoverished state in which the labouring class are kept by the small amount of wages they receive, and the consequent miserable and scanty description of their daily food, rice and water. For it is an error to suppose that the mass of the working class in India adopt this spare diet from prejudice or choice. On the contrary, wherever a more liberal or regular system of payments for labour prevails, a corresponding improvement becomes soon manifest in the condition of the coolies, arising from the more nutritious character of the food which they allow themselves, as soon as they find their circumstances and prospects permanently improved. And I may remark, that in Southern India at least, it is only the Brahmins and very highest castes who abstain from animal food. Many of the inferior castes, and all the lower orders, eat meat whenever they can get it; and it is only from the extreme rarity of their opportunities of indulging in the luxury that their spare gaunt aspect is presented. During the war in China, in 1841 and 1842, while the Bengal sepoys and other high caste natives were suffering from fever and dysentery, and all but unfit for service, owing to their perseverance in their rice diet, the men of my corps, the Madras Sappers and Miners, mostly low caste sepoys, continued in the most robust health, even through the rigorous winters experienced in the north of China, because they gladly eat the rations of meat which were served out to them, wore leather shoes, and eschewed all servile caste prejudices; we never had a death during all the

Captain *J. Ouchterlony.*

10 June 1858.

time we were at Chusan, even when we had the water frozen in our rooms. The more liberal and regular wages which would be paid to the coolies and artisans by European colonists would soon have the effect of enabling them to feed and clothe not only themselves better, but their wives and children, and thus tend not only to improve the existing class of labourers, but to nurture in their children a race far superior in promise. This is not mere speculation, because evidence of the presumption being well founded is observable wherever extensive estates have been opened (with success) under European superintendence in India (of course I speak of Southern India); and I may instance one case especially which came under my own personal observation. In 1845 I discovered in the course of my survey of the Neilgherries a splendid tract of forest land in the Malabar district, which from its ascertained altitude by the barometer, from the circumstance of wild coffee growing abundantly in all the more open spots, as also the nilla plant, and from other indications, I judged to be well adapted for coffee cultivation; and I reported to that effect to the authorities at Madras. At the time of my survey the tract was utterly uninhabited save by a few roving tribes of jungle men; tigers' footprints were traced round my encampment in the morning, dogs were carried off if they strayed a few yards into the jungle, and fires had to be kept continually burning to frighten away the elephants which roamed freely through the forest. Parties from Ceylon and elsewhere came to visit the land of promise, allotments were taken, several large estates were opened, and the result has been that on visiting the spot in 1856, I found a perfect colony where I had left a wilderness; the forest cleared for miles, excellent roads opened out in all directions, extensive villages formed, with their bazaars, and well-conducted schools, and inhabited by an apparently thriving and healthy class of men and women; shops established for the sale of all sorts of supplies; and so completely had the denizens of the forest been extirpated or driven back into their wilds, that one of the European superintendents told me that though he had been on the spot more than a year, he had not yet heard a solitary trumpet-note of an elephant; and that though sheep often strayed for days away into the forest patches, they were almost invariably recovered, tigers being now apparently unknown.

5304. Mr. *Willoughby.*] What was the population there?—About 2,000 or 3,000.

5305. *Chairman.*] Was this state of things brought about by Europeans?—Yes.

5306. Who were induced to settle there with a view to the cultivation of coffee?—Yes.

5307. From whom did they obtain their allotments?—One party obtained his land through the assistance of the Collector of Malabar; other persons had theirs from natives, and various other people; the Government do not claim the land. I have mentioned this to show what effects are produced by European colonization. I may add, that another result attending this instance of the application of European capital and energy to the development of the resources of India, has been the awakening the minds of the natives dwelling in the tracts which border on the one I refer to, to a perception of the value of the particular branch of industrial agriculture to which they have been devoted; and it is now seen that to almost every villager's cottage in the neighbourhood is attached a patch of coffee trees, the produce of which, of course, forms a very important addition to his chapter of yearly ways and means; a coffee tree is a valuable thing to an unfortunate native. The whole of this part (*referring to the Map*) is an immense jungle; and there used to be a notice stuck up in the public bungalow, warning people not to sleep there, the place being so deadly on account of fever; but the moment the jungle was cleared away, it was found that the malaria and fever disappeared. The country here is very undulating, which is favourable for the cultivation of coffee; you cannot grow coffee in this climate on a dead level; now, around these villages, and extending far towards the coast of Malabar, lie extensive tracts of dense and reputedly unhealthy jungle, clothing slopes of land the fertility of which cannot be doubted, after inspection of the luxuriant vegetation which springs spontaneously from its surface. When you traverse these unhealthy places you find that the growth of vegetation there is something wonderful; their tillage would afford employment for hundreds of European colonists, a large share of unemployed capital, and thousands of half-starved Indian coolies; but the stream of colonization will be slow in reaching their limits, and in spreading beyond them the benefits both to the country and to its population, which I have indicated in the instance quoted, unless a greater degree of encouragement and aid can be extended to those who are willing and able to be foremost in clearing a channel for its flow. At the same time I must in candour state my opinion, that the chief difficulty

difficulty which the newly arrived colonists will have to encounter is as regards labour; for whatever may be the case in Upper India, I should certainly say that Southern India is decidedly a thinly peopled country, and I attribute it to the causes I have adverted to, namely, want of stamina in the parents, engendered by meagre and unnutritious food; any question, therefore, I would submit, which bears upon remedial measures addressed to this portion of the general subject has an important signification which cannot be too freely admitted.

5308. Sir *Erskine Perry.*] Is not all the labour in Ceylon imported from Malabar?—Yes, but people from Madras would, if they could, put a stop to it altogether; they are doing the utmost they can to stop the flow of labour to Ceylon; we cannot spare those men.

5309. If the same amount of labour arises in this district, of which you have been speaking, would they not have the same facilities that the others now have?—You know what the natives are there; they are in the habit of crossing the sea, as their fathers and brothers have done before them.

5310. Mr. *Campbell.*] Would not the result of the establishment of successful colonists there, such as you indicate, be to increase the native population, and check emigration to Ceylon?—That would be a remedy for it. Another important benefit which I anticipate as a result from the introduction into India of European colonists, is the establishment of an improved system of agriculture among the farmers or ryots of the provinces; or rather, I should say, the introduction of a system, for at present there is none. The preparation and application of manures to the soil are, as I have already remarked in reference to the subject of cotton culture, utterly and entirely neglected by the natives of the low country; but I have observed that those who have followed the footsteps of the Europeans to the hills, and have remained there to settle on their small plots of ground, imitate the example set them in this respect by their employers, and appear to be perfectly alive to the importance of restoring to the soil in one form what they have taken out of it in another. On these Neilgherries hills every man who takes a piece of land from the Government gets a lot of coolies about him, and every native who once comes there almost invariably remains; they will take land and cultivate potatoes, and take care of their manure. Artificial manures ought, I think, to be extensively employed in India, on tracts where, owing to the scantiness of the population, cattle manure may be scarce; and as land yields in abundance in particular localities, most of the salts which form the bases of the best manures artificially prepared in this country, such as muriate of ammonia, nitrate and muriate of potash, and soda, &c., such a manufacture would, no doubt, answer well, if the locality were judiciously chosen, and if the natives were previously instructed in the use of the compound. The use of crushed bones as a manure is entirely unknown to the Indian ryot, and they are of course never collected for this purpose, though in the vicinity of large towns and of European continents they are procurable in abundance.

5311. Mr. *Willoughby.*] Does not that arise from prejudice?—They would be afraid that they might be using the bones of some animal that is interdicted. I would here beg leave to remark that there is one very profitable employment of capital, which I think would soon engage the attention of European capitalists, after dependable reports of the existing state of things in India by the early emigrants had reached them. I allude to factories for spinning yarn from the raw cotton, for which the temperature of the country and the delicate touch or manipulation of the natives are particularly well adapted, and which would be found to yield a wonderful return if established in localities where the supply of the raw material could be depended upon, and where labour should be plentiful. Several of these factories, called "filatures," have been for many years established at the French settlement of Pondicherry, and in cases where their details have been properly organised by practical men, the profit yielded is stated at no less than 30 per cent. on the capital invested.

5312. Mr. *Smith.*] Per annum?—Yes, per annum. Such is the demand for the yarn manufactured, that it is sold for ready cash almost as soon as it is taken off the mules, the purchasers being the native weavers of the French colony; and from what I observed I should say that if three times the amount spun could have been produced, it would have found ready purchasers.

5313. Is this the result of private enterprise?—Yes. They are all French. Similar factories might be established in the cotton districts of Coimbatore, Salem, and Trichinopoly, in the circle of the Neilgherry and Shevaroy Sanitaria, or in Tinnevelly and Madura, in the Pulney circle, with a certainty of success;

Captain *J. Ouchterlony.*

10 June 1858.

as, if the native demand for the yarn produced did not keep pace with the rate of manufacture, which is very unlikely, the China market would absorb all their surplus stock a hundred fold. It is an unaccountable fact, that, although the French have had for many years three or four of these "filatures" in operation in their small colony, not one has yet been established on British soil in the Southern States; at least, not to my knowledge. I believe, however, that English merchants held and perhaps still hold shares in some of the French filatures. It would be superfluous to enlarge upon the effect which the establishment of such works, employing 1,000 hands each daily, counting among them all but the very youngest children of a family, disseminating weekly a large sum of money among the poorer class in the form of wages, and daily absorbing almost unlimited quantities of the staple of the district, must have upon the welfare of the population and upon the trade of the province it might be located in.

5314. *Chairman.*] You have alluded to the importance of a survey; will you explain, if you please, what you mean?—I would illustrate my view by referring to the survey of the Neilgherries Hills; I say with submission that that was a useful survey, because it not only furnished a topographical delineation of the district, but it gave a variety of statistics which were most important: the population returns and resources of the district, the prices, the prospects for people who might be desirous to settle there, the value and tenure of land, the condition of the people, and various other matters, which are all fully and faithfully set forth; and I would contend that such surveys ought to rank somewhat high in the estimation of Government, and I do contend (although it may appear presumptuous in me to say so) that they do not occupy that position in the estimation of the Government that they deserve. When I was extending my survey, after completing the Neilgherries Hills, by order of the Court of Directors, and also with the support of the Bengal Government, I had reason to suppose that it would prove a most valuable one, but my survey was arrested in this way: the Government of Madras wrote to the Government of Bengal and said, "We have a number of irrigation works in progress in Madras; here is an officer who ought to have experience in such works, and who is engaged in the less important duty of surveying, and therefore we demand him back." All surveys are under the control of the Bengal Government; the Madras Government has nothing to do with them, and therefore the moment you are appointed to a trigonometrical survey, you cease to be under the orders of the Madras Government, and receive all your directions from the surveyor-general, who is a Bengal officer.

5315. Do you think that such a system of surveys as you pursued in the Neilgherries Hills, if adopted generally, would be of great advantage in inducing and encouraging the settlement of Europeans?—Yes, for we ought to know all the good together with the bad; we should have surveys which should enter into all those particulars I have enumerated, which is not the case with surveys in general.

5316. You mean that the surveys should be of such a character as to have a practical object?—Yes, as well as being of a scientific character. I was receiving 350 rupees or 35 *l.* a month for my survey, and for the duty upon which I was then put of revenue engineer officer I received exactly double, or 700 rupees a month; but I did my utmost to be permitted to go on with the other, which was the more congenial duty, at the lesser salary. I made strenuous endeavours to be permitted to be attached to that branch for which I considered I was best fitted, but it was all in vain, and although the Governor of Madras (then Sir Henry Pottinger) expressed his regret, he was compelled to carry out the wishes of the Government.

5317. Mr. *Vansittart.*] Is the head of the trigonometrical survey a Bengal, Madras, or a Bombay officer?—A Bengal officer.

5318. Sir *Erskine Perry.*] Is it not the fact, that the first thing that settlers in Ceylon demand from the Government, is a survey by an engineer officer?—No; but by a professional surveyor.

5319. That is the first demand they make upon the Government?—Yes, before they take up land; but I believe they have to pay a small sum per acre for that survey.

5320. Mr. *Campbell.*] Then you would suggest, by way of making a trigonometrical survey practically useful, that a subsidiary survey, embracing all those statistical details to which you have referred, should be made as a first step towards colonization?—As a first step towards colonization. In fact, I think that greater encouragement should be given to surveys. I should mention, however, that the Government would probably meet that, and very fairly, by saying

saying that they have not officers enough to perform such a duty; that an engineer officer cannot be spared for such a purpose from his more pressing duties; that they have not officers enough. They said, in my case, "We should be very happy to let you have Captain Ouchterlony's services, but we require him ourselves, to discharge duties which bear upon the revenue."

5321. The Committee have had evidence before them in favour of the establishment of a school of civil engineers; have you considered that question at all?—I think it would be a very useful and valuable thing: if introduced, it should be with modifications. I think that the Government should get the best talent available for the public service, whether covenanted or uncovenanted.

5322. Mr. *Willoughby.*] Are you not aware that a number of civil engineers have been lately sent out to India?—Yes, I believe such to be the fact.

5323. Mr. *Villiers.*] Is that by Government?—Yes.

5324. For purposes connected with revenue?—For all purposes; they are uncovenanted civil engineers.

5325. Sir *Erskine Perry.*] The importance of the question depends upon this, does it not, that it involves the question of a covenanted or open service?—To a certain extent it does; it affects the prospects of the corps of engineers very seriously, but I consider it is for the public good. I have been in the service 26 years this month of June, and have served and been wounded, and I am only a captain still; while contemporaries of mine in the Royal Engineers, who have never been on active service, are now full colonels. I think we have been hardly used. The value of our services is now discovered, when it is too late to help us; but at the same time it is not for us to stand in the way of what we consider to be a public improvement.

5326. *Chairman.*] Can you give the Committee any information regarding the mineral resources of India?—Yes; I had an opportunity of investigating the metalliferous deposits of Southern India some years ago, under favourable circumstances, having been employed to re-open some old copper and lead mines in the districts of Nellore, Perddapah, and the Northern Provinces. I made a report to Government, which must be in the India House, but its only value at the present time would be in serving to warn emigrants, or capitalists, against embarking in a scheme which I consider to be delusive. I acted upon that occasion upon printed reports sent in, and printed by the Government, by men who had preceded me, one of whom had reported that there was copper to be found all over the district, and that ore of the most valuable description would reward the efforts of a miner. I took out a Cornish miner with me, and spent the whole of my furlough here, in the mines in Cornwall, in order to qualify myself. I selected a good man in Cornwall, and took him out with me; and on my getting there, the conclusion to which I came was that the person who had made the report either did not understand the question, or that he had grossly misled the Government by his florid style of writing. I only mention this to show that all reports which are made must be taken *cum grano.* It would take up too much of the Committee's time to enter into the particulars of this question, but I may state briefly that the result which my actual mining operations and subsequent pretty extensive surface explorations led me to arrive at was, that, speaking of Southern India generally, although indications of metalliferous deposits are widely diffused, nature has not succeeded in eliminating or segregating them from the mass or rocky crust, in such a form or abundance as is necessary to render mining operations undertaken for their development remunerative or reasonably promising. In the district to which I allude, you would be surprised perhaps by finding, in a morning's ride, a magnificent lump of the richest copper ore, an ore producing 74 per cent. of pure oxide of copper, and of course that would lead you naturally to the conclusion that the district would prove invaluable; but on further investigation I found that that copper ore was, as it were, distributed sparingly through the mass of rock, and you would only find it here and there, as you would find a very few plums in a very poor pudding. I found that you never could get on a true vein or lode, and that any mining operations there would be utterly ruinous; you might suddenly come on a bunch of copper, and then go on for fathoms and fathoms, and find nothing. From this general definition I would except iron and diamonds; the former exists in great abundance over all the tracts which I have enumerated, especially Salem, Trichinopoly, North Coimbatore, Malabar, Canara, Travancore, &c., and excellent iron is manufactured from the ore, by the natives, who produce by a wonderfully simple process the most ductile wrought iron in one process from the raw mineral: cast iron being entirely unknown as a manufacture or product of India, and hence the absence in all our wars in India of native

Captain *J. Ouchterlony.*

10 June 1858.

cast shot or shell. It is a most extraordinary secret; the natives get a quantity of pulverised iron ore, which they put in a small crucible, mixing with it a few leaves of a particular plant, and then they close over the top of the crucible and work day and night with the bellows; they then go home to their houses, and the next morning they come and open their little furnace and break the pot to pieces, and out of it there comes a lump of metallic stuff; they then press it with a stone and beat it with a hammer, and the result is a beautiful piece of ductile iron thus produced in one process from the ore.

5327. Mr. *Smith.*] That ore must be very rich, must it not?—Yes; we do not know what the process is by which they produce this effect; the native himself does not know how he does it; what he produces ought to be simply a piece of cast iron, but instead of that it is ductile wrought iron.

5328. Is the plant known, the leaves of which they use?—Yes, but there is no particular property that can be assigned to it.

5329. For many years past they have tried iron works, have they not, in the Madras Presidency?—Yes, and they have all failed; a company has been in existence nearly 25 years, with enormous privileges and exclusive rights of mining and fuel over vast districts, but failure has, I believe, up to the present time attended their operations; this company has the exclusive privilege not only of mining for iron ore, but of getting fuel; nobody else has the privilege of cutting fuel in those forests; the whole of this part to which I am now pointing (*referring to the map*) is under the exclusive control of one company, which has been for 25 years in operation, and yet they have not sent home, I believe, a hundred tons of malleable iron.

5330. It is a monopoly?—Yes. The Government took at the time they conferred this monopoly upon them a paternal care to exclude the natives from the operation of it, and any native can continue to manufacture iron in his little furnace as before; but no other Europeans besides the Company could establish an iron manufacturing concern in that district; the East India Company have been great sufferers by this Company.

5331. Do you know what the duration of the privilege is?—I do not know.

5332. Mr. *Campbell.*] By whom was the company founded?—By servants of the Government.

5332*. Those exclusive privileges, then, were conferred on a company consisting chiefly of persons in the service of the Government?—Yes. I should state that as soon as the Government became aware of this fact, they issued an order which made it compulsory on all their servants to have nothing to do with the management of the company, and they were only allowed to remain attached to the company as lenders of money to it; every one of the civilians became liable for the debts of the company, and some became terribly involved.

5333. But the original grant was obtained by servants of the Government?—Anybody might have participated; the reason why it happened to fall into the hands of so many civilians was that a Mr. Sullivan knew the value of these iron deposits, and he it was who brought the matter forward; their failure, however, must be owing to bad administration, there can scarcely be a doubt, since at this present time we use for the public works annually large quantities of native-made wrought iron of excellent quality; and it is well known that no native perseveres in a trade which is not remunerative. Surely a field which is remunerative to natives, ought to be remunerative to Europeans if they work it properly. The real cause of the misfortunes of the company was, that they started off upon a number of tangents and principles foreign to their legitimate object; amongst other things, they got an idea that there was an immense quantity of chromate of iron in their grant, and they let their iron works remain quiet, their machinery rusting, and their artizans devouring their substance, while they explored and spent large sums of money upon a tract which a regular geological engineer would have told them was not a fit and legitimate field for mining, there being no regular bed or deposit of chromate of iron. The prevailing iron ore is the black magnetic, like that which is obtained in Sweden and Norway; it is very rich and pure, most frequently containing 70 to 80 per cent. of metal, and scarcely a particle of sulphur; but in spite of this it is difficult to reduce in blast furnaces, owing to its being obtained for the most part in a semi-pulverised state. My impression is that when freights are low, it would pay well, after railway transit is available, if shipped to England in the state of ore as ballast or dead weight, and employed to mix with the poor ores of our coal and ironstone districts, to render them better worth smelting in the same way as at present the rich Chili

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Captain *J. Ouchterlony.*

10 June 1858.

and Australian copper ores are run down with the poor Cornish minerals; which in their silicated condition serve as a good flux to the poorer ores; that is practised at Swansea, and I believe that this would answer in the same way; my impression also is that if small factories were established over the country with a tilt hammer and small rolling mill, to work down the native blooms of iron into marketable form, a very good return might be derived, Europeans of course managing the factories; I brought some of this ore home with me many years ago, and took it to Sheffield, where I had a good deal of conversation with the steel converters about it; they were very anxious to get it, and some of the people there who make razors said to me, "We know this iron which you produce very well, and we can tell you all about it; some time ago a gentleman named Heath" (who was the main spring of this company), "came down here and told us that he was the representative of a company which had the exclusive monopoly for making iron superior to that which we had been accustomed to get from Messrs. Sykes, who had the monoply of the iron which we obtained from them; he told us that as we disliked the monopoly under which we laboured, as regarded Messrs. Sykes, he would afford us the opportunity of getting rid of it, and that he would engage to supply us with this iron if we would give up Sykes and Company; we one and all said that we would, for that Messrs. Sykes were constantly disappointing us and keeping half our men out of employ;" they said that they then called upon Mr. Heath to enter into a contract, binding himself penally to supply them with 100 or 200 tons of this iron, but that the moment that was mentioned Mr. Heath indignantly rejected the proposition, and repudiated the idea of being bound by any contract, and therefore the whole thing was given up, because Mr. Heath would not enter into any contract to supply them with a given quantity per annum; the fact was, that he knew he could not do it; the Sheffield people are perfectly well aware of the value of this iron, and they would take it in preference to that which they are in the habit of using, if they could get it.

5334. What distance are these iron fields from the coast?—They are close to the coast; there are iron deposits all about here (*referring to the map*).

5335. Is that iron almost inexhaustible?—I believe the quantity is enormous; indeed iron is spread all over India more or less; it is magnetic iron ore, like that which is found in Sweden; Russia also produces it; there is hœmatites also, but that is very sparingly distributed.

5336. *Chairman.*] Have you coal there to smelt it?—No, we have no coal; we have never discovered even any indication of it.

5337. All the fuel that is used is vegetable fuel?—Yes; which is very abundant there.

5338. Have you any flux near at hand for the iron?—Yes, we have every flux that is necessary, we have limestone in abundance.

5339. Where is that?—All over the country; the whole of the brown formation shown on the map is limestone.

5340. We have been told by a former witness that the kunker is not available as a flux for iron?—It is used there, I belive, for the purpose; it contains a good deal of clay, but that is useful for some, it would not do for other kinds of ironstone.

5341. Is it more generally used for the purpose of road making?—Yes; if there is any ingredient in the kunker which is injurious in the manufacture of iron, science will find out a remedy for it.

5342. Have you any statement to make with regard to the discovery of diamonds?—Yes; some of the most celebrated diamonds known in Europe, the great Pitt diamond, and several of those in the possession of the Court of Russia, were all obtained from this district (*referring to the map*): it appears to have been a large lake formerly, or inland sea, and the bed of the lake or sea is as perfectly defined as this table; it was evidently closed in at some ancient time by a spur of hills, which have been broken through by some convulsion of nature, and the water has poured away, leaving the bed dry; and it is in that bed that the diamond matrix is found. The natives have mined this place extensively for thousands of years, they say. First of all a native takes a portion of land, and then he mines down; all the debris that he brings out he spreads on the ground about the mouth of the shaft; he goes down till he gets through the diamond bed, and gets to the bare ground beneath the rock, and then he ceases his operations; he never dreams of driving galleries along, but makes a sort of well; the consequence is that the whole of the surface is covered over with heaps of

Captain *J. Onchterlony.*

10 June 1858.

rubbish to such an extent that at least one-half or two-thirds of this rich diamond matrix is covered with debris and unexplored; and my opinion in 1839 was and now is, reasoning by analogy, that there are as many valuable diamonds now to be got there as, if we are to believe history, were got in ancient days.

5343. Sir *Erskine Perry.*] It is a kind of sand, is it not?—No, it is a hardened conglomerate; you may call the matrix a rock.

5344. *Chairman.*] It appears, does it not, as if the water had filtered away, and left this as the residuum?—Yes. The diamonds are not got by washing the soil, as in Brazil, and other parts of India, but they are got out of the rock, which requires to be broken, and when it is broken they come out like the eye of a human subject.

5345. Sir *Erskine Perry.*] In what year were you there?—In 1839 and 1840.

5346. Is it not the fact that the finding of large and valuable diamonds has been very rare of late years?—There are no explorations going on in the district I am speaking of; it was considered unhealthy; and when a place gets that name no European will go near it.

5347. The mines were worked by natives, were they not?—Yes, the place I speak of I believe to be the real Golconda; they call the mines in Hyderabad Golconda, but I believe that this place is the real Golconda.

5348. *Chairman.*] That was a place where diamonds were rather manufactured, was it not?—Not according to their traditions; the natives say that everything of priceless value must have come from Golconda.

5349. I gather from your evidence that you consider that an important branch of mining?—Yes; I think it opens a most wonderful field.

5350. The great object now is to explore this district horizontally?—Yes, by galleries.

5351. Do you think that European capital employed in that direction would be the most beneficial means of exploring it?—Yes; but there is this to be considered, that there is no hill district at present within a feasible distance of this diamond tract, therefore no European could keep his health there long; it is a very hot place, and until it is traversed by railways people would not go there.

5352. But as population increases, and if railways are carried in that direction, you think it probable that European capital will be employed in working those mines?—Yes.

5353. Sir *Erskine Perry.*] Is it not the fact that all the more valuable diamonds of commerce have come from India?—Yes.

5354. And there is no part of the East except India that produces diamonds of fine water?—Java and Sumatra produce beautiful diamonds.

5355. *Chairman.*] Have you any further observations to make with regard to the mineral productions of the district of which you have been speaking?—I may mention that gold is obtained by washing to the westward of the Neilgherries; it attracted the attention of the Court of Directors many years ago; I found that about 30 or 40 years since they sent out an officer thoroughly to investigate the subject of gold which was supposed to exist in Malabar, and that the result was unfavourable; they then employed an officer named Nicholson, I think, who carried out his explorations to the best of his ability; but the result was, that the quantity of gold which was found was not sufficient to pay the expense of the operation; on going down some of these roads (*referring to the plan*) I have often been struck with the immense excavations that there are there; there are large quantities of quartz rock thrown up; the presumption was, that gold existed in these hills.

5356. Have they what they call the auriferous quartz that they have in Australia?—I cannot say.

5357. Sir *Erskine Perry.*] Is it not supposed that gold was at one time exported from India largely?—Yes.

5358. It is reported that the gold came from Ophir?—Yes; some people say it is in Ceylon.

5359. *Chairman.*] In your opinion, will the making of railways and other means of communication develope the resources of these gold districts at all?—They must, more or less; they will not have an immediate effect on the tract I speak of.

5360. Mr. *Willoughby.*] Were there regular discovered gold districts in India?—Yes; but the Court of Directors came to the conclusion that it would not pay to work them.

5361. Did you see the ancient diggings?—Yes, I saw the diggings, but I did not see any gold in them; it was the same description of quartz as that which I am told exists in Australia.

5362. *Chairman.*] Have any geologists made a report in favour of the existence of gold to any extent in India?—I do not think so. There is a geological survey proceeding in India, but I never came in contact with any of the officers employed upon it.

5363. You do not speak from your own personal observation as to the existence of gold in this district?—I never saw gold there, but I have seen the quartz which is supposed to have been excavated by the ancient people.

5364. Sir *Erskine Perry.*] Its existence there depends upon the traditions of the people?—Yes; but you know how true those traditions are. On these very Neilgherry hills there exist a number of very extraordinary cairns, which, when opened, are found to contain small urns, in which are found the calcined bones of human beings. On opening one of them, as gentlemen will sometimes do for their amusement, we found it to contain some beautiful large blocks of quartz, in which we found lead ore and copper pyrites, a description of copper ore which I had never seen before in the low country. That was reported to the Government, and the Government directed me to pursue my investigations with regard to it; but all we could find was a channel of quartz, leading right down into the low country; and in this place (*referring to the map*), which the natives said was an old gold-digging district, I tried to discover gold, but never could find a trace of it.

5365. *Chairman.*] Can you give the Committee any information about the state of the public roads in India?—I can do so as regards the roads of Southern India; and I beg leave to preface my statement by a remark as to what I conceive to be the misapprehension which exists in this country regarding their general condition. It is undoubtedly true that the cross or district roads, which act as feeders to the great trunk lines, are, generally speaking, bad; but it is a misapprehension to suppose that the main trunk roads are to be included in the same category. I can assure the Committee that some of those lines would well bear a comparison with the turnpike roads of this country, and that, considering the difficulties which have to be surmounted, whether as regards labour, climate, materials, or administration, they may be referred to with pride by the authorities who executed them. In past years the public money was grudged for road purposes; but this has not been the case of late years, and grants are now liberally voted for their maintenance and extension. Not to distract the attention of the Committee, I will avoid enumerating the trunk roads in order of numbers, and will refer to them according to locality of terminus. First, there is a trunk road (No. 687) commencing at Madras, passing through Vellore and Ongole, and ending at the frontier of the Nizam's dominions, whence, however, it is continued on to Hyderabad under the Nizam's authority. This road is in many parts excellent, but in others it is liable to breaches by the coming down of the numerous streams which intersect it, and which rise with such rapidity that a bridge is carried away before any measures can be adopted to relieve the arches from undue pressure. A traveller leaving Madras overnight sometimes finds his conveyance halted in the morning on the edge of a roaring rapid, foaming over what was the roadway the evening before, and the consequence is abuse of those who constructed the bridge and organised the road. But this censure is frequently very unjust, for the influence of a stream which rises often 14 feet within as many hours cannot always be controlled, or even duly estimated till experience, always more or less costly, is gained by misfortune. There is another trunk road (No. 1), from Madras to Bangalore, passing by Arcot, Vellore, and Vaniembuddy. This road is an excellent one, and the traffic on it is immense; hence the cost of repairing this line is very great. When the railway is completed, it will run parallel to it throughout its length, and will, of course to a certain extent, supersede it. Thirdly, another great trunk line (No. 8) leads from Madras to Trichinopoly, and I can speak most highly of it, both as to its trace and formation, and as to the condition it was in when I last travelled on it. Good metal is abundant along this line, and the repairs, though costly, are not so onerous as on the preceding line. Fourthly, a trunk road (No. 13) also leads from Madras direct to Cuddapah, and another (Nos. 10 and 11) leads off from No. 1, near Arcot, to the same place (Cuddapah) by Chittoor; the country over which these lines pass is unfavourable, and when the projected

Captain *J. Ouchterlony.*

10 June 1858.

Cuddapah and Bellary Railway is completed, it will only be necessary to keep these roads up as second class lines or feeders. Sixthly, another line (No. 12) leads off from No. 11, forming a communication between Madras and Bellary. The same remarks apply, in a degree, to this road. Seventhly, an important line (No. 8) next comes to be noticed, forming a communication between Madras on the east coast, and Ponany, the great cotton port, on the west. This is a most valuable line, but it is not quite so complete, or in such high organization as some of the preceding lines. Its commercial utility is also somewhat circumscribed by the inaccessibility of one of its termini, Ponany, during the south-west monsoon, to sea-going vessels. Eighthly, from No. 8, a branch trunk leads off near Vicravoudy to Cornbacorum. This was not completed when I last saw it, and I confess I did not consider the traffic worth the expense of a trunk road over such an unfavourable line of country as was presented. Ninthly, Nos. 2 and 3 trunk roads lead from Mangalore on the west coast into Mysore, by Mercara and Munzerabad respectively. These are highly important lines, and great pains are taken to keep them in good order. Tenthly, No. 4 is an excellently traced and executed round from Cannanore on the west coast into the heart of Mysore, by Perombaddy to Honsoor, where it joins a fine district road (to all intents and purposes a trunk road), leading from Bangalore to the Neilgherries. Some bridges were required on this line to render it complete, and continued and extensive repairs are needed to keep it open. Until a recent period (1855), all the trunk roads were under the exclusive superintendence of one department, styled the "Road Department," with one responsible officer at its head, receiving his orders from, and making his reports direct to Government. He had a most efficient staff of subordinates, commissioned and non-commissed, native and European, under his orders, and it seemed to me, so far as I enjoyed opportunities of forming a judgment, that the whole machine worked harmoniously and efficiently. I do not mean to contend that road making *per se* involves any special scientific attainment, but at the same time I have always considered it a great advantage to a department of such paramount importance as that of the roads, that it should be under the exclusive control of a functionary who should be able to concentrate his entire attention upon it, and thus become conversant with its details in every point of bearing, whether physical, financial or scientific. Thus circumstanced, an intelligent and active superintendent, such as the late department in question had invariably boasted, was always in a position efficiently to meet an emergency; to avert an impending danger, or to hurry through some important portion of work by concentrating labour upon a point, while at the same time being intimately acquainted with the qualifications of his subordinates, he commanded the very best opportunities for benefiting the public service by bringing forward the able and deserving, and getting rid of the idle and inefficient. In an evil hour, evil at least as I deem it, this excellent department was abolished, and the trunk roads are now parcelled out in charge of the several district engineer officers through whose limits they run, who have to keep them in order, and report upon them not direct to Government, but through the chief of the department of public works. This arrangement might be unobjectionable if things were in a more advanced state in the provinces, but as past neglect of public works has created a demand upon the time of engineer officers, which absorbs their every minute, it is quite impossible that they can give that share of their attention to the trunk roads which their paramount importance demands, and the consequence is, that they suffer neglect and fall into disrepair. In the district which I had lately charge of, and which comprised between 4,000 and 5,000 square miles, I can testify with regret that this was the case; and on one section of a trunk line, which being situated in a remote part, I was never able to visit; the charge of the work fell entirely into the hands of a European subordinate, who became intemperate and inefficient; wasted or misappropriated the public money, and Government were finally compelled to grant a considerable sum specially to bring the road, a very important one, into trafficable order. Yet this unfortunate man had, apparently, worked honestly and well under the road department, and brought a good character from it.

5366. Mr. *Willoughby.*] The change as to having a distinct department for the roads was adopted of late years, was it not, after much discussion, and a great deal of consideration by the authorities?—I never heard anything about it.

5367. *Chairman.*] With regard to the district roads, which are the feeders to these great trunk roads, in what state are they?—They are in a very good state, considering

considering the circumstances which exist. There are many parts, I confess, where they have scarcely any roads at all; but we have done wonders within the last few years. Captain *J. Ouchterlony.* 10 June 1858.

5368. Are there any roads that are kept up by local authorities, or by those who are resident near them?—Only by those who have plantations.

5369. Are they all kept up by Government?—Yes; the natives have a dislike to spend money upon roads, under any circumstances whatever.

Martis, 15° *die Junii,* 1858.

MEMBERS PRESENT.

Mr. Willoughby.	Mr. Lygon.
Mr. Lowe.	Mr. De Vere.
Mr. J. B. Smith.	Mr. Mangles.
Mr. Danby Seymour.	Mr. W. Vansittart.
Mr. Campbell.	Mr. Villiers.
Mr. Gregson.	Mr. Kinnaird.

WILLIAM EWART, Esq., IN THE CHAIR.

Captain *John Ouchterlony,* called in; and further Examined.

5370. *Chairman.*] WILL you give the Committee any information you possess regarding the canals of Southern India?—The canals of Southern India are divided into two classes, one class consisting of canals for the purpose of irrigation, and the other of navigable canals, or canals for the purpose of traffic; the canals for the purpose of irrigation have an important bearing upon the question of colonization, because it is by their extension and increase that a higher development of the resources of the country, at a comparatively trifling cost, may be looked for. A few remarks may perhaps be not out of place here, to explain the nature of these important hydraulic works. Of course, in every river there is a certain fall in the bed, which is more considerable where the country is hilly than it is in low champaign tracts; suppose, therefore, that we have a river with a fall of 10 feet in a mile, it is clear that if a canal be led off from any point on the bank of that river, we shall, after we have proceeded a mile into the country which the canal traverses, have the water flowing 10 feet above the level of the river at the same distance down its course. Or supposing that a fall, say of one foot per mile, is given to the canal, we should, if we prolonged it, gain a level for the water of nine feet for one mile, 18 feet for two miles, 27 feet for three miles, and so on. When points have been attained whence tracts of cultivable land can be flooded or irrigated by the canal stream, the water is let off over the fields by sluices, and the system of irrigation proceeds. As, however, the period of time during which the rivers of Southern India are in flood is limited to a few months, after which the level of their waters falls considerably, it becomes necessary to construct dams, called anicuts, across their beds below the mouths of the canals, by means of which the level of the water is maintained and the period of irrigation protracted. These canals also serve another important purpose, in enabling us to garner up the flood waters of the rivers which would otherwise escape, as indeed they do now to a much greater extent than is desirable, into reservoirs called "tanks," which are established along the line of a canal wherever a favourable locality offers for throwing a dam or embankment across a shallow valley, and so forming a reservoir in the upper part. It is by the extension of similar works of irrigation that we shall be enabled to improve the condition of the country, both by augmenting the revenue, and improving the condition of the people; and it may almost be said that the extent to which the system may be carried, and the cultivation of tracts of land now lying waste brought about, is unlimited. At the present time there are, no doubt, a great number of Captain *J. Ouchterlony.* 15 June 1858.

Captain *J. Ouchterlony.*

15 June 1858.

these tanks in various parts of the country in a state of decay and ruin, and which it would be for the interest of the Government to restore. We have, however, now in Southern India a vast extent of irrigation canals in operation, the maintenance of which involves a considerable outlay; and though I must admit, in past years there has been testified a great want of vigour in pushing them on, still more has been done in this respect than seems generally understood in this country.

5371. Can you give the Committee any notion of the aggregate length of them?—No, I have no returns to refer to; but the aggregate length must be positively enormous. The river Godavery alone has many hundred miles of channel connected with it; and the river Cauvery has also innumerable channels led off it from all points after its descent from the hilly, upland country of Mysore, into the more level lands of Salem, Coimbatore, &c. This river subserves a most important purpose in supporting the cultivation of the rich tracts of land dependent upon it; and it constitutes one great source of the national wealth, both as regards the Government and the ryots.

5372. Are these ancient works?—In the upper part of the Cauvery the canals are ancient works, but as we descend its course the greater part of the works on the lower levels are found to have been constructed under the auspices of the present Government. On the Upper Cauvery, however, there are still many works, constructed by former princes of the country, which are now in decay, and it is much to be regretted that they should be suffered to continue in that state. I may allude to one which the records show must once have served a most important purpose in regard to irrigation. It is called the Nerinjepett Anicut (*the Witness indicated the site on the map*); and from the river above it great channels were led on either side of the river, irrigating lands to a great extent in Salem and also in Coimbatore. The lines of these canals are still traceable, and the debris of the dam, consisting of blocks of quarried granite of prodigious size, lie scattered about the bed of the river, testifying to the vast resources, whether of labour or capital, which must have been brought into operation to complete this once magnificent work. Its site has been visited by almost every engineer officer of experience, who has served under the Madras Government, and many projects for its restoration have been submitted, but up to the present time no step has been taken to carry any one of them out. I would particularly desire to draw the attention of the Committee to this work, because it has for many years past excited great interest and attention amongst us in India, and we have considered it extremely hard, after all the pains bestowed upon the consideration of the subject, and the preparation of the estimates, that the Home Government should never have entered into the question, and adopted one or other of the projects which were submitted to them. The scheme which I myself ventured to lay before the Government appeared (of course in my own estimation), to be a feasible one, and to involve no incommensurate outlay. It was simply to restore the broken parts of the dam by brickwork, employing the scattered stones only as auxiliaries, for it seemed hopeless to attempt to raise, with any regard to due economy, the enormous blocks which had formerly constituted the body of the work, and which had been cramped together with large bars of iron, though now lying in confusion over the bed of the river, as if they had been shattered and rent asunder by some mighty work, with its canals, were restored, a vast extent of land now lying waste could be brought into cultivation, the revenues would be very greatly increased, and a far higher development of the natural resources of the country would be exhibited. I may also mention that when I was employed in preparing my project to lay before Government, the manager of the East India Iron Company, told me that if I could get sanction from Government to rebuild this anicut, he would at once erect iron works for the smelting of the ore which abounds there; the effect of this would have been to give a vast amount of employment to the population of the district, to have cleared away the jungle which abounds there, and which is now dreadfully infested by tigers and other wild beasts, and to have given a means of access to this undeveloped country, not only to natives who would have been glad to cultivate the lands cleared by the iron company's charcoal burners, but to European settlers and commercial agents. A very magnificient work now claims notice, called the Coleroon Anicut, constructed under the auspices of the present Government, and productive of incalculable benefit not only to the revenue, but to the people of the adjacent provinces,

Captain *J. Ouchterlony.*

15 June 1858.

provinces, particularly Tanjore. I particularly wish to point out to the Committee that it is by the extension of such works, by constructing dams across our rivers, and leading off their waters to irrigate tracts of lands at present unwatered during the season of drought, that the welfare of the people can be the most readily promoted, the revenue most materially and economically augmented, and the entire aspect of the country brightened and revived. There is scarcely a river on which more of these dams might not be constructed with advantage, and channels led from their banks, without unduly interfering with the resources of those existing lower down the stream. In the upper part of the Cauvery there are many old channels to be seen, for the extension of which many projects have been laid before Government, but little or nothing has been done, at least as far as my experience as engineer of the district enables me to say. The reason for refusal to carry out costly schemes of this nature was always understood or assumed to be that there was not sufficient surplus revenue to devote to them; a position which appeared to us, older and more practical servants of the State, injudicious. To us it seemed that it would have been far more to the advantage of the country that money should have been borrowed for the purpose of carrying out such works, works of a character promising to make their returns so considerable, that in the course of a few years the entire expenditure incurred on them might be account realisable; but if the period of repayment were to be more protracted, it seemed to us unfair that the current revenues of the country (the current capital as it were) should be laid out on works of irrigation, the full beneficial effects of which could not be experienced by the present generation; who ought therefore to be taxed only for the interest on the outlay involved by their construction, and for the cost of maintenance, while the burthen of repayment of the invested capital should rest on a succeeding and more fortunate one. It seemed and seems but reasonable that the surplus revenue remaining, after the annual current expenses of the State have been defrayed, should be laid out on works of absolute and general improvement, such as roads and canals, by means of which alone the natives could extend the trade of the country, bring produce from the interior to profitable markets, and develope, step by step, the rich resources of the empire. Reverting to the subject of the River Cauvery, I beg to remark that, as we approach its mouth or mouths, on the more level country, the system of anicut irrigation adverted to becomes less applicable. Here, however, it is often painful to witness, during the freshes, the escape and waste into the sea of enormous volumes of fresh and invaluable water which, if garnered up, might irrigate vast tracts of neglected land, and spread fertility and prosperity far around. I do not, of course, mean to say that all the water which rolls down such a river could be saved; this would be impossible; but it is undoubtedly true that a large amount in this and all the rivers of Southern India that might be hoarded for irrigation purposes is suffered to run wastefully into the ocean; and I think it is very much for the interests of the State and of the people that this question should be seriously and thoroughly looked into. I may point out many other rivers, great and small (*refers to map*), which occupy highly important positions in regard to irrigation, but it would take up too much time to go through them *seriatim*. At the same time I desire to state, that although unquestionably much in regard to their due employment and development as means of improvement that should have been done has been left undone, a far greater amount of work has been performed in this respect than seems generally understood or admitted in this country.

5373. Do you suppose that the formation of these works would be undertaken by private capitalists?—Yes; I should say there could be no more legitimate mode of constructing them than by means of private companies.

5374. Mr. *Mangles.*] Do you suppose there is any country in the world in which a great deal is not left undone which ought to be done?—No, I imagine not. Having thus obtained the attention of the Committee to canals for the purpose of irrigation, I would desire to refer to the other class, canals of communication or navigable canals, commencing with those on the western coast. Here the extensive backwaters which occur present an easy and economical means of establishing lines of traffic through the districts, lines which, from the nature of the country, it would be difficult and expensive to establish by land (*the Witness referred to the map*). Canals are cut to connect these backwaters, and thus it will be seen that from a point considerably south, as far as Buddagherry to the northward, an excellent artery for commerce, and one of very eco-

Captain *J. Ouchterlony.*

15 June 1858.

nomical application, is supplied. I cannot, however, say that it is in the available or navigable condition which it ought to boast, as much remains to be done in the way of deepening and embanking before it can be pronounced freefrom obstructions throughout all seasons of the year. Before I quitted the district last year, I sent in several projects for the extension of these canals, or rather for the perfecting of them, as a line of transit throughout that portion of Western India; and I had every reason to suppose they were favourably received and that they would have been carried out but for the financial difficulties which afterwards intervened. Attention should, however, be kept upon the subject, and as soon as possible a large sum of money should be devoted to the purpose indicated; for at present the water in the cuts or canals is so shallow that boats drawing only two feet of water get aground, and require much labour to be floated again. There is already a vast trade flowing down to Cochin which is increasing monthly, and which would be vastly augmented if more certain means of transit existed. The system of water communication I have described ceases when we arrive at the more hilly part of the coast (*referring to the map*), and here it becomes necessary to resort to roads. The roads along the western coast are not, generally speaking, in a good state, and it is preferable to carry native produce, if to any distance, by coasting vessels, though at considerable inconvenience and expense in unloading, loading, boat-hire, &c. It will hence become a question whether it would not be better to prolong the communication from the terminus of the canal, by means of a cheap railway, rather than to expend money upon a common cart-road. This bears, however, upon a very important question, which I adverted to on a former occasion, connected with the selection of Beypoor instead of Cochin for the terminus of the Madras Railway, a selection which I have always strongly condemned, and which I am gratified to learn is now considered reprehensible by the home authorities of the railway company. It is not yet too late to convert the line to Beypoor into a branch, and to make that to Cochin the main trunk; and I think the subject should be taken into consideration with as little delay as possible. I will now proceed to give a brief description of a very important work now in progress, the Coast, or Coromandel Coast Canal. I speak of this work with some reluctance, because it is one which I ventured to oppose when my opinion as to its advisability was, in common with other engineers, asked. I fully admitted that for local purposes, such as the supply of Madras with firewood, salt, and other cheap commodities, it had its importance; but I objected that at a time when money was withheld for the improvement of our roads and for works of more general and decided utility, a very large sum should be devoted to an undertaking the beneficial results of which could not but be matter of speculation, and which, under any circumstances, must always have the natural and most economical highway of the sea on the one side, and a tolerably good cart-road on the other, to compete with it throughout its entire length. I was also unable to perceive the advantage of providing at a great cost means of transit to Madras for goods from ports in the south, such as Negapatam (*referring to the map*), Tranquebar, Cuddalore, &c., which presented quite as many advantages for the shipment or landing of merchandise as the metropolitan port, all having in common an open roadstead for vessels to lie in. I also considered that as many considerable rivers crossed the proposed line of this canal (*referring to the map*), rivers which, rising many feet in a few hours, came down with great velocity and in great volume, and hence would be likely to disturb the traffic, both by the current produced and by the sand deposited on the bed of the canal, it would be difficult and most expensive to maintain the line as one of constant and practical communication. I believe, however, my doubt as to the advantage of providing a means of transit to induce a man who had 1,000 tons of sugar, or other produce, ready for shipment at Porto Novo or Cuddalore (*referring to the map*), where he could put it on board a vessel with perfect ease, to bring it all the way up to Madras at a certain cost, and great risk of damage and loss in loading and unloading—was met by the argument, that in seasons of famine it would be possible by its means to bring grain for the supply of the suffering district from others which had abundance, with a certainty as to time which neither the sea nor road could ensure. I confess I did not consider this argument *ab extremis* of sufficient force to countervail all the opposing reasons; and however vexatious it was to see a large sum, raised, as it were, by a levy upon other more urgent and popular works, spent upon a scheme the main object of which appeared to be to centralise all the trade of the eastern country in a port which, as I have already remarked, boasted no local advantages over those possessed by almost all the other east

coast

Captain *J. Ouchterlony.*

15 June 1858.

coast ports, there was no remedy, for the work was sanctioned, and is now in progress. All the objections I have urged were no doubt satisfactorily over-ruled when the project was laid before the Home Government; and therefore it may seem rather presumptuous in me to revert to them and to adhere to my opinion, that although at some future period of financial prosperity it might with possible propriety have been undertaken, it should not have been allowed to absorb a vast sum of money which an opposite state of things rendered it impossible to spare out of the Exchequer, except at the expenses of other and more important public undertakings. I may remark that to the French Government the canal will be very valuable, for it will greatly benefit Pondicherry by increasing its sea-borne trade; but this will be an evil for Madras, as the trade that flows to Pondicherry cannot fail to be that which would otherwise reach the British port. Already Pondicherry is a favourite place of resort to traders; there appears to be a greater degree of commercial freedom there, if I may use the expression; and a great number of highly respectable native merchants, as well as Europeans, reside there, and carry on a flourishing trade.

5375. You alluded on a former occasion to one of the harbours of Southern India; will you give the Committee a description of those with which you are acquainted?—The most important harbour in the south is Cochin (*the Witness referred to the map*), regarding which I may mention what I learned from a leading merchant of the place, Mr. Oughterson, that some years ago, I do not exactly remember the number, but I think it was eight, the total of exports did not exceed about 50,000*l.*; while in the year ending 1st January 1857, the exports from Cochin amounted in value to 500,000*l.*, yet I am sorry to say I do not believe 500,000 farthings have been laid out on the improvement of the port, although, in my humble opinion, it possesses wonderful resources for the promotion of commerce. The country in which Cochin is situated belongs to the Travancore Government, and our territory there consists merely of the piece of land on which the town is built; I believe, however, that more land could easily be obtained by treaty with the rajah. The harbour of Cochin deserves very considerable attention, and the commercial community are urgent that improvements should be attempted, most merchants engaged in trade in this part considering that a very great mistake has been made in preferring Beypoor as a coast terminus for the railway to Cochin. When I was engineer in charge of the district, a year ago, I was called upon by Government to draw up a report upon the harbour of Beypoor, before doing which I consulted all the parties whom I conceived to be best acquainted with the subject, such as the European merchants, maritime and coasting traders, and natives of the place. They all agreed with me that it would be impossible by any reasonably economical or practicable means, to effect such an improvement as should secure deeper water than eight feet on the bar, which impeded the entrance into the estuary called the harbour of Beypoor. It would take up too much of the time of the Committee to enter into an explanation of the local causes which operated to create this impression, but I cannot refrain from mentioning my gratification at reading in an Indian newspaper yesterday that my view of the question had been confirmed by a report made by the present consulting engineer for railways, to the effect that the limit he considered assignable to the capacity of the harbour of Beypoor was what would be due to nine feet water on the bar, which, it was hoped, by constructing groins or jetties, would be attained.

5376. You consider Cochin a more desirable harbour?—Decidedly; for it has 14 feet of water on the bar now, admitting of vessels of 600 and 700 tons burthen going over it, to lie for loading in a secure and land-locked estuary (I may mention that a fine vessel of 1,400 tons burthen was built in Cochin, and launched in 1855 or 1856, and safely towed out to the open anchorage over the bar). By a few simple works I would direct the full strength of the stream, which runs here at a steady rate of two miles an hour almost entirely through the dry season, upon this "bar" or sand bank, and by the aid of an appliance to agitate the sand continually I anticipated that the loose sand of the bank would be caught by the inland or freshwater stream, and distributed forward clear of the site of the bank, and that the water over the bar would thus become permanently deepened. At Beypoor similar favourable circumstances are not presented; at Cochin there is no single river but a lagoon or estuary, fed by numerous freshwater streams; and the consequence is, that in the driest season there is still always a current setting out through the mouth seaward. But at Beypoor

Captain *J. Ouchterlony.*

15 June 1858.

we have an opposition of the action of nature's operations, which works unfavourably towards the end desired, that of permanently deepening the embouchure of the river. The river there, as in other ports of the west coast, is full only during the height of the south-west monsoon, having its rise in the hills which, being near the coast, catch the rain-laden clouds blown inland from the ocean. As the river approaches its mouth in full volume, it is met by the surge and swell of the sea, setting in and breaking upon the western coast with a force and fury which only those who have witnessed it during a south-west monsoon can estimate. The result of the impact of the two bodies of water is that the velocity of the river stream is comparatively neutralised; the fresh water has difficulty of escape, and spreads out inland near the mouth, forming the back-waters or estuaries so common on the coast; while the sand and silt brought down by the river, and also that thrown up by the ceaseless beat of the ocean waves, becomes deposited near the spot where the two forces become neutralised, and a bank or "bar" is formed. If the action of the river current could be prolonged in duration beyond that of the sea-swell, it might be brought to bear no doubt beneficially upon the bar; but this is unfortunately not the case, for when the south-west monsoon subsides the rains cease, the feeders of the river dry up, and the velocity of the current becomes trifling.

5377. Mr. *Smith.*] Could a railway be made to Cochin?—Easily. Land would be required for the purpose; but the Travancore State would, no doubt, willingly concede all that is required, as the authorities have evinced a great desire to have the Madras Railway brought to Cochin; and the mercantile community there, a very important body, are urgent for the measure.

5378. Mr. *Vansittart.*] The harbour of Cochin would be more convenient than Madras for the purpose of landing and embarking troops, would it not?—Yes; except during the south-west monsoon. Cochin is much nearer the Neilgherries; and if my idea of establishing a great military depôt there is carried out, Cochin will be in every respect the best port for debarkation. The next ports deserving notice are Tuticorin, Negapatam, and Cuddalore; at this latter a small estuary or harbour exists, and considerable interest attaches to it, owing to the East India Company having here, I believe, established their first trading factory in India. Here I may mention that I have a grievance. In 1853 I protested against the execution of certain works called works of improvement, projected by another engineer, and the then Governor-General, Lord Dalhousie, supported my views; my objections, however, were overruled, and though I was spared the pain of constructing myself works which I disapproved of, they were carried out by another officer, and completed. The project proved a total failure, and about 60,000 rupees were thus absolutely wasted, at a time when money was urgently needed for the repair of the roads, and other works of improvement. Cuddalore offers great facilities for the export trade of this portion of the country (*refers to map*), but as a harbour, it cannot be considered of any great importance, as vessels drawing, if I remember rightly, more than eight feet, cannot cross the bar; but there is a good roadstead, and ships can lie off the port and receive their cargoes with as much facility as at Madras, or even greater, because cargo boats can be laden in the harbour in smooth water, and carried out to the anchorage clear of the surf. The port of Madras is too well known to need description here; the chief improvement it stands in need of is the construction of a pier or jetty, a measure which has often been under the consideration of the Home Government, but hitherto, owing to financial difficulties or other reasons, it has not been carried out. At one time, a private company was formed for the purpose, but it was dissolved without effecting its object, though I do not now remember what the cause was; difficulty in raising the capital, I believe. We now proceed northward, to Masulipatam and Coringa; at the latter place Government have carried on considerable works to improve the port, and I believe with great success; but as I am not practically acquainted with the locality, I cannot describe them.

5379. *Chairman.*] You alluded, in your reply to a previous question, to the importance of the rivers of Southern India in a revenue and commercial point of view; will you state whether you consider that the utmost is done to develope their resources for the benefit of the people and of the state?—I must say I do not consider the utmost has been done; I consider the present system of administration a defective one.

5380. In what respect defective?—Because it brings into hostile operation interests which ought not to be conflicting. There ought, in my opinion, to be one

one officer in charge of each important river, and of all the works of irrigation and conservation constructed upon it. I would particularly allude to the Cauvery. Here one officer has charge of a district which embraces a portion of the right bank, while another officer superintends the country bounded by the opposite or left bank. The stream happens to take an unfavourable set upon the left bank, and to divert it a groyne or jetty is thrown out at the point assailed. This soon produces a set against the opposite bank, assailing perhaps a point near the head of one of the irrigation canals which I have described, and threatening its stability. The people holding the land on that side immediately come to their engineer and complain of the conduct of the enemy, and demand that their operation should be counteracted. A groyne is then thrown out on their side and a like effect produced, thus constituting the natives of the opposite districts absolute enemies, as though they were French opposed to Russians, entailing much needless expense to Government and much injury to the river itself, both by the undue wear of its banks and by the formation of shoals and banks in its bed, by which its course becomes impeded and contorted. I suggested long ago to Government, or the ruling Board, that one officer should be put in absolute charge of the river in question, the Cauvery, to remedy this evil by having all the public works on it under his exclusive control, but my recommendation was not attended to. Possibly the reason was that we had not enough of engineers, which I consider has ever been one of our greatest deficiencies in India.

5381. Have you enough engineers now?—By no means. We have not one-third the number we could find abundant employment for, and whose salaries would be repaid a hundred-fold out of the profits arising from works which they would be able to construct.

5382. Are any tolls levied by Government on the roads and canals of Southern India?—No; and I consider it a great boast that we have not; that all our roads and canals are free. The question as to the propriety or advisability of levying tolls according to the system obtaining in Ceylon was raised a short time back, and my opinion was asked, in common with other engineer officers. I protested against the imposition of tolls on roads, arguing that we owed good roads as a great debt due to the people of India; and that until that debt had been discharged by restoring decayed lines and putting existing ones into a thorough state of efficiency, we ought not to impose a tax or impost upon their use.

5383. Have you any European contractors who undertake the construction of public works in India?—No, and I consider that this involves a very fine opening for men of skill and small capital emigrating from this country. I think such a class would be found of the greatest use to Government; and my opinion was, long ago, that we should be far more advanced if we had had proper contractors to undertake the construction of works sanctioned by Government, instead of fettering the engineer officers with the engrossing cares and responsibilities of superintending them. If we could depend upon a contractor for the execution of our works, we, the engineers, could devote ourselves much more to the consideration of important projects for the improvement of the country and for the development of its vast resources.

5384. Why do not British contractors go out there?—Because there has been no encouragement given to them, if not a decided feeling of hostility displayed in past years. I remember that the question was mooted many years ago, and that many experienced men negatived it at Madras.

5385. Do you mean that Government negatived the employment of European contractors?—I do not know that it was the Government; I think it was chiefly on the part of members of what was called the Board.

5386. Mr. *Willoughby.*] Have Europeans ever offered to take contracts for the construction of public works?—I cannot speak as to that having been the case; but I remember there was a great question as to inviting them.

5387. Mr. *Mangles.*] They have come on the railway line, have they not?—Yes; but that is a different branch altogether; I allude to Government or public works.

5388. *Chairman.*] I understand you to say that there is a great want of civil engineers in India?—Most decidedly; of military engineers we have, perhaps, a sufficient number, but we want an increase of engineers for civil duties. At present the difficulty in the way of employing civil engineers fresh from England is, that being unaccustomed to the climate they could not bear the constant exposure to the sun and weather, nor withstand the tendency to disease

Captain *J. Ouchterlony.*

15 June 1858.

engendered in the feverish spots which engineers have to visit in the discharge of their duty. I think that men of mature age, and with the experience which would make them suitable for Government employ, would soon break down in India; I am therefore of opinion that, looking to the backward state of works of improvement at the present time, it would be better for the interests of the state to increase largely their corps of disciplined engineers, so as to leave the more experienced of the officers less fettered by minor duties which could be undertaken by juniors, and hence more available for investigating scientific and important projects connected with the advancement of the commerce and prosperity of the country.

5389. You mentioned that good beer might be manufactured on the Neilgherries for the supply of the troops and European settlers; can you inform the Committee whether any step was taken by Government to carry out your views?—I wrote a report on the subject, I think in 1848 or 1849, by order of the Madras Government, after the success of the experiment had been proved by the reports sent in to the Commander-in-Chief by the 15th Hussars, 51st Regiment, 94th Regiment, and others; and I accompanied it with a complete specification of all that would be required from England to enable me to establish a Government brewery on the hills. These documents were sent home to the Court of Directors with, I was given to understand, the strong support of the Madras Government. A reply was at length received from the Court, to the effect that they "would reply to the despatch (about the brewery) in a separate letter." But that separate letter never came, and from that day to this I have never heard a word more upon the subject. A private party has now taken up the speculation, and looking naturally only to his own profits, he, I believe, uses ingredients, such as gentian instead of hops, which impart a deleterious quality to the beer, which is however largely purchased by the troops; and I have been given to understand that the officers complain that its use injuriously affects their men, whereas the beer which I brewed for the Government experiment was pronounced by competent judges of all positions in life to be wholesome and excellent; and my object in desiring to see the scheme carried out upon a commensurate scale was that Government should be in a position to manufacture for the European soldiery a description of beer which, whilst it should be nourishing and wholesome, should be so cheap that it would be within the means of all ordinarily prudent men to satisfy with it the natural craving they have in a tropical climate for liquids, and induce them to forego the use of that most potent and deleterious of all distilled spirits, native arrack. It is well known that to arrack dram-drinking may be attributed the loss or ruin of one-half the fine young men who annually drop away from the strength of the army in India.

5390. Mr. *Willoughby.*] What was the date of the report to which you refer?—I cannot exactly remember; it may have been 1849 or even 1850. The date of the Neilgherry Report, in which the subject of beer is referred to, is 1848. For an opinion as to the quality of the beer, I might refer to a Member of this House, the Earl of Gifford, who was on the Neilgherries, and who tasted the beer brewed in my experimental brewery, and pronounced it as good as some of the best ale served in the common hall at Christchurch.

5391. Mr. *Smith.*] Did you ever try the experiment of growing hops?—I did, as I think I mentioned in my evidence the other day. The Court of Directors sent me out the hop-sets, and the locality for planting them was approved of by an accomplished agriculturist, who had been sent out by the East India Company to superintend the Government gardens at Ootacamund. The plants sprouted and grew; but, as I have before stated, they were dug up and thrown away during my absence. General Aitchison, of the Royal army, who was well versed in agricultural matters, saw them in my garden, and considered the experiment so far successful.

5392. Mr. *Gregson.*] But the hops never came to maturity?—No, they did not, for the reasons I have mentioned; but the experiment, so far as it went, was considered by all who saw the hops growing, successful.

5393. *Chairman.*] Can you give the Committee an estimate of the cost of the manufacture of beer on the Neilgherries?—The cost was 28½ rupees, or 2*l.* 17*s.* per cask, on the Neilgherries; and 37 rupees, or 3*l.* 14*s.*, if delivered at Bangalore, a station 200 miles off.

5394. A cask of how many gallons?—Sixty-six gallons. The beer could thus have

have been issued to the troops on the hills at a cost of little more than 10*d.* per gallon, and at Bangalore of 15*d.* per gallon.

5395. Would would be the relative difference between the price of your beer and English beer?—The price of bottled English ale on the Neilgherries is about 14*s.* per dozen quarts, say 2½ gallons; but beer in the cask would, I think, only cost about 3*s.* per gallon. If this is correct, 3½ gallons of the Neilgherry beer could be purchased for the cost of one gallon of English beer. Government are, however, now sending up to the hills large quantities of English porter, which is issued to the troops at the lowest possible rate; I do not, however, know what that rate is.

5396. You mentioned, in your former evidence, that a considerable increase had taken place in the immigrant population of the Neilgherries of late years; can you state what that increase has been?—In 1848, when my census was taken, after the survey, there were—

1848:

Europeans and East Indians - - - - - - -	496
Hindoo, Mussulmaun and Pariah immigrants from the plains	8,887
TOTAL (exclusive of the aboriginal hill tribes) - - -	9,383

In 1856, when I had to make up returns with reference to my project for carrying a branch of the railway to the summit of the hills, it appeared that the population was as follows:

1856:

Europeans snd East Indians (including 400 men of the 74th Highlanders) - - - - - - - - -	1,500
Hindoos, Mussulmauns, and Pariahs from the plains - -	55,000
TOTAL - - -	56,500

5397. Mr. *Willoughby.*] Do these numbers include the aboriginal races?—No; exclusive of them.

5398. *Chairman.*] These are all emigrants?—Yes.

5399. Where do they come from?—From the provinces surrounding the Neilgherries, Coimbatore, Malabar, Canara, Mysore, &c. I may add, that in making my last estimate of their numbers, I was assisted by the chief native Government authority, who was better acquainted with the subject than I was, and he considered my estimate too low.

5400. You have a map of the Neilgherries, have you not?—I have (*producing it*); it is one published by Government, reduced from my survey of 1847; it exhibits all the features of the hill districts, the localities of settlements, villages, &c.

5401. Are you acquainted with the resources of the valley of the Nerbudda and the provinces adjacent?—Not personally; but I remember, as long ago as 1840, seeing in Calcutta some beautiful Nerbudda coal, and experimented upon it in conjunction with Dr. M'Clelland and other scientific men; the report which was made upon it was, that it was of a most superior description. I have a letter here which contains much valuable information regarding the resources of the Nerbudda valley. (*The Witness handed in the letter referred to, dated Jubulpore, 3 May* 1858.) *Vide* Appendix.

5402. What was the description and quality of the coal alluded to?—It was a description of coal peculiarly favourable for steam purposes, what is usually called good steam-coal; it was very superior to any coal raised in the vicinity of Calcutta (Burdwan) or imported from the eastward. The difficulty which I always understood there was in bringing the Nerbudda coal to market lay in the existence of rapids in the upper part of the river, which rendered its navigation impossible; but if that could be obviated by the construction of a railway or canal, so as to escape the rapids and bring the coal basin into connexion with a navigable part of the river, it is believed that the coal could be delivered at the mouth of the Nerbudda at a comparatively insignificant rate.

5403. Is there not a railway coming very near to that deposit of coal?—I believe

Captain *J. Ouchterlony.*

15 June 1858.

I believe the Bombay line will pass near it; but I was not aware that it was to traverse the valley of the Nerbudda. The coal requires a means of direct transit to the coast, and not upwards; at least not so much.

5404. I think you have said that Pondicherry is much more favourably circumstanced with a view to the development of the commercial resources of the country than Madras?—All I can say is, that that is my impression, gleaned from a residence on the spot during some months. The police regulations there were very good, and the natives were of a better class; and it appeared to me that between the European residents and natives at Pondicherry there was a better understanding than there was in other towns.

5405. Can you assign any cause for that?—The only cause that I can assign for it is that, as it appeared to me, the Pondicherry government displayed more amenity both towards the Europeans and towards the natives than our Government did: that is a mere impression of my own.

5406. Do you mean that it is a less exclusive government?—Yes, I think all the Government functionaries were more accessible than ours; there was less of hauteur and pride, if I may employ the term. The Pondicherry functionaries are very much worse paid than ours, but I do not know whether to assign that as a reason.

5407. What was the state of the police in the part of Southern India in which you have been?—We have two distinct forces; the one the municipal police, the other the rural or Mofussil police. The condition of the former at Madras was most excellent. I imagine it would bear a comparison with the police of any colony under British rule; its efficiency was, I believe, entirely due to Mr. E. F. Elliot, whose reputation as a police administrator places him far beyond my praise. The Mofussil police is generally bad; I may go further, and say it is excessively bad. Many reasons might be assigned for this; one is, I think, that the system on which it is recruited is very defective; it is a system of favour and patronage, and not of merit or efficiency for the public service. I imagine that scarcely one peon gets into the rural police without paying a fee or douceur to one or many of the native subordinates who have influence in their appointments. Mere boys may be often seen with a belt or badge on them; and if inquiry is made, it is found he represents his father or brother, or some relative who is too infirm to perform service. Like all other institutions in India, however, this is improving; and I have been given to understand that orders have been sent to organise a rural or Mofussil force of police upon an entirely new and elaborate basis. I am not informed as to what this is, but I certainly think that it will not be really useful or trustworthy unless the European element is introduced into it in the form of a small section of Europeans to each native battalion, or, as it were, a cohort of Europeans to each brigade of police.

5408. You agree, then, in the opinion which has been expressed by other witnesses, that the introduction of European superintendents into the police force would be attended with benefit?—I do; but I would also have a body of at least 50 men to every battalion, to serve as a sort of body guard at each civil station, to be in immediate charge of the treasury, the arms, ammunition, gaol, and other public buildings and State property. At present, at least in many stations that I am acquainted with, there is no nucleus of force nor stronghold to fall back upon, in case a calamity similar to that which has recently fallen upon India should again overtake us. This reflection leads me to propose, that wherever it is practicable the "Cutcherry compound," as we call it, or the inclosure of ground round the collector's house of public business, should be inclosed by a simple loopholed wall, with a small banquette behind it, and the single entrance closed by a flanked gate. By a very simple arrangement of such buildings as it would be advisable to bring within this inclosure, as the treasury, court-house, barrack for Europeans, store, and perhaps the church, viz. by disposing them in the angles of a square, and connecting them by walls carried out at some distance down their length and breadth, a certain portion of each would project so as to give a flanking fire to sweep the faces of the inclosure; and as brickwork only costs about 2½*d.* per cubic foot, it will be seen that this scheme would involve little expense. Even if it did so, it will be admitted that the security afforded to the European community, and the protection to public property assured by the arrangement, which provides a place of sure refuge in case of an alarm, would amply counterbalance any cost in reason. Where the public buildings have been so completely destroyed, that an entire renewal becomes necessary, I think it would be well

that

Captain *J. Ouchterlony.*

15 June 1858.

that some such system be acted on, and that a standard plan be arranged for general adoption and guidance. It would really constitute every Cutcherry compound a sort of fortress, in which also it would be well to keep in store two small field howitzers with ammunition, the European part of the force being trained to serve and work them.

5409. How would you raise the European part of the force?—I would select them from amongst the most steady and well-conducted men of the European regiments serving in India, giving them superior pay and advantages in regard to barrack accommodation and to pension, which I would fix at a considerably higher rate than for the line. I would also, after the lapse of a certain term of service, give the pensioned men a small grant of land on the hills, a privilege which is highly prized by European soldiers, and I would aid them in cultivating and settling on it, by which means they would be retained in the country, and would be available at any juncture to quell revolt or repel invasion.

5410. Have you had much experience in the administration of justice in the south of India?—I have often attended the proceedings in the native courts.

5411. Have you formed any opinion as to the mode in which justice is administered there?—I have fallen into the popular opinion, that it is very defective.

5412. In what respect?—In the deficiency of judicial knowledge. I think that we ought to have a more highly judicially educated class of civilians; I think that we ought not to have the two classes, the judicial and the revenue, mixed up together as they are now.

5412*. Do you think that the administrators of justice are not sufficiently judicially educated?—I think they are not sufficiently judicially practised or educated; and that the revenue and judicial branches of the service should be kept distinct, *ab initio.*

5413. Have you had opportunities of observation with regard to land tenures or transfers?—To a certain extent. In the districts with which I am chiefly acquainted the tenure is what is called "on puttah." A puttahdah is really little other than a yearly tenant at will, his lease or puttah being renewable each year, when the collector or his representative goes round the district to "settle" the revenue, or as it is called "on jummabundy," when, on the tahsildar representing that a ryot has well and duly paid his "kist," he receives a paper stamped with the collector's name, in virtue of which he continues in the tenancy of his land until the next "jummabundy," and so on. This arrangement is perfectly satisfactory to the natives, because the Government have always kept good faith with them, and they look upon it, therefore, as a secure holding; but where Europeans can only secure the land on the same terms, they do not consider it so satisfactory, as they could not mortgage or securely transfer, or with any confidence erect buildings or otherwise lay out money on land so held. It is certainly a discouragement to Europeans that they can only obtain land on other terms than those of tenancy at will; and I imagine the only satisfactory way of settling the question, and of inducing European capitalists to invest money in the soil, would be to let settlers have land in fee-simple.

5414. Do you mean to say that the tenure is a tenancy at will?—Yes; it amounts in fact to that; we hold our lands, except those in the cantonments, in the same way. A fee is given to a native puttahdar to transfer his puttah to an European settler, who then continues to pay quit-rent annually on it. The burghers, the largest aboriginal tribe on the Neilgherries, hold their land by puttah tenure. You will observe the statement with regard to puttah (or putteeum) in my work on the Neilgherries. That was only a report of mine to Government, and as they published it, and not me, it may, I think, be assumed as correct, as otherwise it would have been altered. *Vide* Appendix.

5415. Mr. *Gregson.*] With regard to the canals which you have recommended, would they, in your opinion, be eligible undertakings for the employment of private capital?—No doubt they would, if Government would permit a toll to be put upon them; though, in some cases, the eligibility would be greater than in others. It would vary very much, according to the locality, for in some parts the habits of the natives are opposed to canal traffic, and also their personal interests. The poorest ryot, if unable to keep a pair of bullocks for his own use, clubs with some other man of his village, and they keep a pair between them. When the time for ploughing comes they use the yoke for their land alternately, and when the sowing, or planting, as it may be, is completed, they have no

Captain *J. Ouchterlony.*

15 June 1858.

farming work for their bullocks to do. They then start upon a small trading expedition, carrying produce from their own to some neighbouring district for sale, and bringing back any articles which they can retail at a small profit. Their object of course is to make their bullocks support themselves, and yield some profit to the owners, however small; and hence, though they travelled the whole distance parallel to the line of a canal and over the worst of roads at the slowest pace, it would suit their purpose better than to pay 2 *d.* or 3 *d.* for the transport of their goods by the canal; to a certain extent this is an obstacle to the success of canals.

5416. But the toll would be very moderate, would it not?—There was no toll specified. On the question referred to me regarding tolls, I submitted that it appeared to me we had no right to tax the natives for the use of roads until we had put them into good order, and made them really fit for the traffic of the country.

5417. Is there a large profit from the toll on the irrigation canals?—I have been replying to the preceding questions as if you were referring to navigable canals. As regards irrigation canals, I have to state that Government levy no impost for the use of the water; yet from the taxes raised on the lands which they irrigate our chief revenue is derived, and any failure in the supply of these channels would seriously jeopardise it.

5418. The proprietors of a canal (if constructed by private enterprise) would then charge the parties who used the water so much per cubic foot, would they not?—Yes; I conclude they would charge them upon the same principle as a water-rate here would be levied upon.

5419. *Chairman.*] Is not that the system now pursued in the south of France and Italy?—It is, I believe, in Italy.

5420. And they are very lucrative undertakings in the hands of companies and other persons there, are they not?—Yes, that appears to be the case, at least as far as I observed, in Northern Italy.

5421. Mr. *Gregson.*] And in your opinion would this system, if introduced in India, be very profitable to the Government, or to the parties introducing it?—To both; and to the people, particularly, it would be extremely beneficial.

5422. You have spoken of the tenure of land, and you say you would recommend land to be held in fee-simple?—Decidedly, in the case of European emigrants.

5423. Can you give any opinion as to the possibility of engrafting the zemindaree system, existing in Bengal, upon the ryot system existing in Madras?—I think it is too late to introduce that system in some parts of the south, where, from long practice, they have become habituated to a different order of things, but I have no doubt that its introduction into some districts would be found very beneficial. There is a Mr. Fischer, who is a settler in the province of Salem, who holds a zemindaree, and who administers the affairs of his holding with such vigour and judgment that his influence is widely felt. The state of his roads, of his villages, of the town of Salem, which the collector with great judgment confides in certain respects to his care, and of his ryots, reflects the greatest credit upon his management; and I remember a gentleman, an agent of the house of Baring, Brothers, who travelled through the district some few years since, expressing to me his admiration of Mr. Fischer's system. I remark this without wishing to draw any invidious comparison between the places he controlled, and those under the surveillance of the Government authorities.

5424. I understood you to say that the zemindars, and great nobles of the country, were all destroyed?—No; I do not say they are all destroyed.

5425. Can you suggest any system which would have the effect of restoring them; any different system that you would desire to put into operation?—That is a question which is attended with very great difficulties. There are tracts where large zemindaries have fallen into partial ruin, and here it would, I think, be very advisable to introduce European zemindars.

5426. Are there any European zemindars?—I have mentioned Mr. Fischer as one. There are others in the south, and some near Madras.

5427. Mr. *Mangles.*] Arbuthnot & Co.?—Yes; and I believe all give great satisfaction. Wherever these European zemindars are established, the natives are far more prosperous than in districts where they are under the control of the native authority, the tahsildar.

5428. Mr. *De Vere.*] You say that, although Europeans could not perform much

much manual labour in the low country, they may nevertheless, if they are naturally of a robust constitution and of abstemious or temperate habits, superintend and even initiate agricultural operations, provided they had within reasonably accessible distance a hill station to resort to occasionally to recruit their strength. Now questions have been asked you with reference to colonization generally; do you mean to confine your observation, as to the suitableness of the climate for purposes of colonization, to those colonists who may happen to be robust and abstemious?—Very much so. I think that a person who is not of abstemious habits cannot expect to keep his health or to live long in India. Intemperance is almost certain premature death, except in rare cases.

5429. Taking the mass of colonists to be according to the general run of mankind, do you believe that they could exist in the places which you have indicated in your answers?—I mean to say that a man must not be given to great indulgence in spirituous liquors; I do not mean to say that a man must refrain altogether. A man who may be described as rather a drunkard will never get on in India.

5430. It is not necessary that he should be a teetotaller?—No. I should take the class of planters in Ceylon as an example of my meaning, now that they have somewhat refined or sifted off the worst particles of the mass. Many planters in Ceylon formerly were good-for-nothing fellows; but now, I believe, they are an excellent class of men.

5431. Then you qualify the opinion you have expressed that European colonists may superintend and even initiate agricultural operations in the plains of Bengal to the condition that they shall be robust and abstemious?—Perhaps temperate would be a more correct word to use than abstemious. I should by no means qualify it to the extent of saying that they must absolutely abstain from all alcoholic liquors.

5432. With regard to their families, you seem to think that they could not be brought up in this country unless they had a direct means of communication with the hill districts?—I think that no parent who had any regard for his children would attempt to bring them up to maturity in the plains of India.

5433. Do you think that such a communication with the hill districts would be compatible with the life of a colonist in the plains by means of a system of branch railways?—Yes, I think so, referring to those hills with which I am acquainted.

5434. Have you considered the number of branch railways that would be necessary for that purpose, the loss of time to the colonist in going to and from the scene of his operations, and also the expense?—The time would be nothing, and the branches would be very small.

5435. Is it part of your scheme that the private residences of those colonists should be upon hill stations, and that they should go to and from their work every day?—Not at all. I should not say that it would be necessary; but I think there ought to be an asylum, or schools, or some means by which children could be nurtured and educated. It would be in the power of every ordinary colonist to keep a house there; but there would soon be many people established in the hill country who would take care of and nurture the children of the colonists. There would be men in charge of boys' schools, and ladies in charge of girls' schools; but the cost of building is comparatively very small there, and emigrants would find no difficulty in a short time, after they had saved a little money, in building a small house on the hills. Living on the hills is very cheap; and comforts are within the reach of an ordinary emigrant, which a man of the same class could not enjoy in this country.

5436. You have spoken of a tea plantation as being a successful private speculation?—Yes.

5437. When you speak of it as a sucessful speculation, do you mean botanical or commercial success?—I ought to say strictly, botanical. It appeared to me on my return to the hill district, after an absence of some time in the low country, that the tea had arrived at a most healthy condition, considering the time that had elapsed since it was planted.

5438. Can you speak at all with reference to the commercial success of the enterprise?—No, I cannot; because the tree had not advanced to such a size as to admit of the leaf being picked; but judging from what I have seen of tea plantations in China, I should say the Coonoor tea trees gave abundant promise.

Captain *J. Ouchterlony.*

15 June 1858.

5439. Do you know of any causes that would prevent its commercial success?—None whatever. There would be an immense demand for tea in that neighbourhood; the demand for the troops alone would be very great.

5440. There has been, so far as you know, no anticipation of any difficulty which has prevented experiments from being tried; and you are not aware of any difficulty that is likely to occur to prevent its success?—Nothing but the difficulty of transit perhaps.

5441. Then you do not see anything in the institutions of the country of a nature to prohibit or prevent the success of such enterprises when they are judiciously undertaken?—Nothing but what I have remarked with reference to the tenure of land, &c.

5442. Were the persons who tried these experiments aware of this obstacle, with regard to the tenure of land at the time they made these experiments?—One was an officer of the army and the other a gentleman who had formerly been employed in the maritime service of the agency house of Dent & Co. I cannot say whether they took that matter into their consideration; there is always on our part a feeling of the good faith of the Government. I have held land on the hills, and never doubted that my tenure was as good as I cared to have it although I was told by a lawyer that such a tenure was really good for nothing.

5443. Then a sense of the good faith of the Government goes far to correct any evil that may result from the defective nature of the tenure of land?—I can only speak as to myself and others who were servants of the Company; whether we are to be taken as fair examples, with reference to the opinions entertained by the whole mass of the European population, I cannot say. I have always personally found the best faith kept by my employers; and I have no reason to suppose that my fellow-soldiers differ from me in opinion.

5444. You seem to have considered that this difficulty, arising from the defective tenure of land, would operate against the cultivation of cotton?—Most decidedly; because I do not think it would answer for any European to embark in it, unless he were possessed of a large estate, to admit of his arranging his resources as to manure and so forth, on a proper European scale and system. If he could get only small holdings of land, I do not think that the speculation could be successfully carried out; you must be able to carry out your plans of improvement as to roads, canals, &c. within your own estate, otherwise I do not think a colonist would be warranted in risking his capital in such an undertaking, or in districts where the development of the resources depends on the energy and honesty of the native authorities.

5445. You state that already numerous emigrants have settled on sugar and coffee estates, and that extensive sugar factories have been established in India, and that they are, as far as you can ascertain, doing well?—Yes; as far as I have been able to ascertain.

5446. Why should the defective nature of the land tenure operate against cotton plantations, if it does not operate against coffee, sugar and tea plantations?—First, as regards coffee. A great number of the coffee planters in the districts with which I am acquainted, having obtained their land from natives who held possession of it under old treaties with the Government, considered that they hold it from absolute right; but that is now called in question; for the collector of the province of which I was engineer last year informed me that he intended to tax certain lands of which a brother of mine had become proprietor under the title adverted to. He said he considered that he had a right to levy a tax on cultivated land that was within the limits of his district. The right was of course repudiated, and it was considered very unsatisfactory, after large sums of money had been expended there for many years, giving employment and a habitation to a large population, and greatly improving the aspect of the country and the condition of the people, that he should be suddenly turned round upon, and told that although they had never given him the smallest assistance in regard to roads, police, &c., they now intend to tax his land and participate in his profits.

5447. Was this threatened tax a tax to which other estates in the neighbourhood were liable, and where an exemption was claimed as to these particular lands?—Where there are grants from Government you pay a certain rent. But these lands were not obtained in that way. They were purchased from a native, with the assistance of the late Mr. Conolly, who fully recognised the title of the natives to the land. On a new collector coming into the district, he asserted the right of taxation as I have described.

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5448. The disturbance of title then, of which you complain in these cases, was a threat to withdraw exemption from a particular tax?— No; it was only the threat of a taxation which was considered arbitrary and unjust.

5449. But it was a tax imposed upon other estates in the neighbourhood, and from which tax the lands held under this particular tenure claimed exemption?— If a person goes to Government and demands a certain extent of land, knowing what the rent charge upon it is, he cannot complain of its imposition afterwards; but when you enter into a transaction with a totally distinct party, it seems rather hard that after the lapse of many years, and after you have incurred a great outlay upon the land, the Government should come down upon you for a tax. I have heard from a gentleman in London, who has several estates in Southern India, that the chief authority of Mysore has informed him that he intends to tax the produce of the plantations; a tax of so much for a certain weight of coffee; and the settlers look upon that as a very great hardship, since their produce also pays export duty when shipped.

5450. You have spoken of the difficulty of getting natives to undertake the labour of holding the stilts of the subsoil plough, and you say that that is a great difficulty in the way of the due cultivation of the deeper and river lands?—I mentioned that it was a great difficulty in the way of the economical cultivation of deep lands. I have an estimate here of the quantity that a native can do with the spade: he can turn the soil with it to a certain depth nearly as economically, I dare say, as it can be done with the plough. I did not consider that an obstacle at all to the cultivation of the land.

Vide Appendix.

5451. You proposed to get over that difficulty by substituting subsoil spade husbandry; do you think that subsoil spade husbandry requires less strength than the operation of using the plough?—Yes; the natives use a sort of hoe, which is admirably adapted to their strength, and is in their hands a very powerful instrument; it removes a large quantity of soil each time it cuts, and it is particularly well adapted to the strength and capacity of the natives. I have practised the system myself; I subsoiled by spade husbandry a piece of ground on which the barley sent out to me by Government was sown.

5452. If you had to subsoil largely on the Neilgherries, the difficulty of procuring labour, which you have alluded to in other parts of your evidence, in those districts which are surrounded by forests, would become, would it not, an important element of consideration?—Yes; but the statement which I have already made regarding the increase of the labouring population from 1848 to 1856 will show how soon that might be remedied. In India we have a great deal of labour constantly floating in the market, since, as soon as the natives have sown their seed, they have no agricultural employment until harvest time. There are not a sufficient number of public works in progress to employ them, and they roam about in gangs in search of work. These tribes, whenever they find Europeans settled on estates, come and work for them until their harvest time arrives, when they leave them and return to their villages, but often come back to the plantations, and remain for the rest of the year. This system requires to be better developed and organised, for I have often found the natives turn a deaf ear to a recommendation to proceed in particular directions to discover labour.

5453. You have made some very valuable suggestions with regard to establishing schools and military depôts on the Neilgherries; supposing, however, your suggestion of quartering the military largely on the hills were not to be adopted, would you then be in favour of a system which would, in the first instance, increase and promote the marriages of soldiers, even to an extent much beyond that which is sanctioned by the present regulations; and in the second place, would you remove the offspring of those marriages at a very early age, compulsorily from the care of their parents, in order to have them educated as children of the State, because that suggestion has been made here by a former witness?—I consider this a very important subject; and I should be sorry to pronounce a hasty opinion upon it. Contemplating that the husbands should remain in the plains, I should say, as a military man, that there is a great objection to undue encouragement of marriage among soldiers; and with regard to the subject of getting up a population to be educated on the hills, by these means, I should say that it opens a very long vista, as regards prospect of success. I would prefer proceeding more rapidly in pursuing the principle of colonization, doubtless making use of the offspring of soldiers, but not encouraging an over amount of marriage. I do not

Captain *J. Ouchterlony.*

15 June 1858.

not see that the end would justify such a means, unless it were intended to mass the troops on the Neilgherries permanently, and so render their life happy and comfortable by comparison with what it is in the low country. I consider that the life which they there lead is a wretched one; I know nothing so sad as the condition of British soldiers in some parts of the low country in India, because they are utterly without congenial employment or resource; the most intelligent men having no field for the employment of their mental faculties, or manual acquirements, and being consequently often driven to the worst habits. Their officers regret it, but cannot help them; the well disposed are confined to a place where association with the worst class of men is unavoidable; they have no reading-rooms, or places of that kind to resort to, except in the canteen provided by Government, and taking the system as a whole it is necessarily a very demoralizing one.

5454. Would it not add to that demoralized state of life if the men were relieved from all responsibility with regard to the care of their children, and if they were taken away from them by force, and there ceased to be an obligation upon them to perform the duties of parents?—I hope not; I think that the better disposed would look forward to purchasing a small holding of land, on retiring from the army, and bringing up their families to enjoy comforts in the hill stations, which they can never dream of enjoying here. In England, with their small pensions, they must look forward to a life of toil; whereas, a man with a certain, though small amount of pension, can in India live with the greatest comfort. I must say, looking to the present class of soldiers who enter the army, I should not fear that the removal of their children temporarily from them, would lead to their giving way to license and disorder. I have a very great respect for the poor fellows, who go out to serve in India; I think they exhibit great patience and endurance under the most severe and unnecessary trials.

5455. Your suggestion of military schools, then, is to be taken in combination with a suggestion of large military depôts in the same place?—Not exactly. I mean it partly as a humane means of saving the lives of children who are dying hourly in stations in Southern India.

5456. You have suggested the possibility of establishing those "filatures" at Madras?—Not only at Madras, but wherever cotton is grown.

5457. Has it ever struck you that by establishing those manufactories on the Neilgherries you might assist the schools, and render more available for social purposes schools such as you have suggested?—I am afraid not; I am afraid that native labour, being so cheap, you could not afford to pay a European child (who would do little more work than a native child, if so much) a high rate of wages. A native child will work for a coin so small, that you can scarcely name it, something equivalent to a halfpenny a day; and it would be impossible to give that sum to the child of a European.

5458. You have detailed some circumstances under which a very charitable design for the establishment of a school was rendered nugatory; if schools were to be instituted on such principles as would provide for the religious education of persons of different Christian persuasions in their own faith, would such schools, in your opinion, be objected to by any religious section, so as to prevent their establishment?—No doubt; the very section that opposed Sir Henry Lawrence's scheme before would be most hostile to anything which savoured so much of freedom and liberality in religious culture as that.

5459. What section do you allude to?—They call it the "religious party" in our part of India; people whose ideas are more evangelical than those of the mass.

5460. What is the principle upon which they would wish to have the schools conducted?—They did not altogether object to the introduction of Roman-catholic instruction, or to the attendance of Roman-catholic children there, but insisted that all the children should, either twice in the day or a certain number of times in the day, read the Scriptures in common. That was objected to on the part of the Catholics, and it was an objection which in their view was paramount; no Catholic would come to an institution where he was compelled to attend to certain forms of our religion; and although it was perfectly unobjectionable in principle, it operated practically to the prejudice of the poor children, whom it was particularly desired to succour and protect.

5461. You

Captain *J. Ouchterlony.*

15 June 1858.

5461. You have spoken of European colonization in India; will you, if you please, define what you mean by that?—I think I described this in the evidence which I gave on the first day of my examination. I mean the introduction into India of a mass of Europeans of vigour and enterprise, and of well-governed habits, who will by their example, industry, and capital aid in developing to their utmost the resources of the country.

5462. Do you mean that they should continue there and have hereditary succession from father to son; or that they should come there for the mere purpose of directing the outlay of a particular amount of capital, and then retreating from the country as soon as they have made their fortunes; should you consider that colonization in the true sense of the word?—I think not; but I think that although many might retire with fortunes which they had amassed there, an equal number would remain and colonize. The facilities for reaching this country now are far greater than they were when I first went to India, when a visit to England was a difficult and costly undertaking. Most settlers in India can now readily visit England, and I consider a residence on those beautiful hills (Neilgherries) so superior in point of climate and economy to anything I can enjoy in this country, that I would rather reside there and occasionally visit England, than reside in England, and occasionally visit India and the hills. There are many military officers of high rank and civilians who are now settled on the Neilgherries.

5463. When you speak of colonization in India as being practical and beneficial, do you use the term in the same sense as that in which you would use it if you were speaking of Australia and Canada?—The circumstances are so different that I can scarcely think that a point to which the Committee would wish my evidence to be directed.

5464. Mr. *Campbell.*] Do you not think that the system of colonizing India by persons not of the lower or labouring order of the population of this country, is more calculated to preserve that empire and dominion which we hold over the people of India, than if India were adapted to colonization in the sense in which Australia and Canada are?—I do; I think a better feeling would result from the permanent establishment in the country of colonists of such a class, and that it would lead to our being more respected by the people of India. I speak particularly with reference to the district of which I have already spoken, Salem, where a European zemindar is now established. I think that his ryots and the people depending upon him would behave with great fidelity and loyalty if a demand were made upon them to aid him.

5465. Mr. *De Vere.*] During the 24 years you have lived in India have you met with many capitalists who have informed you that they have been prevented from employing their capital in industrial pursuits by any circumstances connected with the social system of society in India, or by any defects in the mode of administering the affairs of that country?—I have not met with such men myself; but then I must remark that capitalists are very rare in my part of India. I have heard that said, however, by mercantile men, whose sources of information are far greater than any I could boast of.

5466. There is a large amount of native capital in India, is there not?—It is believed so. There is a large amount of capital no doubt absorbed in the provinces of India. I know myself that large amounts are expended in the very settlement to which I have referred, viz. Ootecamund, on the Neilgherry Hills; the payments are all made in silver, which disappears, and can never be traced again; whether it is carried away and hidden, or converted into ornaments, I do not know; at all events, it disappears from circulation.

5467. You have described the tenure by which the ryots hold their land from the Government in Southern India; have you also said that the Government treat them with perfect good faith?—So far as I know.

5468. Is there not on the part of the ryots an entire confidence in the continuance of that system of good faith?—As far as I am aware there is; but there is dissatisfaction as to taxes. I may illustrate it by referring to Pondicherry, where I have stood on the banks of a stream dividing English land from French, settling some dispute about rights of water from the channel which all used in common. Yet the land on which I have stood, though the soil has been identically the same as that on the opposite side, I have found to be taxed so excessively that I am within bounds when I say that the assessment on our, the British, land was fully double what it was on the French. I need not add that this causes great dissatisfaction.

Captain *J. Ouchterlony.*

15 June 1858.

5469. But where perfect confidence exists on one side, and perfect good faith on the other, it would appear that there can be nothing in the imperfection of the tenure to prevent the outlay of capital?—I do not exactly know what you mean by outlay of capital; if you are speaking now of the natives, it is vain to talk of their capital; we never find that they have any; they do not appear to have any means whatever; they are scarcely ever able to keep a sufficient number of cattle, or otherwise to carry out properly the tillage of their fields.

5470. Mr. *Mangles.*] You have spoken of the number of tanks that are in ruins in the southern parts of India; are those tanks very old?—Many of them are of very old date; many of those in Salem, which I myself had to repair, were evidently very ancient.

5471. Did we find them in most cases?—I should say we did.

5472. Is it not the fact that a native prince, if he begins a work such as a tank, or anything of that kind, and dies before it is finished, his successor will not finish it?—That would depend entirely upon his means; many of them would not have the means of finishing the work.

5473. Is there a disposition on the part of the heir of a man of wealth to finish his father's work?—It is an extraordinary fact that in Southern India, a native would rather build a choultry, or native place of resort, with any spare money that he happens to have, than repair a work of agriculture.

5474. But these tanks must have been made by native princes in former days, must they not?—Yes; I conclude so.

5475. Many of them are of great age, are they not?—Yes, many of them are of vast age.

5476. Have you not often heard it stated that a work begun by a native prince, if left unfinished by him, is never finished by his successor?—I cannot say that I have heard that as an axiom.

5477. You spoke of a pier being established at Madras; are you aware that an iron screw pier has been actually sanctioned?—I was not aware of it, but I am much gratified to hear it now; but unfortunately it will cost double what it could have been erected for if sanctioned 12 years ago, as the price of iron has increased so much.

5478. You have spoken of the ryot tenure in Madras; are you confident in your belief that it is an annual tax?—So far as the districts with which I am acquainted, Coimbatore and Salem, are concerned. Every year the collector issues a new paper or puttah for the next year.

5479. Does he change the rate?—No; but very often remissions are made.

5480. If he does not change the rate, what is the object of issuing a new one every year?—I do not know; but it is a custom, and a very unfortunate custom, because advantage is taken of it by the collector's native subordinates to extort bribes and presents from the ryots.

5481. But the fact is that the tenure is permanent, is it not?—So far as Government is concerned, they have always acted with perfect good faith; but I presume that the Government have at any time the power to resume their puttah or lease at will.

5482. You say that the agriculturists have no capital; are you aware that in Coimbatore many of the ryots have very large tanks?—A few; but I am not aware of many; there are some in the south.

5483. Coimbatore is one of the most flourishing districts in Southern India, is it not?—In some parts it is, but not in all.

5484. Have they not in some parts accumulated large tenures?—I am not aware of it.

5485. Do you think it desirable that colonists should cultivate cotton themselves?—I think it is desirable that they should direct labour for such a purpose.

5486. You do not think that they should buy it from the ryots?—I think not, because the attempt seems ever crowned with disappointment. There used to be a considerable establishment for cotton at Coimbatore, erected by the East India Company, who constructed a large mill for the cleaning or "ginning" of cotton, and for other processes connected with the encouragement of the agricultural section of the cotton trade; but eventually the Government ordered it to be broken up, and the mill was sold; it was purchased by a Mr. Campbell, who came from Bombay; he is now dead; but I remember his complaining to me that he had been seriously deceived by the anticipations which had been held out to him

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in regard to cotton being purchasable in Coimbatore; he said there were no roads along which the natives could bring it, and that he could find no natives who would contract to bring it to him; an Indian native will never deliver the quantity contracted for, but he will always reserve and carry on a small balance or debt, a system which is destructive of confidence between the settler and the native, and which interferes very much with commerce.

5487. Mr. *Vansittart.*] I think I understood you to say that you have resided principally in the Madras Presidency?—Yes.

5488. Do you think the settlement of Europeans, with the view to the colonization, perfectly practicable in all the hill ranges of the Madras Presidency?—In all those to which I have particularly alluded.

5489. You do not think that their children's children would deteriorate?—That is a matter of opinion; I do not consider myself competent to form a judgment on so abstruse a point, nor indeed any one else; my impression is, that as long as proper care is taken to remove children while young to a hill station, and as long as all association with the natives is totally prohibited, there will be no material deterioration.

5490. Are you not of opinion that Australia, Canada, and other colonies offer far superior advantages to the English settler than those hills?—I have always understood so.

5491. Do you not think that the European settler would turn his money much quicker in Australia than in India?—That would depend very much upon the pursuit he selected; I do not see why very large fortunes should not be made in India, especially in coffee, and also cotton; there is a magnificent opening in that branch for men of enterprise and skill, and I think a very large fortune might be realised in that way, as well as by many other means.

5492. In answer to Question No. 5278, you stated that there are about 200,000 acres on the Neilgherries alone perfectly waste, but which you believe are well adapted for farming: do you think an investment laid out there for pasture land for the grazing, and the subsequent sale of sheep and oxen (as I believe is done very extensively in Australia), would pay a European settler?—I doubt very much whether it would, except in some localities; because we are liable there to heavy rains during certain portions of the year, and to dry weather at others, and this is found to be unfavourable with regard to certain descriptions of pasture grass; we have extremely good introduced pasturage, but it does not stand throughout the year. Such a speculation would not answer, unless connected with a proper farm, because at a certain time of the year the grass would dry off, and unless you had made hay to store, and had provided for the growth of mangel wurzel and turnips, which grow well on the hills, your flocks would perish, or have to be driven down to the low country in search of pasturage. The scheme was projected many years ago in connexion with one for feeding cattle and pigs, to be salted and sold to the shipping at all the Indian ports; but, like many others connected with the Neilgherries, it fell to the ground in consequence of a want of support and consideration in high quarters.

5493. In point of fact, for about six months in the year all cultivation of the land would be entirely stopped, would it not, owing to the excessive heat and the heavy rains?—No; we have vast stores of water on the Neilgherry Hills applicable to irrigation.

5494. You have been a good deal in Coimbatore, have you not?—Yes.

5495. Are you well acquainted with the Mysore country?—Not very well; I only know the southern part of it.

5496. That principality, like the Nizam's, is under the control of a native prince, is it not, with whom we have contracted a subsidiary treaty?—I understood that that treaty had lapsed now, and that the country had come under the absolute control of the British Commissioner.

5497. Mr. Thornton in his work on India speaks most highly of the resources of Mysore and of its fine climate, the country being a table-land considerably elevated; do you think that the Rajah of Mysore would be disposed to encourage a company of enterprising European gentlemen, if they wished to found a factory there?—The Rajah has not the power to do anything; it is the Indian Government who regulate the tenure of land there. The Commissioner gives away land in many cases to Europeans; he has the supreme control, under higher authority, of the kingdom of Mysore; nobody ever interferes with him.

5498. The Shevaroy Hills do not occupy a very important length, do they?—

Captain *J. Ouchterlony.*

15 June 1858.

No; it is resorted to more for the purpose of health than anything else. The extent of the Shevaroy Hills is very insignificant: they are chiefly used as a sanitarium.

5499. From your evidence, I gather that the Madras Presidency presents greater facilities and advantages for the settlement and colonization of Europeans than the other Presidencies of Bengal and Bombay?—That I do not pretend to be a judge of; Bombay I believe presents very few hill tracts, but Bengal has many.

5500. To encourage colonization and settlement of Europeans on these hills, would it not be desirable to enact a special law for the land tenures?—I should think that would be a very wise and satisfactory measure.

5501. Can you give the Committee an idea of the nature of the law you would recommend?—I would recommend that land should be given to them in fee-simple, as it is given in Ceylon; the system operates most beneficially there; the Government have been great gainers by it, and the country has been vastly benefited; sources of commerce which were unknown there before are now yielding vast returns.

5502. Adverting to your answer to Question No. 5329, with reference to that iron and copper company in the Coimbatore district, would not their failure prove that iron and other minerals do not exist as much as you appear to think?—It was merely as to the copper ore that I spoke on a former occasion; I think that the cause of the iron company's want of success was bad management rather than any failure in the resources of the vast tracts of country of which they had the monopoly; the ore is abundant on all sides.

5503. You say that that company has been in existence nearly twenty-five years; is it not in debt, and has it ever paid a dividend?—Yes, their heaviest debt being a debt to the East India Company. It has never I believe paid a dividend.

5504. Mr. *Mangles.*] Is it not the fact that a part of the debt was remitted, in order to start the new company?—Yes, I believe so.

5505. Mr. *Vansittart.*] Is not the population generally of the Madras Presidency very poor?—Yes.

5506. Poorer than that of Bengal and Bombay?—I do not know.

5507. Do you attribute their poverty to the absence of the zemindaree system?—That may be one of the causes; but I should say that it proceeded more from the hand-to-mouth way in which they live, owing to the want of sufficient employment. These people can get no profit but what results from the tillage of their small holdings, which are not sufficient to properly feed and clothe men with their families in India.

5508. Have you travelled on the Madras Railway?—Only experimentally. I travelled upon it in 1855 with the engineer, when he was experimenting upon the line.

5509. Why do the natives avail themselves so little of it?—I was not aware that such was the case.

5510. Is it not a fact that the receipts are already falling off in that part that is open, namely, from Madras to Arcot and Nellore, and that the natives prefer carrying their merchandise on bullocks and hackeries on the high road, which runs alongside of the railway?—I should not argue from that that they failed to appreciate the value of the railway. The circumstances are peculiar: there were no arrangements made when the line was first opened for a short distance to expedite the traffic onwards from the obscure village which chanced to become the temporary terminus, because any money expended upon stores or appliances there would have been wasted as soon as the rail proceeded further on; and though the Government caused good cart roads to be at once opened out from the village in question to the main trunk line to Bangalore, Salem, &c., a good deal of confusion ensued, and goods were often left exposed to the weather and became injured before carts could be procured to carry them onwards. A native having contracted with a party to convey his goods to a certain place, and having consigned them to his charge, will, if he hears that they have been turned out on the side of a road, get so disgusted that he will resort to the old system of carriage by the cart road the whole way; but this will be obviated when the line has reached a more important terminus; and all obstructions will no doubt cease as the railway proceeds, station by station, along its defined route.

5511. The Committee have been told by some gentlemen that owing to the ignorance of the civilians in the Bengal Presidency, and the consequent mal-

administration

administration of justice, great and serious obstacles exist against colonization on the part of Europeans: do those remarks hold good with reference to the Madras civilians?—You have put to me a question which I feel considerable diffidence in answering; my personal opinion of the civilians is that they are, taking them in the generality, as excellent a body of men as any sent forth by this country to any of its dependencies. That they have defects is not to be denied, and I consider their chief one to be a want of knowledge of law and of the administration of justice; but I must say, I think, that instead of uttering the sweeping condemnation of them which has been heard here, it would be more just and reasonable to consider the circumstances under which their service has so long existed, and to refrain from visiting upon them the faults and evils of a system, confessedly bad, which did not originate with them. I have heard it stated, very much to my surprise, that the work of a collector in Bengal could be done in two hours by any competent person; I can only say, this would be a most incorrect assertion, if made in reference to Madras, and I may add, that I do not know a harder worked or more efficient set of men in the service, than the Company's revenue servants in that Presidency. I cannot say the same of the judicial authorities, for I cannot speak as to the amount of duty they have to perform. My own avocations brought me more in co-operation with collectors, and to their merits I can testify with confidence.

5512. In the Calcutta Englishman, May 3d, 1858, under the head of European colonization of India, it is stated, "One of the bugbears of our Legislature is climate. There are many parts of India where an unseasoned Englishman may enjoy as good health as at home. One writer tells us, that when they attempt to work, can the natives beat them in cheapness. This only proves that certain occupations cannot be successfully pursued, but surely others can. We know one instance of a European who came to India with little more than the clothes on his back, who has made a moderate fortune in the hardest of out-door labour on a farm"; now do you agree with this statement?—I should think it was impossible, if the farm was situate in the low country.

5513. Do you think that a profit is only to be obtained on the hills?—I consider it a physical impossibility that a European of the class you speak of could toil on a low country farm; I do not mean to deny the possibility of it, but I doubt it extremely, judging from my own experience.

5514. Mr. *Villiers.*] If I understand you rightly, you are of opinion that under the present circumstances in which we possess those territories in Southern India, it would be advisable and practicable for English capitalists to go out there and seek profit by developing the resources of the country?—Yes, I think so, unquestionably. There are many impediments that would require to be removed, but I think that there is an ample and wide field for enterprise even under the present system.

5515. Did I understand you to say that the southern part of India is thinly populated?—That is a question as to which I feel scarcely justified in pronouncing a strong opinion; but I should say, as far as my knowledge goes, that it is a thinly peopled country.

5516. But labour is cheap there?—Labour is absurdly cheap.

5517. Mr. *Seymour.*] I understand you rather to differ from the evidence given by General Tremenhere as to the benefit of training soldiers' children in the Neilgherries?—I have not had the opportunity, unfortunately, of hearing or reading that officer's evidence.

5518. Should you not think it desirable that European children, if they cannot leave India, should be removed into the more elevated districts?—Yes, that has long been my decided opinion; but I was asked the question whether, even if hill stations could not be made accessible to European soldiers, I would recommend countenancing increased marriages for the sake of providing children for the hill stations; I would not do anything which would militate against the system of bringing up children on the hills, but I would not, at the same time, recommend any measure likely to increase the present number of marriages of soldiers, who are liable at any moment to be called on to serve against the enemy.

5519. Do you think it desirable that greater educational means should be afforded to the people with a view to prepare them for an increased number of European settlers?—I think we have already had proof of that in the success of the University established by Government at Madras, and in the schools which

Captain *J. Ouchterlony.*

15 June 1858.

are now spreading over the country. The working of all these schools has been found to be very successful, and the natives very gladly avail themselves of their advantages, and send their children to them.

5520. Did you know anything of the Government of the Rajah of Mysore?—No; that is a Government which has been in abeyance for a long time.

5521. Mr. *Campbell.*] I gather from your evidence that colonization or settlement is practicable and desirable in most parts of India where easy railway access to the hills exists, and that the climate and productiveness of the Neilgherries admirably and peculiarly adapt them to Europeans of skill and enterprise?—Yes, eminently so.

5522. How do you account for that settlement existing in its present limited form, and what have been the impediments which have stood in its way?—The impediments have not been one only, but they have been numerous; many small causes have existed which have worked into one great whole. I consider that one absolute impediment is the discouragement given to European settlers by the Government functionaries. There is a sort of cold shade thrown over European adventurers in India, which cannot fail to have a discouraging effect upon them. The natives being most extreme sycophants, naturally follow the example of their superiors; and hence, if they find a European settler or a commercial agent who comes into their district anxious to purchase their produce and to carry on trade within their limits, and observe that the high civil functionaries of the district treat him with coldness or hauteur, they will immediately take their cue from their superiors, and will annoy the settler in many minor negative ways, which to be appreciated must be experienced or witnessed. In the case of a European, whose circumstances are unknown, the tahsildar or chief native authority of each district would, I conceive, be disposed to do little or nothing to assist him, and he would even suffer his people to treat him almost with contumely; but if the collector of the district were of a sudden to invite the unknown to dinner, in all probability the very next morning the tahsildar would be found at the steps of the stranger's bungalow, humbly praying to be allowed to pay his respects, and offering him his best services. I think that all the authorities out in India should not only be requested, but should be enjoined to extend something of their countenance and consideration to settlers of good character who appear in their districts under fair auspices, and whose object and pursuit are unquestionable.

5523. What remedy would you apply generally to the difficulties that have existed?—That would be one remedy; the cause to which I have adverted is only one out of many. Various other remedies might be applied; the chief would be an improvement in the police and judicial system of the country. All Europeans when they come to India desire to be placed under the same system of laws which prevails in the Presidency towns, viz., that of Her Majesty's courts of judicature. They object to the system of law as administered by the Company's civilians; and it is not to be denied that there is a general outcry upon this subject, and that the outcry is so universal that it cannot be listened to but with respect.

5524. If the European element were introduced, and were found to be efficient, would that give encouragement to those who are in the uncovenanted service?—No doubt it would. We have at the present time uncovenanted assistants in the Engineer branch, but I cannot say that any great encouragement has been held out to them; they cannot arrive at a high position in that branch. I am not aware whether in the civil service we have any who are so situated; I should say generally we have not; and I think that greater encouragement should be given to deserving men.

5525. Have any instances come under your notice in which positive discouragement has been shown to any able uncovenanted English servants in the Madras Presidency?—Instances have, I believe, occurred, but they have been rare, and would be scarcely worth recording as regards the object which the Committee have in view.

5526. But can you not mention any instance?—I could mention a case within my own knowledge, but I do not know that it would be interesting to the Committee.

5527. On the contrary, the Committee would much wish to hear it?—I have a reluctance about relating it, both because the individual to whom it refers is a relative of my own, and because I have been induced recently to lay the case before the Court of Directors, by whom I doubt not justice, or what I deem justice, will eventually be done.

Captain J. Ouchterlony. 15 June 1858.

5528. Proceed with the case?—The case to which I allude was that of a gentleman who, having been a practitioner or advocate at the bar of the Sudder Court, was appointed to preside over a court called a "Principal Sudder Ameen's Court," on the Neilgherries, which had recently been instituted, I believe, in pursuance of an opinion by Lord Dalhousie. The salary fixed was, first, 800 rupees a month; but this was first reduced to 500, and afterwards he was ordered to be removed altogether, after a correspondence with which I need not trouble the Committee.

5529. You can give us more particulars?—The uncovenanted servant was removed, to make room for a young covenanted Civilian, whose pay is 1,400 rupees a month, nearly double what the uncovenanted first received, and almost treble what the court first ordered him to be reduced to as a sufficient salary. The uncovenanted servant is to be allowed the option of taking the court which the young Civilian vacates in the low country, its designation being changed to a principal sudder ameen's court, on a salary of 500 rupees; but as the office of a principal sudder ameen is never filled by persons who occupy a position in the better class of society in India, the option alluded to is of course tantamount to dismissal from public employment.

5530. Mr. *Willoughby.*] He was, in fact, a connexion of your own?—As I have said, he was a connexion of my own. I wish to be allowed to state my impression that this was a decision come to, perhaps, without proper information, for I think the home authorities have often passed censures where proper grounds had not been given them. The decision on this case excited much animadversion, because of the circumstances under which the degraded functionary had been selected for the post by Lord Harris, the Governor of Madras. He was a leading advocate at the Sudder bar, a Justice of the Peace, Chairman of the Madras Chamber of Commerce, Governor of the University, and he had also been a magistrate for a year and upwards on the bench at Madras, receiving 1,000 rupees a month; and when he left Madras to take up his special post, he received the honour of a public entertainment, at which were present the members of Government, the judges of Her Majesty's and of the Company's Supreme Courts of Judicature, and all the members of the clerical, legal, and military professions, together with the heads of all departments of the State and the mercantile community of the place. Besides all this, having been one of the leading pleaders at the bar where provincial law was practised, and hence of proved competence, his removal was looked upon with great dissatisfaction, as involving great hardship and grave discouragement to the uncovenanted service.

5531. Mr. *Villiers.*] What authorities do you consider to have acted on imperfect information?—The home authorities; at first the order came out directing the reduction of his salary, but the Madras Government considered it so extraordinary, that they delayed acting upon it till a further reference had been made to the Court, and the case thus came home a second time. A few months after another order came out to this effect: "Very well; we admit that there is much to do in the court, and that the European community is very large; so retain the Court; but turn out the uncovenanted man; he can only be a Principal Sudder Ameen, and put in his place a covenanted servant." At present the facts stand thus, that justice is now administered by a young man who, I believe, was not out of the nursery when the uncovenanted servant first came to India, at a cost to the public nearly double what it was before; a young Judge at 1,400, displacing one of mature age and experience, who was admitted on all sides to have performed the duties well for 800.

5532. Why do you suppose that all this was not perfectly well known to the authorities here, and that they did not wish to favour some particular person?—Because I was told at the India House that the case had not been "properly brought before the Court."

5533. Mr. *Willoughby.*] Was it not doubted whether the person who had been appointed was eligible or not, he being an uncovenanted servant?—No, I think not. I believe criminals have been executed under his decree; fines, imprisonments, stripes, and hard labour have been inflicted by his order; judgments on civil cases have been put in force; and a heavy responsibility will lie with Government if all this proves to have been illegally done.

5534. Mr. *Mangles.*] Are you not aware that the orders to which you refer were issued with reference to the predecessor of the party in question, although they fell upon him?—I have heard so; but that cannot alter the position of his case; it

Captain *J. Ouchterlony.*

15 June 1858.

it must be viewed and judged upon its own merits, and according to the decision confirmed as it were against him. The public, who are concerned in it, can only view it in this light: they say, "We had justice well administered by an able man, coming direct from the bar of a high Court, where it is supposed only able men can successfully plead; a man versed in native and mofussil law, selected by the local Government for his ability and fitness for the post; the entire community of the Presidency acclaim his appointment; he proceeds to the sphere of his new duties; the numerous cases brought into his court for adjudication give proof of the popularity of its administration, when suddenly, without any demerit on his part being discovered or alleged, he is removed and degraded to an inferior position, while his place is ordered to be filled by a covenanted civil servant, not on the same salary of 800, but with a stipend of 1,400 rupees a month."

5535. Mr. *Campbell.*] Recurring again to the subject of colonization, are you of opinion that European troops may, with great economy of life, and with great efficiency and advantage to the State, be quartered in the Neilgherries hills?—Undoubtedly.

5536. Would it not be possible to combine colonization on the hills generally with military colonization, giving free grants of land, thus materially reducing the cost of a European army, and increasing the resources of the country?—I think that such a scheme deserves very serious consideration, and that it promises to produce very favourable results.

5537. Would you recommend the concentration of all European schools in India on the hills, removing children from the demoralising influence of the barrack-room, and from the liability to that amount of mortality to which children in the plains are exposed?—Yes; and I consider this to be a matter of paramount importance. It is most important as a question of humanity, and it would subserve also a great political purpose.

5538. Do you think that the male portion of those children would grow up to be valuable auxiliaries to commerce and enterprise, that in many instances they would become valuable servants to the Government, and that the female portion of them might make comfortable and respectable alliances?—I think so. I made some remarks upon that subject in my former evidence.

5539. Do you not think that the young men brought up at those schools, if the manufacturers of this country at Manchester, Birmingham, Sheffield, Glasgow, and other places had them home at 17 or 18 years of age, with the knowledge they have of the manners, customs, and language of the people, would, after being trained at their wholesale manufactories in this country, make admirable agents for the purpose of pushing the commerce and productions of this country into India?—They would become most important agents in furthering commerce if you could get over the minor difficulties in the way of prosecuting such a good system. They are the very class of men we should desire to have.

5540. If travellers in this country be necessary for the sale of goods manufactured here, are they not equally necessary in India, and are not most of our commodities unknown in India?—Except to a small extent, through a class of men called boxwallahs or hawkers, who are very different from the commercial travellers of this country. The persons to whom I allude are men who go about selling goods from place to place.

5541. Would not travellers going from this country, with the knowledge and experience of what this country can manufacture, displace many of the crude manufactures of the country with great benefit and economy to the people of India?—No doubt.

5542. Would not the holding out such prospects with regard to many employments in which the children of soldiers in India might beneficially engage popularise the service in India, and materially aid the efforts of the recruiting serjeant in this country?—I should think it would very materially, because the poor prospects of the British soldier in India make men disinclined to enter the service, except in periods of excitement like the present.

5543. You have shown us that you yourself have made beer on the hills of equal quality with that brought from this country, at a saving of about 300 per cent.?—It amounts to that, I have no doubt.

5544. You are aware, are you not, that the East India Company expend a large sum annually in reducing the cost of English export beer for the use of the soldiers in India?—Yes, I know they expend a large sum in that way.

5545. And a great proportion of that sum might be saved to the East India Company

Captain *J. Ouchterlony.*

15 June 1858.

Company if local breweries existed in India?—If they existed, and if they were carried on successfully.

5546. Would it not be possible, with a concentration of European force on the hills, to establish regimental breweries and gardens there, for growing potatoes, and so on; and would not that be calculated, in your opinion, to add to the health and efficiency of the soldiers on the hills?—It would not only add to their efficiency, but it would tend very much to the improvement of their moral condition. Europeans, who naturally suffer from great exhaustion in the climate of India, must be driven to some liquid, and if they could, at a low price, obtain good and wholesome beer; it would soon induce them to give up the use of the most deleterious spirit that ever was fabricated, arrack.

5547. You are of opinion, are you not, that employment has a beneficial effect upon the health of Europeans residing on the hills?—No doubt; we have had evidence of that in the employment of the men in building their barracks.

5548. With regard to the European force which you would withdraw from the plains to the hills, what police organization, to take their place, would you propose establishing?—The crude proposal which I should make would be to form police battalions or brigades for each collectorate, with a nucleus, or, as I think I described them, a cohort, of Europeans, of 50 to 1,000 natives; I would draw those Europeans from all the regiments serving in India. I should say, trust no more to a native army in the mass, but add to each European regiment a certain number of natives, exactly upon the same principle as that upon which, in China, we add to Her Majesty's Artillery a body of men called gun lascars, who clean guns, and do a variety of other things, and who, in a European regiment, would relieve the men of many of those camp and barrack duties which press heavily on soldiers in the low countries, while it would be unnecessary to arm the natives further than by giving them a sabre, as is the case in the Artillery. In that way the natives would be brought in large numbers into employment, and they would greatly assist the Europeans, while there would be no longer reason to dread them, as they would not only not be armed, but would not be in sufficient force to effect any mischief. In suggesting this, I am but echoing what I have read in an excellent pamphlet, entitled, "India, its Government, Misgovernment, and Future," in which this question is most ably and practically discussed.

5549. Will not the establishment of railways operate to an almost incalculable extent in furthering the progress of commerce in India, and in promoting the manufacturing and other interests of this country?—I think so, unquestionably. I think that every resource of the country will be developed and increased in a tenfold degree as soon as the system of railways now in progress comes into operation. It is not from the working of isolated portions that we can form a judgment of their efficacy, for we shall not experience their full benefit until every particular artery is fully developed.

5550. Looking to the identity of interests which commercial pursuits and those of agriculture must engender between the mother country and India, is it not desirable, even contemplating state expenditure for that purpose, to encourage to the utmost the settlement of Europeans in India, in the advancement of our own interests and those of the natives, as well as with a view to the protection and maintenance of our rule by natural rather than by artificial means?—Unquestionably such must, I think, be the result of colonization: and I believe a better illustration cannot be quoted in support of the view that identity of interests must result betwean Europeans and natives from pursuits of commerce and agriculture embarked in in common, than in referring to what occurred during the late revolt in a part of Bengal called Tirhoot, where a great number of Europeans were located, attracted to it by the richness of its products; and it is on record that when the 12th Irregular Cavalry broke out into mutiny, and attempted to plunder the property of the planters, the native ryots of the neighbourhood, although the residents had quitted the neighbouring station of Mozuffurpore, banded themselves together and repulsed the mutineers, repelling the assault they had made on the property of their employers or fellow planters.

5551. What is your opinion as to the introduction of English generally into the revenue and judicial courts?—I am very strongly in favour of it; I speak as an interpreter. I passed the civilian's test examination in 1835, and I have therefore some right to advance an opinion upon the subject. I have been surprised to hear the statements that have been made before this Committee as to the amount of intelligence displayed by judges and others in this respect. I can

Captain *J. Ouchterlony.*

15 June 1858.

most conscientiously say, that although I have often stood on trials as a sworn interpreter, I have frequently been obliged to have recourse to a native to interpret to me in proper comprehensible language what has been said by a witness of the lower class.

5552. In your opinion would that difficulty be got rid of, and would the administration of the law be better conducted if the English language were adopted?—Yes, and for this reason; there are no people in the world so extremely apt at acquiring languages as the natives of India; they will learn English in much less time than it takes us to learn their language, and therefore they will become the most useful interpreters of the two, if that language is employed in which they have the greatest confidence.

5553. An honourable Member who lately examined you, put a question to you as to the good faith observed in dealing with settlers by the representatives of the East India Company with reference to grants of land bestowed upon them; are you aware of the grants of land that were given to the servants of the East India Company in the Deyrah Doon some years ago?—No, I have not heard of them.

5554. Do you know that after the parties had incurred large expenses they were obliged by a regulation of the court to give up those grants of land?—No, I am not aware of it.

5555. Mr. *Willoughby.*] You are an advocate, you say, for the introduction of the English language into the courts; are you of opinion that the administration of justice, in a foreign language, would be satisfactory to the natives of India?—I am.

5556. Interpreters would be necessary, of course?—Yes.

5557. With reference to the evidence we have received as to the proverbial dishonesty of the natives, how could you ensure trustworthy interpreters?—I think there would be no difficulty. The native language would not be entirely banished from our courts. The Company's civil servants would, and ought to know the language sufficiently well, to enable them to check any delinquency on the part of the sworn interpreters of their courts. I would not allow a judicial uncovenanted or covenanted servant to forego the study of the native languages, a knowledge of which would, I conceive, be as necessary a qualification after the English should have become the court language as now when it is excluded, for the reason I have mentioned: for example, I should consider myself a sufficient check in a court; I should know the language sufficiently well to be able to discern whether a man was faithfully interpreting the evidence of a witness or not.

5558. *Chairman.*] You would retain the judge's knowledge of the native language, but would give him power to conduct the inquiry in English?—Yes.

5559. Mr. *Willoughby.*] Have you any idea of the average fall of rain in the hill districts of which you have spoken?—The total fall of rain at Ootacamund is about 75 inches, taking the average of several years; and at Kotergherry it is only about 60 inches.

5560. Is not the fact of its being necessary for colonists of the description to which you have referred to resort to a hill station, in order to recruit their strength, fatal to the idea of colonization in India by men of moderate means?—I do not consider it to be so; I did not mean, in what I stated, to convey the idea that colonization depended exclusively on the possibility of a resort to the hills. If you go on further with my former evidence you will, I think, find that I said I had seen many European emigrants in Manilla, China, and other states, who appeared to live very well in the plains without resorting to a hill climate.

5561. Do you not think that "colonization" and "colonists" are terms which, in the general sense in which we use them, are inapplicable to India?—They are inapplicable as circumstances at present stand, because there are many obstacles in the way of colonization of which we are urging the removal.

5562. Are there not climactic causes which prevent the extension of colonization in India?—You cannot go into any colony without meeting with some obstacles.

5563. Are there any existing obstacles in the way of Europeans now who are engaged in the agricultural operations of cotton, cereals, sugar, hemp, &c.?—A better tenure of land, I think, is wanted.

5564. You object to the present tenure of land, and are of opinion that it would be better to give the fee-simple to European colonists?—Yes.

5565. How

5565. How would you set about that?—By selling land to colonists, as in Ceylon. You cannot I admit do away with the puttah tenure, unless with the free will and consent of the puttahdars; but in the case of the gentleman whom I have mentioned as residing at Salem (Mr. Fischer), the natives, I am sorry to confess the fact, would rather, I believe, hold their puttahs under him than under the Government.

Captain *J. Ouchterlony*

15 June 1858.

5566. But that is a transaction between the colonists and the inhabitants of the country, and not between the colonists and the Government?—The lands interlace. A village settlement is very peculiar; there are many conflicting interests involved; but I think it cannot be said to be impossible for the Government to hand over all the lands of a village to a European colonist.

5567. I quite agree with you that, if practicable, the best mode of encouraging Europeans to become colonists is to give them the land in fee-simple; the only question is, how is it to be done?—We should try to overcome difficulties, and I believe that the difficulty suggested might be overcome.

5568. You must leave it optional with the ryots, must you not?—Yes; but I think where they had confidence in the European settler, they would accept that option. I do not think that the Government could do it of themselves. The tahsildar must, of course, have the authority of Government before he could hand over to the European settlers any villages over which he has jurisdiction.

5569. Is it not the fact that the right of occupancy is such that, provided a man pays the rent that is due for a certain plot of land, he cannot be justly ousted from the possession of that land?—I have always understood that the Government possess the power to do it, but I never knew an instance in which that power was exercised prejudicially to the interests of a native or a European.

5570. Do not the Government now pay a quit-rent to the todars for what land they take for public purposes on the Neilgherries?—A nominal quit-rent. I am not aware, however, whether it is actually paid or not at this moment; if it is, it should be put a stop to. If you will read a short passage in the work to which I have already referred you will, I think, agree, that where a population of not more than 400 claims to have jurisdiction over 250,000 acres, such a claim is too absurd to be supported for a moment. The people who make that claim are an annoyance to all the settlers; they claim the land on the ground of immemorial occupation; and when the Government first took notice of these hills, and began to send people up them, these men came forward, and claimed tribute.

Vide Appendix.

5571. But they nevertheless were the original occupiers of the land, and we were the intruders?—But they did nothing with the hill lands. I contended, in my report to Government, that if they had developed the resources of the hills, or cultivated the land, the Government might have conceded to them certain rights. These men are a migratory tribe, and wherever they choose to establish their miserable little mud huts, they claim a lordly right over the soil. They do no work, will not even sell the produce of their herds, and, in fact, are an incumbrance to the soil. Yet, I believe it is true that the Government actually paid tribute to this indolent and contemptible tribe.

5572. Is not that a remarkable instance to show the justice and equity of the proceedings of the British Government in India with respect to existing rights?—It never was received as such.

5573. Is it not a proof of the care and tenderness shown by the authorities in India towards existing rights?—As far as my opinion goes, it is not a proof of it; it was an affectation of justice.

5574. You disagree with the principle, do you?—Yes, in that case.

5575. Do you not think that one of the reasons why colonists do not proceed to India is, that Canada, Australia, and other parts of the world, where land may be obtained in fee-simple and at a small price offer superior attractions?—I should not altogether conform to that opinon. I consider that one reason why there is not a larger amount of emigration to India is that the country is not known. There are but few independent men who travel there, or who take pains to inform the people of the advantages it offers; and, as I have mentioned before, I do not think that the Government has been sufficiently careful to collect that amount of statistical information which we ought to possess.

5576. At present there is no prohibition on the part of the Government, is there?—None, except so far as the difficulty in relation to the tenure of land may be deemed a prohibition.

Captain *J. Ouchterlony.*

15 June 1858.

5577. In the course of your experience have you observed any hostility on the part of the Government to the settlement of Europeans in India?—I must qualify my reply by referring to an answer which I gave to a question put to me a short time ago with regard to the discouragement which I consider is given to Europeans in India, in which I said that a cold shade was thrown over them. It does not amount to hostility.

Martis, 22° die Junii, 1858.

MEMBERS PRESENT.

Mr. Willoughby.	Mr. Mangles.
Mr. Lowe.	Mr. William Vansittart.
Mr. J. B. Smith.	Mr. Villiers.
Mr. Danby Seymour.	Sir Erskine Perry.
Mr. Gregson.	Mr. Kinnaird.
Mr. De Vere.	

WILLIAM EWART, Esq., IN THE CHAIR.

Alpin Grant Fowler, Esq., called in; and Examined.

A. G. Fowler, Esq.

22 June 1858.

5578. *Chairman.*] IN what part of India have you lived?—Principally on the Neilgherries, about 24 miles from Ootacamund.

5579. In what other parts of India have you been?—I have been in Ceylon; but I have been in no other parts of India except the province of Malabar.

5580. How long were you in that part of India?—I was there from 1844 to 1851.

5581. In what year did you leave India?—The beginning of 1852.

5582. Did you live in the Neilgherries?—Yes; within 24 miles of the cantonment of Ootacamund.

5583. Had you any property there?—Yes; I had a coffee plantation.

5584. What is the most favourable elevation for the growth of coffee?—I should say from about 2,500 to 4,000 feet above the level of the sea.

5585. What is your opinion with regard to the climate of the Neilgherries?—I think it is the finest in the world.

5586. Do you think that it is suitable for the residence of Europeans?—Decidedly.

5587. Have you had any experience of the continuation of the race of Europeans?—I have not.

5588. Are you aware whether any European families have resided on the Neilgherries long enough to continue for three generations?—I am not.

5589. But are you aware that the climate is perfectly healthy and suitable to a European constitution?—Yes; I think it is perfectly healthy.

5590. Have you ever been in any other tropical climate?—Yes; I have been in British Guiana, in the West Indies.

5591. What comparison would you draw between the two climates?—I can draw no comparison whatever; the one is a tropical, the other a European climate.

5592. What comparison would you draw between the climate of British Guiana and that of the plains of India?—The plains of India are decidedly hotter than any part of the West Indies that I have been in.

5593. What was your object in residing in India?—Principally the cultivation of tropical productions.

5594. Your occupations, I believe, were entirely devoted to agriculture?—Yes, entirely.

5595. Did you turn your attention, as an agriculturist, to many districts of India, in search of land?—I did not. I merely passed through the districts of Coimbatore

Coimbatore and Malabar, to the Neilgherries; and I was so well satisfied with the climate of the Neilgherries, that I settled there.

5596. You landed at Cochin, I believe?—I landed at Cochin.

5597. Did you examine the soils along the coast?—I did.

5598. The district of Coimbatore?—Yes.

5599. Have you reason to think that those districts are favourable for the investment of European capital?—Decidedly not.

5600. For what reason?—The land is not sufficiently fertile.

5601. With what view did you go to the Neilgherries Hills?—For the cultivation of coffee.

5602. Did you occupy a large extent of land there?—I commenced with a very small quantity of land, only about a hundred acres, and then extended it to three hundred, and now there are six or seven hundred acres.

5603. What is the tenure of land in the Neilgherries?—None whatever; at least I have no tenure of land.

5604. Is your land, then, rent free?—Yes.

5605. Do you pay nothing to the Government?—Nothing whatever.

5606. How did you come by the land?—It was purchased by a gentleman in Madras, from the Rajah of Nellumboor.

5607. Do you hold it in fee simple?—No; there is no tenure whatever.

5608. You pay nothing whatever for your land?—Nothing whatever; but we are threatened with a land tax; though that has never been enforced.

5609. You have never paid the land tax?—No; never.

5610. Mr. *Gregson.*] Are you threatened by the Government with the land tax?—By the collector of the Government.

5611. *Chairman.*] Has the Rajah of Nellumboor given up his right?—Yes; whatever rights he had he has given up to the gentleman to whom I have referred.

5612. You say you have been threatened; have you been threatened by the East India Government or by whom?—By the collector of the country.

5613. Mr. *Smith.*] The collector of the Company?—The collector of the Company.

5614. *Chairman.*] And you have refused to pay?—We have refused, there was no tax on coffee cultivation when I was there.

5615. Are any other occupiers of land in the Neilgherries exempted as you are from land tax?—No planters paid land tax, when I was in that country.

5616. Were there many planters there at that time?—Very few; the thing was only then being established.

5617. Have they increased in number?—Very much, the numbers gradually increased. When they found I was successful, the plantations were extended very much indeed.

5618. Did they find it a profitable cultivation?—It was not profitable at the commencement, but that was because the gentlemen who commenced it knew nothing about it.

5619. But when they became acquainted with the art of cultivating coffee, did they find it profitable?—I can only speak from my own experience.

5620. May I ask whether you have found it profitable yourself?—Very much so.

5621. Perhaps you would have no objection to state to what extent it has been profitable to you?—A hundred per cent.

5622. Do you think that British settlers, going there and understanding thoroughly the cultivation of coffee, might make a large profit approximating to yours?—Decidedly so.

5623. You have no doubt of that?—No.

5624. Do you consider the non-payment of the land tax a great loss to the Government?—No, I do not.

5625. Why not?—We expended a very large sum in the cultivation of that country. We pay an export duty, and not only that, but we expend large sums in payment to the labourers.

5626. What were these lands formerly which you have used for the purpose of the cultivation of coffee?—They were all forest lands, and paid no revenue to Government; they merely harboured wild animals, such as elephants, tigers, and so on; there were some deer.

5627. Then although the Government derive no land tax from your land, they still levy upon you an export duty?—Yes.

 5628. What

A. G. Fowler, Esq.

22 June 1858.

5628. What is that export duty?—I think it is about three per cent.

5629. Do you consider that a grievance at all?—No.

5630. You, I suppose, expend a considerable sum in labour, do you not?—Yes, there are from 60,000 to 70,000 rupees a year expended upon those estates.

5631. What labourers do you employ?—They are principally small farmers and coolies.

5632. Have you, or have you not, any difficulty in conveying your produce to the shipping port?—Very great difficulty indeed.

5633. Will you describe, if you please, wherein your difficulty consists?—This season, there were upwards of 330 tons of coffee upon these three estates.

5634. Those three estates being yours?—No, there is only one of them in which I am interested. I put them all into cultivation, but one of them only is mine.

5635. You had the management of the others?—Yes. By the last accounts, I have heard that there is not more than one-third carried down to the coast, or that can be carried down this season.

5636. Why not?—In consequence of the want of cart roads chiefly.

5637. Sir *Erskine Perry.*] Where do you ship from?—From Beypore.

5638. *Chairman.*] How many days' journey is it from your estate to the coast?—I should think four or five days, that is by bullocks.

5639. Has a road ever been opened in that direction?—Yes, I understood it was opened by a former rajah of the country.

5640. It is not a good road now, I understand you to say?—No, it is a very bad road.

5641. Has it been allowed to become worse?—Yes, since I first knew it.

5642. Who are the persons who ought to keep the road in repair?—Government, I suppose.

5643. Have you ever made any representation upon the subject to the Government?—I have mentioned to the collector of Malabar that the road was in a very bad state.

5644. Has any notice been taken of your complaint?—The collector said he was anxious to do all he could in the matter, but that really he had no funds to do it.

5645. Has not Government ordered the road to be surveyed?—Yes.

5646. Have they issued any orders for a short and advantageous road to be made for the purposes of commerce down to the coast?—I know the road was surveyed some time ago, and I believe that they have every inclination to make the road, and to give every facility in their power.

5647. Do you mean a road from Ootacamund?—Yes; in fact, a good road all the way along there; It is the only route by which a direct cart-road can be made to the coast, at a moderate expense.

5648. If the road was a good road, how long ought it to take to go to the coast, do you think?—From Ootacamund it is only about 72 miles; and from the estate I do not think it is more than 50 miles.

5649. How long do you think it would take, with a good road, to perform the journey?—With a good road it would take four or five days.

5650. How long does it take at present with a bad road?—Sometimes three weeks; but that road is now impassable.

5651. Is that the only road?—We have others; that is, we have bullock tracks, not roads; and now very often the bullocks take three weeks going with one load of coffee to the coast.

5652. Whether the bullocks take this road, or go along the tracks, they are sometimes as much as three weeks on the journey?—By the direct route, they generally take about 10 or 12 days; but you cannot get them to go that way, the road is so bad.

5653. Is there any prospect of a railway being made up to the Neilgherries from the coast?—No, I think not.

5654. Would it be a great advantage to the country if such a railway were made?—No doubt it would.

5655. Are you interested in any other property in India?—Yes; in Coorg.

5656. Sir *Erskine Perry.*] Have you any land in Coorg?—Yes, I have some land there.

5657. How did you get your land there?—I sent out instructions to my superintendent to go up to that part of the country, and select some land which he did, and made a very bad selection.

5658. How

5658. How did he get the land?—He applied to the Commissioner of Coorg.

5659. *Chairman.*] You pay a land tax for that land, I presume?—No; we pay no land tax for it.

5660. Not in Coorg?—No; we pay no land tax, but there is a duty of four annas per maund upon coffee, the produce of Coorg.

5661. Then there is a greater duty levied on Coorg-produced coffee than there is on Neilgherries-produced coffee?—Yes; we pay four annas per maund on the one, and nothing on the other.

5662. I understood you to say that you paid three per cent. duty on the export coffee from the Neilgherries?—On exportation from the country.

5663. What is the nature of this duty?—The duty is upon coffee grown in that part.

5664. Do you mean there are persons who inspect the growth of coffee and levy a duty on the produce of the land?—I do not know; I know I have paid it.

5665. Mr. *Willoughby.*] Did you get the land for nothing?—Yes.

5666. Who gave it to you?—The Government; that is, the Commissioner.

5667. Sir *Erskine Perry.*] The duty is equal to a farthing a pound, is it not?—In Mysore they levy the duty on the native cultivators, and that has deterred many from entering into it there; there was no tax in Coorg when I commenced there; it has been imposed since.

5668. *Chairman.*] When the cultivation is improved does the tax increase?—The more coffee produced, the greater the tax.

5669. Mr. *Willoughby.*] The tax produces a larger revenue, but the rate of the tax does not increase, does it?—No.

5670. *Chairman.*] All coffee pays the export duty, does it not?—Yes; upon exportation.

5671. Did you ever attempt to have any land in any other parts of India?—No.

5672. Did you ever try in Malabar?—No.

5673. Were any proposals for cultivating estates in Malabar ever made to you?—No.

5674. In Mysore?—I would have cultivated land in Mysore in preference to Coorg, but this tax that was levied upon coffee deterred me from doing so.

5675. I thought you said you paid the tax for the Coorg-produced coffee?—Yes, I paid the tax for the Coorg-produced coffee.

5676. Is the tax greater in Mysore?—No, it is the same tax.

5677. Sir *Erskine Perry.*] Where is the coffee land in Mysore?—I cannot say; I have never been in Mysore.

5678. Is not Mysore generally a plateau?—Yes.

5679. With no forest or jungle?—Very little, I believe.

5680. What makes you think there is much land available in this district for coffee, which requires rather a moist climate, where tree vegetation flourishes, does it not?—For European cultivation it requires the densest forests.

5681. That is not the character of the Mysore country generally, is it?—I believe not; but the cultivation by the natives of the country can be carried on there as it is carried on in Ceylon.

5682. Ceylon is a very moist country, as you know?—It is moist, no doubt.

5683. There is very little coffee grown in Mysore now, is there not?—It is grown principally by natives; but the native cultivation may be very much extended.

5684. But it is a matter of speculation at present, is it not, whether Mysore is adapted to coffee cultivation or not?—We may form some judgment from what takes place in Ceylon.

5685. Is it not the fact that those parts of Ceylon which are available for the cultivation of coffee are places where jungle formerly grew?—That is so with regard to the coffee cultivated by Europeans.

5686. Are you not aware that the moisture which falls in Mysore is much less than in Ceylon, where they have two monsoons?—It is; but Mysore gets the benefit of both monsoons.

5687. *Chairman.*] What was it that attracted you particularly to Coorg?—I understood that there was a very excellent road from the coast to all Madras, and I heard also that there were dense forests there.

5688. Was there any other reason that induced you to go to Coorg?—There was

A. G. Fowler, Esq.

22 June 1858.

was no tax there; but what principally attracted me, was the roads and the dense forests.

5689. Has any tax been levied or has any notice been issued for levying a tax since that time in Coorg?—I have paid it myself.

5690. But has a notice been issued?—A notice has been issued.

5691. A notice that a tax would be levied?—Yes.

5692. At first you paid no tax, if I understand you?—There was no coffee produced at first. We were permitted to cultivate the land, and I trusted that no tax would be imposed; it was afterwards levied. Many planters followed me; and I understand a great part of the forest land is now taken up for coffee.

5693. Mr. *Willoughby.*] Were you given to understand that the tax would be levied when you first took the land?—I did not enter into particulars; the person who searched the country took it for granted that, as there was no tax in Malabar, there would be none in Coorg.

5694. Mr. *Vansittart.*] What is the size of the Coorg province?—It is very small.

5695. Sir *Erskine Perry.*] Are you aware that in Ceylon the Government sell the land cut and out?—Yes, they do; I purchased land there myself.

5696. At a very small price?—I paid a guinea an acre for it; a very small price.

5697. *Chairman.*] Do you think that the power of holding land in fee simple would induce many more settlers to go into that part of India where you live?—Yes.

5698. Sir *Erskine Perry.*] Is labour available in that district of the Neilgherries and Coorg which is available for the cultivation of coffee?—It is not available to any great extent.

5699. What is the rate of wages that you pay?—Four rupees a month for men, two rupees and a half for women; from four to five rupees, in fact; it has increased since I left.

5700. What is paid in Ceylon?—In Ceylon, probably about 15 *s.* or 16 *s.*

5701. That is about double?—Yes.

5702. These labourers, to whom you pay 16 *s.* in Ceylon, are all natives of India, are they not?—Yes.

5703. They emigrate from the Malabar country into Ceylon?—Not from Malabar exactly; from the east.

5704. They call them all Malabars, do they not?—Yes, they do; but they generally come from the eastern coast.

5705. But they are still natives of India, are they not?—Yes.

5706. It is like the Irish emigration into this country at the time of the harvest, is it not?—Yes.

5707. Do you think that the hilly forest country, where you have been cultivating coffee, is equally well suited to the growth of coffee as most of the land in Ceylon?—I have not myself examined those countries much. I saw this land, and was well satisfied with its general appearance, and was contented with the locality of it.

5708. What is your average crop per acre?—The average has been 10 cwt. an acre since the estate came into bearing.

5709. And what price does your Indian coffee fetch?—Last year our coffee was sold to arrive for 85 *s.* a hundred-weight.

5710. Then the gross produce of an acre is 850 *s.*?—That was the average last year; one year it may be less, and another more.

5711. It has been stated, I think, before the Cotton Committee, that the produce of an acre of good cotton-growing land is only six rupees and a half, or 13 *s.*?—Was that cultivated by Europeans?

5712. No, by natives?—That makes a good deal of difference.

5713. Do you think an acre of land producing 10 cwt. of coffee would afford great attractions to Europeans to settle there if the land were sold out and out?—Yes.

5714. And do you think that the whole of that country could compete advantageously with Ceylon in producing coffee?—I have seen so little of the country, that I cannot say.

5715. Is there not this great advantage in favour of India, that labour is only halfthe price there that it is in Ceylon?—It was the fact of labour and food being so much cheaper in India that forced me to leave Ceylon; I had begun to cultivate in

in Ceylon, but labour there was the dearest and the worst I had ever known in any part of the world.

5716. I suppose the inference you would draw from your experience is, that the best course for the Government would be to take all this waste jungle, and let it at a low price to anybody who would come there with capital and cultivate it?—Yes, if they were to sell the forest land under certain restrictions, that certainly would be a great advantage.

5717. Mr. *Smith.*] Is the coffee of the Neilgherries equal to the Ceylon coffee in quality?—Yes, the price it fetches shows that; I have stated that it was sold for 85 *s.* last year.

5718. *Chairman.*] Yours was originally waste land, was it not?—It was waste forest land.

5719. Is there much waste forest land that may be cultivated with equal profit to others there?—I am not in a position to judge, for I have not examined the country; but I should say that there is a large quantity of good forest land all along these ghauts.

5720. Is there much of that land that can be profitably cultivated that is now uncultivated?—There is.

5721. Do you know of other land in those parts of India in which you have been, which are adapted to the cultivation of sugar and coffee?—No; that part of the country is not adapted to the cultivation of those productions.

5722. What is the state of the police in the neighbourhood of the Neilgherries Hills and Coorg?—I really cannot say.

5723. You have no complaints to make with reference to the police?—No; I never was before a magistrate.

5724. The police then, I apprehend, must be very good, or else the people must be very peaceful?—I never came in contact with the police.

5725. Are the people of a peaceful character?—Those I have had to deal with are, decidedly.

5726. Are they easily managed by Europeans?—They are easily managed with a little tact; I found them a quiet simple people.

5727. What has been your experience with regard to the administration of justice in that part of the country?—I have had no experience.

5728. You fortunately have had no lawsuits?—No; I never was before a court in India. I never had a complaint made against me, nor did I ever make a complaint against anybody.

5729. You think that the resources of the country are considerable, do you?—Very considerable.

5730. I understood you, in a former part of your evidence, to say that there has been a considerable increase in the number of European settlers?—Yes; since I commenced the coffee cultivation, the number of European settlers has increased very much.

5731. And do you think it will continue to increase?—Yes; I hear constantly of persons wishing to purchase land there.

5732. Mr. *Mangles.*] People are not deterred from going there by the bad state of the police or of the courts of justice?—I received every courtesy from the collector; the late Mr. Conolly was the collector there, and he evinced every disposition to render all the assistance he could.

5733. Then there was no opposition to the settlement of Europeans?—Certainly not; I never met with opposition, and never heard of any; in fact I received every encouragement from the collector of Malabar, and courtesy from all the officials in the country.

5734. *Chairman.*] You think, no doubt, from what you have stated, that one great means of developing the resources and increasing the prosperity of India, would be the settlement there of independent Englishmen as agriculturists and merchants?—Such is my opinion; I mean as planters, as is the case of the West Indian colonists; not non-cultivating purchasers of land.

5735. Do you think, judging from your own experience, that a person versed in the cultivation of coffee in the West Indies, might invest his capital very profitably in that part of India in which you have been?—Yes.

5736. Mr. *Smith.*] I understand you to say that the land on which you cultivated coffee was covered with timber; is that the fact?—Yes.

5737. It is a considerable expense, is it not, to clear away the timber?—No; the expense is not very great, comparatively.

A. G. Fowler, Esq.

22 June 1858.

5738. Sir *Erskine Perry.*] How long does it take for a stump to rot down?—In six years there is not a stump to be seen.

5739. Mr. *Smith.*] What kind of timber is it?—There are all kinds of timber, but it is not good timber; it is not hard wood; it is cinnamon, and soft woods.

5740. Did you find the condition of the people improved by the employment that you gave them?—Very much; those that I had upon the estate improved in every way.

5741. Did you find that not only their physical, but their moral condition also, improved?—Yes.

5742. Were they peaceable?—Very much so; when I first commenced the cultivation of that estate, I had a great deal of trouble with the people; we did not understand each other; they were very jealous, probably, of my taking advantage of them, and I was very jealous of their taking advantage of me; but before I left I had not the slightest trouble, and everything went on very well. I never made an advance, which I consider to be the curse of India; I never placed myself in the position of being in debt with them, and never allowed them to be in debt to me.

5743. You found that you gained their confidence by dealing fairly with them?—Yes.

5744. And then everything went on smoothly?—Yes; I never was in any part of the world where I had less trouble with labourers.

5745. Do you think that a settlement such as yours is not only a great advantage to the country, but that the Government also derive very great advantage from it?—There is no doubt of it.

5746. The advantage which they derive is the tax which they get upon the coffee; but they also get a tax, do they not, upon the additional consumption by the people?—You may draw that inference.

5747. Do you find that the people who are employed by you use a larger quantity of British manufactures than they did formerly?—I never inquired into that matter.

5748. Sir *Erskine Perry.*] Where did you live in the Neilgherries; did you live on your estate?—Yes; I lived principally on my estate.

5749. How far is that from Ootacamund?—Twenty-four miles.

5750. Ootacamund was your principal town, was it not?—Yes.

5751. Where was your nearest magistrate?—At Ootacamund.

5752. About how many coffee planters are there in that district?—I think that when I left there were a few; they had commenced before me, and had made entire failures. They failed as much as the Ceylon planters did at first, from want of skill and practical experience. I went over those estates, and said, "You have all made a mistake; depend upon it this will not pay you. There is land opposite to you; why not go there?" All those estates had been unproductive.

5753. How many coffee planters do you think there are at present in that district; do you think there are 20, or 30, or not so many?—I should think there would be 20, but I really cannot say how many there are.

5754. Do you know what the exports of coffee are from that country?—No, I do not; they are not very great.

5755. Have you been yourself in Coorg?—I have not.

5756. Do you know whether the Coorg land ryots or landholders are willing to give up their land?—It appears that a great part of the lands in Coorg are held by the natives on a lease from Government, for the sake of cardamoms.

5757. That is a plant which grows wild in the jungle, is it not?—Yes.

5758. And are those the best cardamoms known in commerce?—There are no cardamoms cultivated.

5759. The cultivated cardamom is not equal to that which grows wild in the forest?—No. They pay a certain tax to Government for being permitted to collect these cardamoms; they take the forest lands at so much a year on lease. The Commissioner being anxious, very likely, to have Europeans settle there, and to extend the cultivation of that country, permitted them to purchase the right of the natives to these cardamom lands, upon their paying to Government the same tax for a certain number of years that the natives had paid for the right to take the cardamoms.

5760. Then the effect of Europeans going into that country would be, probably, to deprive the natives of their rights over the land, would it not?—They have

have no other right to these lands than that derived from their leasing them from Government for a certain number of years, and paying a certain sum for permission to collect the cardamoms.

5761. Have you not understood from your agents that the valleys in Coorg are very rich, and that the soil is extremely fertile?—That was what induced me to send out a party in search of land at first. I had understood that from a gentleman who had been engaged there, and wished me to settle in that country. He was an engineer in the Honourable Company's service. He said that such lands were, and that there was a good road. He recommended me to see if it would not answer for the cultivation of coffee, and said he would be very glad to give me every assistance in his power. I could not go myself at that time, and was never able to go afterwards.

5762. What quantity of land have you in Coorg now?—Only a small patch, about 250 or 300 acres.

5763. And you found no difficulty in getting that land?—The Commissioner, I believe, was very anxious that Europeans should go and settle in that country. At all events, they have settled there since, and the whole country is being taken up.

5764. Do you know anything of a plant called the "clay root," a tuber, I believe; we heard from a former witness, who was examined before the Cotton Committee, that in that part of India there is a right of digging for clay roots?—I suppose they mean wild yams, or potatoes; they grow there, and the natives dig them, and any person may do so.

5765. Do you know the term "clay root"?—No, I do not.

5766. I gather from you that you do not want anything to make your plantation succeed better than it does, except making a few more roads?—Roads direct to the sea; and I should consider that if the land were held in fee simple, that would induce planters to settle there.

5767. You think there should be an absolute sale of the land, in fee simple, at a low price?—Yes; I would place it in the same position as Ceylon with regard to those lands that are not occupied.

5768. In that case, I suppose, if this land got into the hands of capitalists, whether European or native absolutely, the landowners would have no objection, at their own expense, to levy a rate among themselves to make the roads, as they do in Ceylon and in this country?—I do not know; the labourers are very poor.

5769. I am not talking of labourers, but of capitalists, who can grow 10 cwt. of coffee to the acre; would not capitalists of that kind, if they bought land in fee simple, submit to a rate for making roads?—I have not a doubt of it.

5770. Have you any opinion as to whether European children thrive in the Neilgherries?—Yes.

5771. Do you find the children, on the whole, thrive?—Yes; they thrive very well.

5772. Up to what age were you able to keep them there?—I have been in that country altogether only seven years, and I think the eldest of my children is about five years of age.

5773. Do you think you might keep them there as well as you could in this country?—Yes, so far as the climate is concerned.

5774. *Chairman.*] Have you other objections?—Yes, I have other objections, but not objections to the climate.

5775. Mr. *Kinnaird.*] I understand you to say, that as far as you are individually concerned, you find no inconvenience from the want of an efficient police?—None whatever.

5776. You never heard of any complaints of the want of an efficient police?—I never heard of any complaints upon that subject, because I personally never interfered, and never had any cause to do so; but it is very likely the police are very bad, and I have no doubt they are.

5777. Do you say, then, that you have heard complaints of the police, and that you believe them to be in a very inefficient state?—I cannot say so from my personal experience.

5778. *Chairman.*] What is the general character of the police in that part of the country?—I have had no personal experience of the matter; I never came in contact with them in any way.

5779. Sir *Erskine Perry.*] Are there any police?—There are police there, certainly.

A. G. Fowler, Esq.

22 June 1858.

5780. Mr. *Kinnaird.*] Are there any means of education for the poor natives?—Upon the hills?

5781. Yes?—I do not know; I had a school myself upon the estate.

5782. Kept entirely at your own expense?—Entirely at my own expense.

5783. Have any other planters to your knowledge established schools for their own people?—I am not aware that they have.

5784. Do you think that the Government did all that it could for the people, and would you consider it a good and paternal Government?—I cannot say; I never interfered in those matters; I never looked into the subject, and never took any interest in it whatever. I found the country people behaved very well, and was perfectly satisfied.

5785. Mr. *Lowe.*] You say they have threatened you with a land assessment?—The late Mr. Conolly, the collector in Malabar, asked my opinion about it.

5786. Did he ask you whether you would like to pay any rent or not?—No; he said that, of course, the land belonged to the Government, and that it was considered that every person ought to pay a certain amount of tax, and he asked my opinion about it. I said, that so far as I was personally concerned, I had no objection to it. I asked, "What will it be?" he said, "Probably about a rupee an acre." I said, "Very well;" but, "So soon as you impose that tax, rest assured you will stop all settlement."

5787. What did he say to that?—I said, "Those who have already commenced have been losers; no person has succeeded in this except myself." "Oh!" he replied, "it would be very hard that Government should suffer from the ignorance of other parties." "Well," I said, "I suppose, by and by, they will come to understand the thing better, and no doubt they may pay the tax, if persisted in;" he did not levy the tax.

5788. Had your land in the Neilgherries ever been the property of the English Government?—I cannot say.

5789. I thought you bought it?—From the Rajah.

5790. Did he pay a rent to the Company for it?—He paid nothing to the Company. I suppose he paid some one. Whatever right he had he purchased from the Government.

5791. *Chairman.*] It was uncultivated land originally?—A perfect forest.

5792. Mr. *Lowe.*] The Government does not levy any tax on uncultivated land does it?—No, except for the cardamoms, I believe.

5793. Did the collector tell you on what calculation the idea of putting a rupee an acre on the land was founded?—No; he said nothing further than that he considered it just, as the land belonged to the Government that persons who cultivated it should pay a tax.

5794. Then as long as the owner of land leaves his land uncultivated he pays nothing, but as soon as he begins to improve it the Government makes a demand upon him; is that it?—I do not know; I have no particular knowledge upon the subject. I only tell you about the land I have cultivated.

5795. Mr. *Willoughby.*] To whom does the land on the Neilgherries belong. Is it not claimed by the aboriginal races on the hills?—I never inquired into that.

5796. Are you not aware that Government pay a rent to the Toader tribe for the land they occupy now on the Neilgherries?—I have heard that the Government has purchased some of the land from the Toaders; and I have heard also that the Toaders have paid a certain tax to Government upon their buffaloes.

5797. You stated you obtained your land at Coorg for nothing; could other parties obtain land for nothing also?—Yes, land that was not under any cultivation, or yielding any tax to Government.

5798. I presume the tax you allude to on cardamoms is levied on the ground of the land on which the cardamoms grow belonging to the Government?—Yes.

5799. Do the Neilgherries produce a sufficient quantity of necessaries of life to support the population on the Neilgherries, or are they brought from the plains?—Rice and other things are brought from the plains; everything indeed except potatoes and small quantities of grain, which are the only products of the Neilgherries now.

5800. What is the produce of coffee in the Neilgherries as compared with the produce in Ceylon?—It is considered in Ceylon that an estate yielding 10 cwt. an acre on the average of three years, is a first-class estate.

5801. And what does it produce on the Neilgherries?—Our estate has given on an average, since its commencement, about 10 cwt. per acre, and of course, therefore, I consider it as a first-class estate.

5802. Do you consider yours as good as the Ceylon coffee?—It is better in some instances.

5803. But the facilities for export are not so great from the Neilgherries?—No; the direct roads to the coast are very bad; so much so that they are impassable for pack bullocks at certain seasons of the year.

5804. You state that one of the means you would recommend for the encouragement of European settlers (I do not know whether you spoke generally or merely with reference to the Neilgherries), would be the giving the land in fee simple?—In all parts of India, where land could be procured by Englishmen in fee-simple, they would be attracted in preference to any other place.

5805. Does that refer to the Neilgherries or to the plains of India?—To all the land throughout the whole country.

5806. Unfortunately in India there are in most of the places persons who have a possessory right in the land already; how would you deal with them; that is, there is a right of occupancy belonging to the natives?—In the Neilgherries you may rest assured that if proper facilities are given to European settlers, there will be a rush of European capital there that will be quite astonishing.

5807. Sir *Erskine Perry*.] The country you speak of as available for European enterprise is a complete jungle or forest country, without population?—Yes.

5808. That country has no villages, but for the most part it is nothing but forests; is not that so?—Yes.

5809. Therefore the case to which Mr. Willoughby alluded of the villagers having rights over the jungle does not apply to the country you speak of?—No; there may be some parts of the country where those rights exist, but you can always get over them by paying for them.

5810. But in the cultivated parts of India where there are villages there is often a jungly tract, is there not, which is not cultivated, but over which the natives have a right of cutting wood, and so on?—Yes.

5811. That state of things does not exist in the jungly, wild, countries near the Neilgherries?—No; the people may have some right there; but now that the planters have gone to that country and wish to settle, that land will no doubt rise in value.

5812. *Chairman*.] Do you think it would be good policy for the Government to sell out and out the uncultivated land?—Yes.

5813. In order that it may be turned into cultivation?—Yes.

5814. You think that would be good policy?—Very good policy under certain conditions.

5815. It would encourage the settlement of Europeans?—Yes.

5816. And be no detriment to the Government?—No, for they yield no revenue to the Government now; in fact, they are an injury to the country; they harbour wild animals of every description.

5817. Mr. *Willoughby*.] Then the fee simple is to be obtained from two parties, first from the Government, and then from the ryot, who has the right of occupancy, and the settler must make his own arrangements with the ryot?—Yes, Government is the principal party in these transactions.

5818. But under the Government, there is generally speaking a ryot who has the right of occupancy, and the settler must make his own arrangement with him?—Yes; I have known parties wishing to purchase a tract of land upon the hills, and some person has started up and said, "That land belongs to me," and then you arrange with that man, give him a few hundred rupees, and get his land. In that case, wherever the lands are suitable for Europeans, I should certainly say let the European make his own arrangement with the native, and purchase the native's right to the land, and the right of the Government to the land; but those soils which are suited for European occupation, as far as I have seen, are really not under cultivation by the natives. The lands of India are worn-out soils. It is fruitless to expect large returns of sugar and a fine quality of cotton from land already exhausted; you cannot have it.

5819. Is it not the case to some extent, that there are jungly and hilly tracts of land that appertain to certain villages, and to the ryots of those villages, and that if you attempt to take possession of them, claimants immediately start up and say, "This is my land"?—Yes. But if you ask me what part of India I

A. G. Fowler, Esq.

22 June 1858.

should select for the cultivation of cotton or sugar, I should reply, "Those soils which have never been tilled; and those lands are not occupied, such as the Sunderbunds of Bengal."

5820. Do you think there would be any difficulty in obtaining a grant in the Sunderbunds?—I am not aware.

5821. Have you experienced any opposition on the part of the Government or local authorities in carrying out your enterprises?—Quite the reverse.

5822. A cordial good will and understanding has existed between you?—Yes.

5823. And you have no reason to suppose that your own case is exceptional?—I never heard a complaint in that respect.

5824. There is no objection to an Englishman proceeding to that settlement, and settling if he likes?—None that I know of.

5825. Mr. *Vansittart.*] I suppose there is rather a large European community in Coorg, is there not?—I believe not. Since I commenced, many have followed.

5826. I understood you to say that in consequence of the generosity of the Madras Government, several Europeans have obtained land in Coorg, is not that so?—Yes.

5827. Then I suppose there is rather a large European community there?—They are just commencing there.

5828. In consequence of that generosity of the Madras Government, I presume there is no land left to be given away in Coorg, is there?—I cannot say; I should think there is.

5829. With the exception of coffee, do you cultivate any other plant?—No.

5830. I gather from your evidence that everything is comfortable and prosperous in Coorg; the Government generous, the police good, justice well administered, the people very peaceable, and roads only wanted; is that so?—I cannot say as to Coorg, for I never have been there; but there is a good road.

5831. I understood you to say that you had every facility afforded you?—Yes. I cannot give evidence upon the subject of the administration of justice, for I never was before a magistrate there; you are assuming more than I said.

5832. I understood you to say that the inhabitants were very peaceable, and that justice was very well administered?—You will find I never said so.

5833. *Chairman.*] What you stated, I think, was, that as far as your personal experience went, you had nothing to complain of?—I had nothing to complain of in Malabar.

5834. And that, I suppose, may be reasonably attributed to your own good management and conduct, and to the peaceable character of the inhabitants?—Possibly so.

5835. Mr. *De Vere.*] I think you have said that the lands throughout India are worn out, as regards the soil?—The soils throughout India cultivated by natives are worn out.

5836. To what part of India do you mean that observation to apply?—I should say it applied to all parts of India, though I can only speak positively of the part in which I have been.

5837. To what part of India do you wish your observation to apply?—I would apply my observation with regard to the land being worn in India to the small quantity of return they have; for instance, of cotton.

5838. You misunderstand my question: I want to know to what part of India you wish your observation to apply?—To the district of Malabar.

5839. And to no other part?—To no other part.

5840. You do not apply it to the soil about the Neilgherries, do you; you do not mean to say that the soil in the Neilgherries is a worn-out soil?—The soils on the elevated portions of the Neilgherries Hills are not naturally fertile; they are not what you call good virgin soils. It is only those soils that are either in dense forests or on the banks of large rivers that are really fertile in India.

5841. How would you describe the cultivable soil on the Neilgherries Hills; what is the quality of that soil?—I do not know whether I have sufficient geological knowledge to enable me to supply you with the information you require. The soils on the Neilgherries Hills are formed from the decomposition of gneiss, granite, and laterite.

5842. Is it true that the cultivable soil in the Neilgherries Hills is of very great depth, and capable of being subsoiled to a great extent?—Some part of it is; other parts are not.

5843. What proportion?—I cannot say.

5844. In

5844. In the elevated parts of the hills, perhaps, 6,000 or 7,000 feet high, is there very good soil?—The valleys, for instance, and many other parts, no doubt, are pretty fair for European cultivation. I know a tract of land of 100 or 200 acres of very deep, black soil; but the best soils are at a lower elevation, and these are the parts generally cultivated by the natives. A very small portion of the Neilgherries Hills is cultivated by natives. The soil appeared to me to be very good; but it was in a fearful state for want of proper tillage, and perfectly worn out.

5845. With regard to those soils which you describe as worn out, have they been worn out, do you think, by injudicious cultivation?—By continual cultivation.

5846. How could those soils be renovated?—By manuring.

5847. Could they be renovated by deep ploughing and subsoiling?—Not without manuring; they require to be highly manured; they have been continually cultivated. I do not think that any depth of subsoiling, ploughing, or draining, would be of permanent advantage to those soils; to a certain extent it would improve them, no doubt, but it would not renovate them.

5848. Do you happen to have read Captain Ouchterlony's evidence with regard to the depth of the soil in the Neilgherries?—No, I have not read it; I heard him give his evidence the first day. Parts of the land only are fit for the plough.

5849. But it is your opinion, that a large portion of the cultivable soil upon the Neilgherries Hills is not of a nature to be improved by subsoiling, or deep ploughing?—The lower plateau is. I consider that by deep ploughing and subsoiling, the land would be very much improved; but the land to make it what it ought to be requires to be highly manured, and put under tillage.

5850. With regard to land never cultivated, but still covered by forests, what is the nature and quality of that soil?—That soil is good; it is virgin soil.

5851. Do you suppose that the lands which you describe as worn out are lands that were originally covered by forests?—They may have been so.

5852. Mr. *Seymour*.] What does it cost you to plant an acre of land with coffee?—I planted this land, and brought it into bearing, for 16 *l*. an acre.

5853. Was that land cleared?—I cleared it; I felled the forest.

5854. Was there large timber upon it?—Very large; such timber as you find in those tropical countries.

5855. Do you know the estate belonging to Professor Owen?—Yes.

5856. Were the trees as large on those estates of yours?—The trees there are of a different description from the trees on my estate. I know that estate well.

5857. Which part of the Neilgherries is your estate upon?—Near Nediwuttum.

5858. Do you think there is much more land there where coffee might be planted?—No. But I think there is much land in different parts of India where coffee might be planted.

5859. Do you know Wynaad?—Yes.

5860. Is the land on the Neilgherries better adapted for coffee than the land there?—The land I have cultivated myself is the best I have seen in India.

5861. Mr. *Willoughby*.] Are these hills healthy, in your opinion?—Yes, as healthy as any of these tropical countries are for Europeans.

5862. Mr. *Seymour*.] Do you hold your land under the Nellumboor Rajah?—No; we purchased his right.

5863. Do you think it a good thing for the Company to sell their land, as the Nellumboor Rajah has done?—Yes, and for the purchaser also.

5864. There is no more land of the Nellumboor Rajah's to be got, I suppose, now?—I do not know.

5865. Yours was not part of the large purchase which Mr. Ouchterlony made some years ago?—The same.

5866. At what rate per acre did you purchase?—I do not know. The land was discovered by Captain Ouchterlony, in the course of his survey.

5867. Was the price very moderate?—Moderate; the Rajah did not know its value.

5868. If the Company were to sell their land, like the Nellumboor Rajah, do you not think the number of settlers would be enormously increased?—Yes, they would prefer holding the land in fee-simple; many were deterred from passing from Ceylon to India by the tenure of the land.

5869. Do you think the tenure which the Company offers in those countries is a satisfactory one?—No; I could not sell my property there.

A. G. Fowler, Esq.

22 June 1858.

5870. Do you not think that the country has lost enormously by the Company's persisting in their system with regard to the tenure of land?—I have not sufficient experience to enable me to answer that question; but I do not think they have suffered enormously.

5871. But it has been necessary, has it not?—I cannot give an opinion.

5872. It has prevented European skill, and capital, and enterprise from settling down there?—Yes, it may to some extent.

5873. And it is considered that that is very necessary to develope the resources of India?—Yes; but what has prevented capital from being invested in India has been the actual want of skill and of experience in developing the resources of the country.

5874. Do you not think that Europeans would bring it there if they were allowed to come?—They would no doubt bring it there, but unless you can show that persons will be successful they will not go.

5875. *Chairman.*] Would not skill and experience be more likely to go there under a fee-simple system than under a land-tax system?—Certainly, because a man having purchased the fee-simple of his land would persist.

5876. Mr. *Seymour.*] Are you aware that the Company have always said that they wish to engage European skill and enterprise?—I have always understood that they wished to do so.

5877. If they really mean what they say, do you not think that they ought to alter the tenure of the land?—Yes; I know that in my own case my land would sell for a greater price if I held it in fee-simple.

5878. Are you aware what the tenure was which the Company offered on the Sheveroy hills?—No.

5879. Do you not think that a tenure of a rupee an acre for 20 years, and then a liability to have any assessment that the Company choose put upon the land, is enough to deter the Europeans from settling in that country?—Land on those terms would not be worth holding; a planter going to India does not look to making 10 or 12 per cent., nothing pays in those tropical climates under 25 per cent.; I would not invest capital in India, nor cultivate land there with the prospect of a smaller return.

5880. Do you not think that the better terms that are offered in Ceylon accounts for a greater amount of British capital and enterprise being settled there?—There is no doubt of it.

5881. You are not acquainted with the culture of cotton, are you?—I am to a certain extent; I have seen it cultivated; I have been engaged in the cultivation of sugar canes and coffee in the West Indies, and know more or less of all of them.

5882. *Chairman.*] You say that in a great many parts of India the soil is exhausted, and that there is a great want of manure?—Yes.

5883. Would not the most likely means of bringing manure there be the introduction of European capital?—Yes.

5884. Is it likely that the inhabitants themselves will do any good, in the way of manuring their land, without the introduction of European settlers and European capital?—Those people will not cultivate the soil scientifically and properly, unless they are aware of the advantages to be derived from it, and those advantages would be shown by persons who go there and cultivate the soil on the same principle that it is cultivated in other British colonies.

5885. Do you think that if a favourable land tenure were offered to them, they would be likely to go there?—I have no doubt of it.

5886. Sir *Erskine Perry.*] Are you aware of the opinion which has been expressed by one or two coffee planters, that after all, the native system of cultivating coffee is that which is the best adapted to the country?—I am aware what some American coffee planters have said, but I must say I do not think that those gentlemen have a sufficient amount of scientific knowledge of the subject; they are merely practical men. You want, not only practical, but scientific men; science and practice must go hand in hand when you commence anything fresh in India.

5887. Do you know the road from Coimbatore up to the Neilgherries?—Yes.

5888. Do you remember a very rich part that there is at the bottom of the hill?—Yes.

5889. Cultivated on each side of the road?—Yes.

A. G. Fowler, Esq.

22 June 1858.

5890. Did you ever go inside that belt of cultivation?—No.

5891. You are not aware that just beyond the road on each side it is all desert for a considerable distance, and that it is only the land on the two sides near the road that is cultivated?—No.

5892. You never asked any particulars as to the cultivation of the land down there?—No.

5893. Did you ever hear the inhabitants of the villages in that district say that they were obliged to leave their land uncultivated because the assessment was so high?—No, I never did.

5894. Mr. *Vansittart.*] I understood you to say in the early part of your evidence, in reply to a question put to you, I believe by the Chairman, that you found no fault with the civilians, the police, the collectors, and the administrators of justice; and that every facility was afforded by the officials of the Government?—No; what I said was, that so far as I was myself personally concerned, I received the greatest courtesy from the officials of the Government; that the collectors, and all those who were connected with the Government, gave me every encouragement, and that I was never before a court of justice.

William Balston, Esq., called in; and Examined.

W. Balston, Esq.

5895. *Chairman.*] HOW long were you in India?—Seven years.

5896. In what capacity?—I went out as a contractor, and commenced the works of the Great Indian Peninsula Railway; I remained four years in the Konkan, during which time I went through Guzerat to see the cotton cultivation there; I was two seasons in Scinde, to see the system of irrigation practised there, and I returned home in 1856.

5897. Those are the only parts of India that you have seen?—Yes.

5898. Do you consider the climate of India any obstruction to a more general settlement of Europeans there?—I think that the climate, as it affects the health of the European, is no obstruction to his settling in India as he settles in other places, as at the Cape, or in Australia; that is, generally, to improve his circumstances, and return home again. But as it affects the productive power of the land, it is the first and greatest of all obstacles to any extensive settlement, because, in consequence of the poverty of the land, India affords so little profitable employment to men of small capital, or of none, such as usually go abroad in search of fortune. The produce of land in India is very little more than 10 *s.* an acre, taking it all through; there are very few spots that produce 20 *s.* an acre. Drought, which prevails throughout India every year, from five months in Bengal to 12 months in Scinde, prevents the land from producing enough to support any cultivator, except the Hindoo or Mussulman, who lives on less than 2 *d.* a day. Under these circumstances, I think that no capitalist could employ labour to a profit, as the cost of production would be more than the value of the produce. I have some figures here, from a book of Mr. Alexander Mackay's, who was a commissioner to India from the Manchester Chamber of Commerce, to which perhaps the Committee will allow me to refer. The most fertile province of Western India, if not of all India, is Guzerat. Although the area of this province is only one per cent. of the area of all India, its export of cotton in 1850 amounted to 56 per cent. of the whole export from India. The gross exports were 10 per cent. of the gross exports of all India; of which 10 per cent. about eight-tenths consisted of the produce of the province. The area of cultivated land amounts to 29·6 per cent. of the whole area, whilst that of the whole Presidency of Bombay amounts to only 16 per cent. As it has open sea communication with Bombay, at a cost of from 4 *s.* to 8 *s.* per ton, or one-eighth of a farthing per pound, the value of produce is nearly the same in Guzerat as at Bombay. In this province the value of the cotton crop, on an average of years, is 16 *s.* 9 *d.* per acre, of which the cultivator pays to Government 8 *s.* 9 *d.* per acre, or 52 per cent. in land tax, receiving for himself 8 *s.* per acre as the cost of cultivation.

5899. Mr. *Seymour.*] Are these figures your own, or Mr. Mackay's?—Mr. Mackay's.

5900. Mr. *Smith.*] But are they confirmed by your own observation?—Yes; as the average holding of a cultivator with a family of five persons is 15 acres, this return gives an income of something less than a penny a day per head for the working days of the year as the wages of the whole family; if any European were to attempt to cultivate the soil in Guzerat he would have to pay threepence a day

W. Balston, Esq.

22 June 1858.

for labour, and in addition to that fourpence for superintendence, making the whole cost of labour sevenpence a head, and with that cost a European would not be able to compete with a native.

5901. *Chairman.*] A native can cultivate the land more cheaply than a European can?—Yes, under existing circumstances a native can do it much more cheaply than a European, and as long as the land produces so little as it does a European can do nothing with it.

5902. What is the average acreage value of the produce of land in the most favoured districts of India?—Guzerat is the most favoured district; the want of a road is no obstruction to communication there, for the produce is conveyed to Surat from Bombay at from four to eight shillings per ton.

5903. By sea?—By sea; therefore the want of communication with a sea-port is no obstruction; the land tax amounts to 52 per cent. of the produce; but if the land were given free, the cultivation income would be increased to only twopence per day for the working days of the year; even with land rent free no European paying the wages of labour could cultivate it to a profit.

5904. Does not the high cost of inland carriage operate to reduce greatly the value of produce in the interior, both in Central India and the North-west Provinces?—Very greatly, especially on products of a low value; in the South Mahratta country, Mr. Mackay gives 10 *s.* 9 *d.* per acre as the value of the cotton crop, of which Government takes 2 *s.* 9 *d.* as land-tax; the land produces, according to him, 66 pounds of clean cotton to the acre; the value he gives is 1·95 *d.* per pound against 2·777 *d.* per pound in Bombay, the difference in value amounting to 7 *l.* 14 *s.* 6 *d.* per ton, which represents the cost of carriage and incidental expenses to Bombay; according to other competent authorities the average produce of cotton in the Deccan is considerably less than that given by Mr. Mackay. Mr. Crawford, in his evidence before the Cotton Committee of 1848, gives 40 lbs. per acre as the produce in the Sholopore collectorate, and that evidence is confirmed by Mr. Vary, the late superintendent of cotton experiments in the South Mahratta country, in a letter addressed to myself at the Cotton Mart of Khamgaum, which is little more than half way from Bombay to Nagpore, which last place is the extreme distance whence cotton is brought to Bombay; the average price of cotton from 1839 to 1847 was 1·62 *d.* per pound against 2·77 *d.* per pound at Bombay, being a difference of 10 *l.* 5 *s.* per ton, or 42 per cent. of its value at Bombay, which sum represents the costs and charges of carriage.

5905. Mr. *Willoughby.*] Is there not a railway under construction in that part of the country now?—There is a railway going near to Khamgaum; if it has traffic enough to pay the working expenses it will reduce the cost of carriage to one-half its present amount, and it may have the effect of reducing the incidental expense arising from the employment of middlemen. At Hoosungabad, in the upper valley of the Narbudda, wheat sells at from 4 *s.* 6 *d.* to 5 *s.* 6 *d.* per quarter, or less than one-fourth of its value at Bombay; oil seeds sell proportionably low. Captain Reynolds, in his evidence before Mr. Bright's Committee, in answer to Question No. 4769, stated that he had seen grain selling at Hingola, in the Upper Godavery, at 2 *s.* 8 *d.* per quarter.

5906. Was that because it could not be transported to places where it was required?—There is no export. It appears from official returns that the total gross value of the whole of the cultivated land in the Madras Presidency is only 5 *s.* 4½ *d.* per acre, irrigated land only excepted. The land tax is 2 *s.* 1 *d.* per acre, and as this represent 40 per cent. of the produce, it follows that the value of produce is 5 *s.* 4 ½ *d* per acre.

5907. Sir *Erskine Perry.*] That is taking all the cultivated land?—Yes; taking all the cultivated land which pays land tax.

5908. Where did you get that information?—From a return made by the Order of the House on the 8th and 10th May 1854. These low prices reduce the acreage value of crops in Central India to less than half their value in Guzerat. This is the condition of land in the Bombay Presidency, and, judging from the price of labour, the amount of land tax paid to Government, and the exports and imports of other parts of India, the Western Presidency appears to be much more fertile than either of the others. Per head of the population, it pays nearly three times as much land tax as Bengal and the Punjab, and 50 per cent. more than the North Western Provinces and the Madras Presidency; labour is worth about 50 per cent. more than in Bengal or Madras; and, although Bombay is the sea-port for only one-fourth part of India, and has less facility of communication with the

the interior than Bengal, its exports and imports amount to forty per cent. nearly (above thirty-nine per cent. in 1853), of the total exports and imports of all India. I am aware that under the perpetual settlement of Bengal the land tax amounts, in some cases, to only a very small part of the produce. When a large quantity of labour is employed in producing a valuable crop, such as sugar or indigo, the greater part of the labour so employed escapes taxation under this settlement, which is not the case in other parts of India; these valuable crops, however, occupy less than two per cent. of the whole area of Bengal, and except to this extent, do not affect the general rule, that the Government tax amounts to from one-fifth to two-fifths of the produce. Notwithstanding that Bengal and the North Western Provinces have river communication with the sea-ports by way of the Indus and the Ganges, the general products of these countries have no exportable value except in the immediate neighbourhood of the ports, because of the great difficulty and consequent high cost of navigating those rivers.

5909. What is the cause of the high cost of carriage on the Ganges and Indus?—At present the carrying boat has to contend, not only against the circuitous course of the river, but also the circuitous course of the channel within the river formed by the shoals, with no other power of propulsion than that of manual labour, with a little occasional assistance from the wind; and the consequence is, that the boat is from 90 to 114 days passing from Kurrachee to Moultan, and nearly double this time in going from Calcutta to Delhi; it occupies the least time during the high flood of the river in July, August and September, when the traffic is small; and the longest time in the winter season, when the want of transport is the greatest. Time is saved by the use of steam, but the cost is not reduced, steam power being about 150 per cent. dearer in India than it is in this country; the cause of which is the high cost of skilled labour there.

5910. Mr. *Willoughby.*] Have not steamers been introduced both on the Indus and on the Ganges?—Yes; I have been in them on the Indus.

5911. Therefore the remarks you have been making refer to sailing boats only?—Yes, native craft.

5912. *Chairman.*] What are the charges for goods and passengers by Government steamers on the Indus?—The charge for carriage by Government steamers on the Indus is 7 *l.* per ton for goods, and 20 *l.* for first-class passengers going up from Kurrachee to Moultan, a distance of 500 miles in a direct line, or double that distance in the course of the river, and one-third of those rates down; these charges, however, do not represent the actual cost, inasmuch as the steam flotilla is worked at a loss by the Government. Mr. Frere, the Commissioner in Scinde, in writing to Mr. Hardy Wells, the railway engineer, on the 14th October 1853, says, "I have reason to believe that the establishment of a railway to Kotree would effect a saving of at least 75,000 rupees a year in the expenses of the Government steam flotilla." This railway to Kotree is proposed to save the navigation between Kurrachee and Kotree, which is about one-fourth of the whole distance traversed by the flotilla; the number of passengers by these steamers for two years ending the 30th April 1853 was, 90 first-class passengers, 87 second-class, 113 third-class, 356 fourth-class, and 62 children.

5913. That would be the saving effected, per ton, in the transmission of goods by steamers, as compared with the old system of transmitting them by boat?—They cost by steamer a little more than by the river boat; but, generally speaking, the steamer is preferred, if available, because of the extra speed. The difference is not very great. The cost of conveyance by river boats, without steam, for the distance of 1,400 miles, is nine guineas per ton, and by Government steamers 13 guineas.

5914. Is there a large traffic by these steamers?—No, very little.

5915. Mr. *Willoughby.*] You have been confining your evidence lately to the Indus, have you not?—Yes.

5916. Do you know anything of the Ganges?—I know but little of it; I have never been down it; but I have seen plans of it frequently, and have heard descriptions of it.

5917. But you know the Indus?—Yes, I know it; half way down it.

5918. Have you been as far as Mooltan?—No; I have only been on the lower part of the river.

5919. *Chairman.*] Will you state shortly what are the points which you wish to establish before the Committee, with reference to the settlement of Europeans in India?—I wish to establish that Europeans cannot find profitable employment

W. Balston, Esq.

22 June 1858.

in India, more especially Europeans with small capital, in the present condition of the land in India. They must have water; that is the first condition of the successful cultivation of land in India, and water is not at present obtainable; but with land yielding good crops, the European of small capital could cultivate land more profitably in India than elsewhere.

5920. Does this cost of carriage prevent exports from the Punjab and the North-west by way of the Indus?—There were none previous to the Russian war; but the high prices caused by the war created an export trade in oil seeds from the Punjab. In ordinary times the cost of carriage prevents any export. To bring grain and oil seeds from the interior there must be either war prices or canal carriage.

5921. Can you compare the cost of carriage on the Mississippi with the cost of carriage on the Indus?—From a very large part of the North-west of India, the cost of conveying cotton to a seaport would amount to from 10 *l.* to 15 *l.* per ton; in America, on the Mississippi, cotton is brought a distance of 1,000 miles for 20 *s.* a ton; from what I have seen of the enormous waste of power in working the traffic on the Indus (and the Ganges and Jumna are no better than the Indus), I believe, that by means of a canal with a towing-path, the speed of working traffic might be increased tenfold, and in case of emergency twentyfold, and the cost of carriage and incidental expenses reduced to about one-fortieth part of their present cost; a canal would bring the cultivator in immediate contact with the merchant of the seaport, and the present cost of middlemen would be abolished. If there came any demand for great speed, steamboats might be used.

5922. How do you account for the extreme cheapness with which goods might be conveyed on canals in India, compared with the rate at which they are conveyed on canals in America?—Goods might be carried on a large canal in India at one-tenth of the cost of conveying them on the Mississippi, because the kind of labour of which river carriage is the product, namely, that of cattle boat builders and navigators, is less than a tenth part of its cost in America. A canal in India, which would be a large artificial river with a towing path, would be the most direct and the best of all navigations; the capital expended would be covered by the profits arising from irrigation; the canal itself, for purposes of navigation, would be free of all cost, and the only cost of carriage would be the cost of draught, which would amount to 4 *s.* 6 *d.* for drawing a boat of 64 tons 32 miles, which is equal to 2 *s.* 11 *d.* per ton for a distance of 1,400 miles.

5923. Mr. *Willoughby.*] To what canals are you referring, as being 1,400 miles long?—A canal that has to be made; I believe that there is no canal of the kind of which I am speaking, with a towing-path, in India.

5924. Where would you propose to construct this canal?—I do not know.

5925. It is only hypothetical?—I merely put this down as a hypothetical distance.

5926. Mr. *Smith.*] You propose that the canals should be canals to be used for the purpose of navigation, as well as for the purpose of irrigation?—Yes; you cannot make a good canal for the purpose of irrigation, without making it a canal adapted to navigation; an efficient work of irrigation in India, must be one which would take the water from the higher levels of the river, and lead it towards the sea-port; and such a canal would be the best navigable canal possible. As it takes 10 tons of Indian produce to pay for one ton of imported commodities, the great bulk of the traffic would flow from the interior to the seaboard, which traffic would be assisted by the current.

5927. You conceive that it would be an advantage to combine irrigation with navigation in India?—It would be no doubt a very great advantage. You cannot construct a good irrigating canal, without making it a good navigable canal also. But it is possible to make a good navigable channel that would be almost useless for irrigation. The great object is to get water above the surface of the country.

5928. Are there any canals in India at present, which combine the two objects of irrigation and navigation?—So far as I am informed and believe, and I have paid great attention to the subject, there is no canal in India that is good either for the purpose of navigation or of irrigation; there is a great deal of canal work in different parts of India, but all the canals are grossly defective in most respects.

5929. What do you say of the Ganges Canal?—It has cost much too small a sum of money to be a good canal.

5930. Is it a navigable canal?—It is navigated; where you have a stream of water,

water, although it is only a large ditch, you may navigate it, but it is more expensive to push a vessel along with bamboos, or to track it, than to propel it by means of cattle draught.

5931. *Chairman.*] Does the present high cost of carriage fall heavily on articles of general consumption in India?—Very heavily on those articles of general consumption in India such as rice and salt, which are produced in abundance near the seaboard, but with rare exceptions very scantily in the interior. The difference in the price of salt between Calcutta and Benares amounts to 100 per cent.

5932. Mr. *Smith.*] What is the distance?—Five hundred miles. Rice, which sells at a seaport at 2 *s.* a bushel, is quoted at an average of 5 *s.* 1 *d.* per bushel in the Punjab, the Trans-Indus, and the Cis-Sutlej territories; the distance of these states would be from 800 to 1,200 miles from a seaport.

5933. Would there be much gain in speed on large canals as compared with the present river navigation?—Yes, I have so stated.

5934. Is it practicable to improve the navigation of the Ganges or the Indus?—It is not practicable. The only suggestion that I have ever heard made with reference to that subject was, to store a large quantity of water in the North-Western Provinces, and throw it into the Ganges in the dry season. I think that if large quantities of water were stored, which could only be done at a very great expense, it would be much too valuable for purposes of irrigation to be thrown away upon the channel of the Ganges; and if it were so used, it would only have a temporary effect; it would improve the navigation for a short time only.

5935. You have said that the first great cause of the poverty of crops is the peculiarity of the climate; in what way does the climate operate to prevent the production of valuable crops?—I believe that the first great cause of the poverty of crops is drought, as is shown by the rain gauge which I have here, from which it appears that at Bombay there is no fall of rain for seven months, and only an inch and a quarter in the eighth month; and for the remaining four months 74·83 inches. At Calcutta and Madras the rain continues for a longer time, but the fall is less than one inch a month for five months, which in a tropical climate is almost nothing; with such a fall of rain it would be impossible to produce a good crop of sugar or cotton without artificial irrigation.

5936. Can you inform the Committee to what extent land is now irrigated in India, and by what means?—Irrigation is at present used to only a very small extent, and by very imperfect means, and is rarely employed in Western India, except in Scinde, in consequence of its expense and inefficiency, except for the production of fruit, garden-stuff, and sugar-cane for home consumption, for which purpose the water is raised from canals, tanks, and wells. The quantity of land thus irrigated in the country under the Bombay Government amounts to only two per cent. of the cultivated land, except in Scinde, where the whole cultivation, amounting to 2·4 per cent. of the whole area, is irrigated from canals during the high flood of the Indus. In the Madras Presidency the land is irrigated to the extent of three per cent. of the whole area, partly from canals, but principally from tanks, which are very numerous there. In the North-Western Provinces, the quantity irrigated, or estimated to be irrigated when the Ganges Canal is completed, amounts to eight per cent. of the whole area.

5937. Sir *Erskine Perry.*] Where do these figures come from?—From a memorandum published by the East India Company, and from a return to the House of Commons, upon the motion of Mr. Hume.

5938. Is it not the fact that in every field in Guzerat there is a well?—There are numerous wells; but the total area of land irrigated is only two per cent. of the cultivation.

5939. Mr. *Willoughby.*] During a season of what you call drought, or the last summer season, when everything is burnt up, do you think that the ordinary cultivation of land could be carried on successfully in India?—I think it could be carried on there much more successfully than it could in any other country in the world, if proper means were taken.

5940. *Chairman.*] There is a combination of heat and moisture there, is there not, which produces those extraordinary effects which are observable in the South of France, Italy, and Spain?—Yes.

5941. Sir *Erskine Perry.*] At what period of the year is the inundation from the Indus?—The water enters the canals sometimes in April, sometimes in May, and sometimes not till June.

5942. That is really the hottest time of the year, is it not?—Yes. In the

W. Balston, Esq.

22 June 1858.

Punjab there are water channels, as in Scinde, to irrigate during the high flood of the river, and there is a canal in the course of construction; the quantity of land irrigated is not stated. Of the irrigation in Bengal I know nothing, except from the complaints of planters of its expense and inefficiency. The greater number of these works are of native construction, and are all, I believe, without exception, either of native design or according to native design, and are grossly defective both in design and workmanship. In all there appears a total absence of engineering science in designing and mechanical skill in executing them; the consequences are scanty crops arising from insufficient supplies of water and an enormous waste of labour in keeping the works in repair and in lifting the water to the higher levels of the country; of the whole quantity of land irrigated, but a very small quantity is supplied with water throughout the year, and free from the cost of lifting. Generally the water has to be lifted from tanks, rivers, wells, or canals by various instruments, such as the Persian wheel, the basket, the wooden shoot, the leather bag, and others, which varies from 5 *s.* to 5 *l.* an acre, and upwards, according to the height of lift, the length of time the land requires irrigating, and the kind of crop to be produced. The largest expense would be incurred in lifting water from wells for a crop of sugar in a rainless country; with hired labour it would cost 8 *l.* 10 *s.* 6 *d.* an acre. The most extensive irrigating canals that I have seen receive their supplies of water from the Indus, but these canals are so defective in construction that with the river flowing through them all the year, they supply water to the land only sometimes four months, sometimes three months, and sometimes not more than two months during the year. In 1855 the Kardars, or native revenue officers, complained to me that much of the land had only one month's supply, and this in the rainless country of Scinde. Extensive canals might, I think, be constructed to give water free of all cost of lifting, which now varies from 5 *s.* to 5 *l.* per acre, at from 2 *s.* to 4 *s.* throughout the country, in any quantity that might be requisite.

5943. And that you think might be done by the application of European science and European capital?—Yes, a large capital would be required for that purpose.

5944. It could not possibly be done by native labour, I suppose?—No; the natives could not provide either skill or capital.

5945. The result would be an infinitely cheaper supply of water?—Yes; and cultivators in India would produce as good crops as cultivators in any other country, and at less than one-fifth of the cost at the place of growth of sugar or other valuable products grown by slave labour.

5946. Is irrigated land generally subject to the great cost of lifting the water to which you have referred?—I believe so generally, with but little exception. Colonel Cotton states that the cost of lifting water for sugar-cane in the Madras Presidency is from 2 *l.* to 3 *l.* per acre, and in another place he states, that the lift from tanks is from 5 feet to 15 feet. The lift from the Indus or the Ganges in the dry season would be from 20 to 40 feet. Should the value of labour increase, which would be the natural consequence of any improvement in agriculture in a country where so many labourers are landowners, from a penny halfpenny to sixpence a day, the cost of lifting would be increased from 3 *l.* to 12 *l.* per acre.

5947. Is the Government tax on irrigated land heavy?—Besides the high cost of water, the high charge from irrigated land on account of Government, is an obstruction to any extensive wet cultivation; the charge on account of land-tax for sugar land, varies, according to Mr. Prideaux, who was examined before the Sugar Committee of 1848, from 18 *s.* to 48 *s.* per acre. The Madras Irrigation Company, of whom Captain Doira and Colonel Atwell Lake, both of them Madras engineers, are directors, state that much of the land yields 3 *l.* an acre to Government; if it yielded 3 *l.* an acre to the cultivator, he would be soon transformed from a miserable half-starved beast of burthen to an independent capitalist farmer. It does not appear whether the cultivator spoken of, who pays Government 3 *l.* an acre, is or is not subject to any cost in lifting the water; but in Western India cultivators are, or have been, charged upwards of 5 *l.* an acre for irrigated land which is subject to this cost.

5948. Mr. *Willoughby.*] Five pounds an acre?—Yes.

5649. Where?—In Western India, near Poonah.

5950. *Chairman.*] Is the irrigation efficient; were the crops that were produced by it good?—No; the great objection to the irrigation is that they cannot at any cost obtain a good supply of water; watering land in a tropical country with a jar a bucket,

a bucket, or basket, is almost as ineffectual as it would be to water an English garden in the summer with a tablespoon.

5951. Is it practicable to improve the value of land so as to make it worth cultivating by capitalists?—To make land worth cultivating by capitalists, it should be supplied with an unlimited supply of water throughout the year, and as much as possible free from the cost of lifting, and with canal communication to a seaport, which advantages would give a rent value to land of upwards of two pounds per acre, and would cost from two to four shillings per acre according to the nature of the ground, and the facilities for constructing the works, allowing a return of 10 per cent. on the capital expended. This return of from two shillings to four shillings an acre, would leave the canal for navigation free of all cost. For two shillings to four shillings an acre, in addition to the land tax, which ought not to exceed three shillings an acre, the cultivator would get land worth upwards of 2 *l.* an acre.

5952. Sir *Erskine Perry.*] Of what part of India are you now speaking?—It applies to all India, but more particularly to the plains of Hindoostan, which are as level as a bowling-green.

5953. I understood you to say that you had not been in those parts of India?—No; but I have seen sections of the country, and I can say confidently that canals might be constructed there at a cost of not more than 5,000 *l.* a mile.

5954. Do you think that practically they could be constructed in Western India?—Quite easily; because they require much less skilled labour than railway works.

5955. Is it not the fact that rivers with which you are conversant run in beds 50 and 60 feet deep?—Some of them do.

5956. Would those rivers be available for the canals for the purpose of irrigation?—The bed of the river itself should not be used for the purpose.

5957. How are you to draw water for canals from rivers of that kind, so as to irrigate the adjacent soil?—The river at Jubbulpore is 1,200 feet above the sea; if the levels towards the sea-coast are favourable for a canal, the water may be taken through the canal without reference to the level of the present bed of the river.

5958. Mr. *Willoughby.*] By what route?—By the best route that could be selected.

5959. Sir *Erskine Perry.*] Is it not the fact that that is a most rough and mountainous country?—I have not followed the levels from the western coast up to Jubbulpore; but I have from Nagpore down to the mouth of the Godavery, which levels are very favourable. What amount of lockage, if any, it would require to go from Jubbulpore to the western coast, I am not prepared to say.

5960. Is it not the case, that those gentlemen who have investigated the country for the purpose of applying canals to irrigation in Western India, have been unanimously of opinion that the state of the country is not suitable for canals, on account of the depth of the rivers?—I do not know that any man of practical experience has surveyed the country at all. No practical man could object on account of the depth of the rivers.

5961. But is not that the general opinion entertained by men most competent to form an opinion upon such a subject?—I never heard an opinion expressed upon that subject from any person competent, in my judgment, to form an opinion.

5962. *Chairman.*] On what do you base your opinion?—I am speaking of the cost. I should not anticipate that there would be any great difficulty in it. It is more a question as to the quantity of lockage that would be required.

5963. Sir *Erskine Perry.*] You say that without having surveyed the country?—Yes, I feel confident that it is a mere question of lockage.

5964. Mr. *Willoughby.* Would not the cost of maintenance be very heavy, considering the violence of the monsoon and of the torrents?—The canal would be safe from the effects of torrents. The quantity of water in the canal would be regulated by sluices at the head of it, and by overfalls to carry off waste water. The cost of maintenance would be small. The kind of labour required for the purpose of cleaning the canal is the cheapest kind of labour in India; it is about one-fourth of what is paid in England.

5965. Would not the banks be liable to be washed away in the monsoon?—No, they would not be in any way affected by the monsoon.

5966. *Chairman.*] Why would it be the cheapest kind of labour in India?—Because it is unskilled labour, which is the cheapest kind of labour in India. It

W. Balston, Esq.

22 June 1858.

would be mere digging and carrying the earth away in a basket a distance of a few yards.

5967. What is the effect of irrigation on the cotton plant in India?—The effect of irrigation on the cotton plant, is to raise it from a small stunted plant, producing 50 or 60 pounds of clean cotton per acre, to a large perrenial plant, producing 400 or 500 pounds of cotton to the acre, quite equal in quality to anything produced in America, and worth 150 per cent. more than the present native field-grown cotton.

5968. Is that which you now state based on your own observation?—Yes, I have seen it in the Island of Bombay; I have seen the plant there growing about eight feet high; a perennial plant with 300 bolls upon it.

5969. Sir *Erskine Perry.*] That is where there is water?— Yes.

5970. In a garden?—Yes; with irrigation you can produce as good a crop of cotton in India as you can anywhere else, and without it you cannot.

5971. Do you think that a garden experiment is sufficient to enable you to form a correct judgment upon such a subject?—Yes, the garden cultivation which I saw was merely watering the plant; it appears to me that the idea of watering the plants in a field never occurred to anybody.

5972. Mr. *Willoughby.*] Have you been in the Guzerat in the harvest season?—Yes.

5973. Is not a portion of the land there irrigated?—No, I never saw cotton irrigated there; there are no sufficient means of irrigating fields.

5974. That probably is because other products are more profitable to the grower?—Irrigation is too expensive at present for the general cultivation of cotton, and it is scarcely ever applied to anything except garden stuff and the sugar cane.

5975. And wheat, plantain, fruits, chillies, pepper, and things of that sort?—Yes, except wheat, these things are treated as garden stuff.

5976. Do you not think that irrigation is applied to those articles, because they are more profitable to the grower than cotton would be?—Yes, no doubt.

5977. You would not expect a farmer to apply irrigation to cotton, if he could gain more by applying it to something else?—If he has no other means of irrigation than he has at present, he will apply it in the first instance to the necessaries of life, such as vegetables and the sugar cane, as cannot be produced without it.

5978. Have you not seen large tracts of wheat under irrigation?—I never saw any tracts of wheat under irrigation, except where the land was inundated. Wheat is grown on land that has been inundated from rivers, and it would grow anywhere if you could flood your land. I saw no wheat myself in Guzerat.

5979. Your personal observation only applies to a very small part of Guzerat?—No; but that part produces as much cotton per acre as any other part, and of as good quality.

5980. *Chairman.*] How do you know that it produces as much?—From the returns which have been made.

5981. What is the present cost of "Surats," or Indian cotton, delivered at Bombay?—The present cost of Indian cotton at Bombay may be taken at 3 *d.* per pound, including the cost of cultivation, Government rent, carriage, and all incidental expenses. If the cotton comes from Guzerat, the cost may be thus divided: Government rent, 1 ½ *d.*; cultivator, 1 *d.*; carriage and incidental expenses, – ½ *d.*; making in all 3 *d.* If it comes from Oomrawuttee, it is thus divided: carriage and incidental expenses, 1 ½ *d.*; cultivator, 1 *d.*; Government, – ½ *d.* In either case the cultivator gets only 33 per cent. of the produce as the cost of cultivation.

5982. Mr. *Willoughby.*] Where do you get that fact from?—This is from a close consideration of the subject, and a reference to all the authorities I could find. The remaining 66 per cent. is swallowed up by Government, by carriers, and middlemen.

5983. *Chairman.*] Did you get this information in Guzerat yourself?—Yes; I know that it is strictly correct as to Guzerat. Fluctuation in price at Bombay affects greatly the profits or losses of the middlemen, but have no effect on Government rent, and but very little on the cultivator's return.

5984. What do suppose would be the cost, if there were extensive and efficient irrigation?—With canals for irrigation and navigation, the Indian cultivator would be enabled to produce a bale of cotton of 400 pounds from an acre of land, and deliver it at a seaport, from any part of India, at the cost of 2 *l.* 8 *s.* 6 *d.*, as

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per detailed estimate; which bale of cotton would be worth 10 *l.*, and the seed 18 *s.*, leaving a profit of 8 *l.* 9 *s.* 6 *d.* per acre. Irrigation improves the quality of cotton, and brings it up to the standard of the American cotton. Water never fails to lengthen the staple of cotton in India.

5985. Mr. *Villiers.*] Do you think it would come into competition with cotton coming from America?—Yes; it will drive American cotton out of the market entirely when it comes from India in sufficient quantity.

5986. Mr. *Willoughby.*] These details which you have given us presuppose the difficulty and expense of constructing the canals which you advocate, whatever they may be, to have been overcome, do they not?—Yes, I am not aware there is any difficulty in it at all, except the difficulty of getting money.

5987. Do you think it possible to get a line through the ghaut. Is it not almost beyond engineering skill?—I should be very slow indeed to attempt to make a canal there.

5988. But you must do it, must you not, in order to get to the sea?—No; you may go north without that.

5989. But that would not embrace the whole of the cotton of India?—It is impossible to take a canal from any one seaport to every part of India.

5990. How would you manage from Bombay?—That is worse situated than any other part of India; there would be great difficulty in going down the ghaut. Any way it would be expensive, but the canal could better expense than any other work.

5991. Mr. *Villiers.*] You have spoken of the present cost of Indian cotton delivered at Bombay, and I think you said you had some details?—Yes; land rent per acre, 3 *s.*; water rent, 2 *s.*; present cost of cultivation doubled, 16 *s.*; packing and carrying to a seaport, 4 *s.*; 10 loads of manure, 10 *s.*; and ginning, 13 *s.* 6 *d.*, making in all, 2 *l.* 8 *s.* 6 *d.*; then the value of 400 lbs. of cotton at 6 *d.*, 10 *l.*; and six hundredweight of seed at 3 *s.*, 18 *s.*; making in all, 10 *l.* 18 *s.*

5992. Mr. *Gregson.*] You spoke of 9 *l.* just now?—It would be 10 *l.* 18 *s.* altogether, and deducting the 2 *l.* 8 *s.* 6 *d.*, it would be 8 *l.* 9 *s.* 6 *d.* per acre; the value of it at the port would be 10 *l.* at the present price of cotton.

5993. Against 2 *l.* 8 *s.* 6 *d.* the cost?—Yes.

5994. Mr. *Willoughby.*] Where is the cotton to be grown?—The cotton plant is not fastidious about soil.

5995. In that calculation of yours, where would the cotton be grown?—I have already said that by canal you might convey a bale of cotton a thousand miles for less than 2 *s.*

5996. Do you think you could easily get other engineers to support your opinion?—Yes; I think that any engineer in Great George-street would support it.

5997. Sir *E. Perry.*] Is it not the universal impression in India that some soils are good for the growth of cotton, and that some are not?—Yes; that is a fact, but it is a fact also that it grows in almost every village in India.

5998. Is it not the staple product of the Deccan?—There is a great deal grown in the Deccan.

5999. Mr. *Villiers.*] You have no practical acquaintance with the growth of cotton yourself, have you?—I have watched the cultivation of it.

6000. *Chairman.*] Upon what ground do you say that irrigation is a necessary expedient for the successful growing of cotton?—Because irrigation increases the produce from 60 or 70 pounds to 400 pounds an acre.

6001. And is the staple greatly improved by it?—Yes.

6002. Could you convert it from a short into a long staple by irrigation?—Yes, irrigation never fails to do that.

6003. Sir *Erskine Perry.*] Is there any plant that has produced the quantity you speak of, except a cultivated plant in a garden?—Dr. Wight, who paid great attention to cotton cultivation in Southern India, states that, on one occasion, he had 100 acres of noble looking plants, promising a crop of 1,000 pounds of seed cotton to the acre, but, in consequence of a sudden failure of moisture, thousands and tens of thousands of the bolls never opened. I have a letter here from Mr. George Vary, late superintendent of cotton experiments in the South Mahratta country, in which it is said, "The cotton plant as at present cultivated is an annual; the seed is sown towards the end of the monsoon, when the ground is full of moisture; the bush seldom exceeds three feet and a half in height, and 40 pounds per acre of cleaned cotton is considered a fair crop. After the cotton is collected the bushes are pulled up and burnt, as they all die during the hot weather

W. Balston, Esq.

22 June 1858.

from want of moisture. By irrigating cotton, you will be able to retain the same bushes for several years. I have seen a bush, nine years old, producing three crops yearly of fine cotton. You will therefore get two or three crops yearly instead of one, and instead of 40 pounds per acre you will get from 200 pounds to 300 pounds yearly; and the quality of irrigated cotton is 150 per cent. better than field-cultivated cotton, which is easily accounted for. In the non-irrigating system, the hot weather suddenly sets in, the bush, from the want of moisture, becomes suddenly dried up and stunted, and this renders the cotton short and crisp. The samples of cotton which I have seen grown in gardens, or where there was plenty of moisture, is as fine, long, and silky, as any in the world; and there is no doubt, if it can be produced in large quantities, it would be preferred to American or any other."

6004. You have never practically ascertained whether cotton would pay the expense of irrigation?—No, not in India. Sir John Lawrence reports a produce of 384 pounds of clean cotton to the acre, from irrigated land in the North-western Provinces, as stated by Dr. Royle.

6005. Mr. *Willoughby.*] Is not the cotton plant very much affected by the cold weather. Have you never seen (as I have) whole plains of cotton presenting the appearance of a fire having passed over them?—I think not, but I think that the plant would recover if it had suffered from anything of that kind.

6006. *Chairman.*] Do we not hear complaints constantly from America that the cotton crop has suffered from frost?—Yes.

6007. Mr. *Villiers.*] Do you know anything of the cotton in America?—Yes; it has been grown extensively in India.

6008. And do you know the price?—Yes.

6009. And the circumstances under which it has been brought into this market?—Yes.

6010. And have you considered the difficulty we should have in competing with cotton coming from America?—Yes.

6011. Do you suppose it would be possible for us ever to bring Indian cotton into competition with that grown in America?—I think that the first three or four large canals that were made in India would drive the American cotton entirely out of the market: forcing it out by two prices: that would arise simply from the cheapness of labour in India.

6012. Are there any irrigating canals in America?—None.

6013. Would there be any difficulty in collecting the cotton crop in India?—No, not much difficulty.

6014. The labour of collecting it is considerable, is it not?—The present cost of cultivation is only 8 *s.* an acre, and for crops more highly cultivated it would not exceed 16 *s.* for labour and seed.

6015. You think there would be no difficulty in getting a continuous supply of labour for the purpose?—None whatever. There is an unlimited supply of labour.

6016. *Chairman.*] Do you suppose that the low cost of production in India would influence prices at Liverpool without a much larger production in India than at present?—I do not suppose that. I believe that cotton quite equal to the average of American might be delivered at a seaport from any part of India at a cost of 1 ½ *d.* per pound. This low cost of production, however, would not much affect prices in Liverpool till Indian cotton is produced in sufficient quantity to displace the American. So long as the American, which costs 6 *d.* per pound at a seaport can be sold at Liverpool at a profit, so long will the Indian cotton sell at a proportionate price, whatever the cost of production might be. To reduce prices in Liverpool 2,000,000 bales in excess of the present supply are wanted from India, or will be in a few years. To produce this quantity by the present method of cultivation would require an extra 42,000,000 of acres of land, allowing a crop of cotton from it once in three years, and an extra 4,000,000 or 5,000,000 of labourers. With this extra quantity of land and labour, 2,000,000 of bales might be produced; but the quality, as regards staple, would not be improved, and the cost of production would remain the same as at present, except only to the limited extent to which the cost of carriage may be hereafter reduced by the construction of roads or railroads.

6017. Mr. *Gregson.*] Is this your opinion?—Yes.

6018. Are you speaking there of a special locality, or are you speaking generally?—I am speaking of all India. I think that the mode of obtaining a large supply

supply of cotton from India would be to encourage irrigation in preference to making railways, or constructing other works. *W. Balston*, Esq.

22 June 1858.

6019. *Chairman.*] Does not a low price for cotton in England necessarily enable the English manufacturer to compete more successfully with the native manufacturer?—The lower the price of raw material at home, the greater the power of the machinery of Lancashire to compete with the manufacturers of Asia. To the Indian cultivator, who is also a manufacturer, the price of cotton is a penny per pound without reference to its value in England, and the cost of spinning it into 20*s.* twist 10*d.* per lb., making it a total cost of 11*d.* per lb. for the yarn; the cost of producing the same yarn in Lacashire would be 5½ *d.* for the cotton, and 1½ *d.* for spinning; together 7 *d.*, giving the manufacturers a margin of 4 *d.* per lb. to cover the cost of export. If cotton could be had at 3 *d.* per lb. in Lancahire, the cost of the yarn would be reduced to 4½ *d.*, giving a margin of 6½ per lb., which would enable the English manufacturer to compete with the Eastern manufacturer to a much greater extent than at present. Although the cultivators of India will continue to manufacture their own clothes so long as they have nothing else to do for a great part of the year, yet there are 60 millions of people in India, besides foreigners, who buy manufactured goods where they can buy them cheapest.

Jovis, 24° *die Junii*, 1858.

MEMBERS PRESENT:

Mr. Campbell.	M. Danby Seymour.
Mr. Gregson.	Mr. William Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.
Mr. Mangles.	Mr. De Vere.
Sir Erskine Perry.	

WILLIAM EWART, Esq., IN THE CHAIR.

John Warden, Esq., called in; and Examined.

6020. *Chairman.*] HOW long were you in India?—I was upwards of 33 years in the service, including absence. *J. Warden*, Esq.

24 June 1858.

6021. When did you leave India?—In September 1854.

6022. In what parts of India have you been?—I was employed in the provinces south of Bombay. In the territories of the Peshwah, called the Deccan, and the Southern Mahratta country, which stretches down to the Toongbuddra river.

6023. Are these all the parts of India in which you have been?—I have been from the Taptee down to the Toongbuddra, the southern point of the Bombay Presidency; during the greatest part of my service, I resided in the Deccan.

6024. In what capacity were you in India?—When I left India I was senior Member of the Council, Chief Judge of the Sudder Court, and President of the Board of Education, in which last capacity I had the honour of succeeding an honourable and learned Member of this Committee.

6025. Previously to that, what capacity did you fill?—When I first went to India, I was employed for five or six years under the Commissioner in the Deccan; which appointment was similar to that of Sir John Lawrence in the Punjab; on the abolition of the Commission I was transferred to the secretary's office at Bombay, and travelled with Mr. Elphinstone through the Deccan.

6026. The commissionership in the Deccan was abolished long ago, was it not?—Yes; Mr. Chaplin was the last, and Mr. Elphinstone was the first. I was for some time employed in the South Mahratta country as an assistant to Mr. Thackeray, of the Madras Civil Service, who was called principal collector and political agent, in which capacity he had the whole administration of the country under him; he was one of the most distinguished members of the Madras Civil Service.

J. Warden, Esq.

24 June 1858.

6027. Have you ever turned your attention to the obstacles which exist with reference to the settlement of Europeans in that part of India in which you have been?—I have.

6028. What is your opinion as to the climate of Bombay?—In those parts in which I have been employed, I should say that the climate is sufficiently good for Europeans to colonise; that is, for overseers, capitalists, and bailiffs; of course, for manual labour, it is out of the question for two reasons; first, the climate is not such as to admit of Englishmen performing labour; and secondly, the wages of labour are about fourfold less than they are in this country.

6029. When you speak of residence, you mean, of course, residence for a term of years; you do not contemplate the continuance of the race of Europeans in that part of the country?—I should imagine that the race of Europeans could be continued if the children were brought up on the hills, in which there would be no difficulty.

6030. On what hills?—In the Deccan there are some hills called Mahableshwur on the Western Ghauts; in one part of them you can reside all the year round, but in the other part you cannot. The monsoon is so heavy there that no Europeans could live there for three months; but leaving the immediate edge of the hills, there is a climate where Europeans could live all the year round.

6031. Is that on the eastern side?—Yes; the monsoon being broken by the Western Ghauts.

6032. Can you state what is the difference of the fall of rain on each side?—Yes.

6033. Are you clearly of opinion that Europeans could reside to the eastward of those hills?—Yes.

6034. Do you think that a medical man would confirm that opinion?—Yes; I believe that the subject has been tested by medical men at Bombay.

6035. Have you ever noticed the state of health of our soldiers who have been located in that part of India?—I passed a great many years at Poonah, where there is a large military cantonment of cavalry and foot, and I should say that the soldiers look as healthy there as they do at a review in Hyde Park; I could see no difference; they appeared to be remarkably healthy, and the exposure to the sun did not seem to have done them any harm.

6036. Those soldiers, I presume, had resided in the healthy district?—Yes; I am speaking entirely with reference to that part of India which is very healthy; the soldiers' wives do not look so healthy as the soldiers themselves, but that is partly accounted for by the miserable huts that the women have to live in. I think that accounts for the unhealthy appearance of the women and children.

6037. Do you think it practicable to have depôts for the soldiers and asylums for their children on the more healthy parts of the Mahableshwur Hills?—I should think so.

6038. Are you of opinion, that in that situation the soldiers could be safely stationed, and their children brought up?—Yes; Sir John Malcolm originally intended it as a sanatarium for European Troops, and the first year he was there some invalid European soldiers were sent up; they got better while they were there, but the approach of the monsoon obliged him to send them back to the plain, and it was found that their improvement was not permanent; the idea was soon given up, and it was not until some years afterwards that was observed.

6039. Sir *Erskine Perry*.] Have you not heard of there being a fall of rain to the eastward there of something like 280 inches in the course of four months?—Yes; and I may mention as an example of the extent of damp, that if you wash your clothes there, you must send them down to the plain to be dried; there are in the Deccan, hill-forts which are nearly as salubrious as the Mahableshwur Hills, and nearly as cool.

6040. Are they subject to the same degree of damp?—No, they are not.

6041. Those are more in the interior, are they not?—Yes.

6042. *Chairman*.] Has any inquiry been made by the Government as to the sanataria of Bombay, and as to what places could with advantage be made stations for the military, and where there could be asylums established for the education of the children of soldiers?—I do not know that the Government ever turned their attention particularly to the education of the children of soldiers on the hills.

6043. But

6043. But have inquiries been made as to situations suitable for those purposes?—I imagine that the inquiries were made with reference to the soldiers, and not with reference to their children.

6044. Have inquiries been made as to what places are healthy and suitable as depôts for soldiers?—Yes; in the north of Guzerat there is a place called Aboo, which is a well-known place; then between Poonah and Bombay there is a hill called Materan, to the foot of which the railway goes, and the electric telegraph is carried to the top of it.

6045. Is it not the fact that recently more of these sanataria have been discovered than were known formerly?—Yes.

6046. And are they gradually exploring and finding out the most healthy spots for the purpose of European residence?—Yes; when I went to India, the Mahableshwur Hills were almost unknown.

6047. Can you give the Committee any idea of the cost of labour in that part to the European capitalist?—You may get an agricultural labourer for about four rupees or eight shillings a month.

6048. Sir *Erskine Perry.*] Or less than that perhaps?—Yes.

6049. *Chairman.*] On what security do you consider the English power rests in India?—I think that our security in India rests, on what has been called the government of opinion, which the Duke of Wellington on one occasion defined as the opinion of our power and our justice; that is truly what is meant by the government of opinion in India, on which our empire rests.

6050. With regard to our power; has that opinion been shaken in India, do you imagine?—Yes; I think that it was first shaken after the Affghan disasters, when the natives for the first time discovered that they could demolish a European regiment, and thrust back an army as they, in fact, did. The opinion of our justice, I think, was at its height when I went to India, and when Lord Hastings was Governor-general, with Lord Metcalfe as his chief secretary. There was Sir John Malcolm there, the greatest friend the natives ever had, who was watching their rights and usages in the centre of India; there was Sir Thomas Monro, at Madras; and there was Mr. Elphinstone, at Bombay. I consider that with such functionaries as those at the head of the Presidencies, there never was any fear of our being unjust or ungenerous to the natives.

6051. Do you think that the natives now have not that high opinion of our justice that they formerly had?—When I speak of justice, I would combine it with generosity. I think that during the last 15 years their opinion of our generosity towards them has very much diminished. I think that the measures which have been taken by the Government with respect to them have shaken their faith very much in the generosity of the British Government.

6052. What is the system of law that is in force in Bombay; what is the basis of our law there?—The Mofussul territories are administered under what is called the Elphinstone Code, which is a code formed by a committee of gentlemen during Mr. Elphinstone's administration, and which was revised word for word by himself; I have sat by his side as he has been revising these regulations. That code was extremely simple and clear, and answered all practical purposes, but it was latterly encumbered with a number of supplementary regulations which deformed its beauty.

6053. It was based on regulations?—All the great principles of it were based, I imagine, on the principles which prevail in this country.

6054. Sir *Erskine Perry.*] And they were also based, were they not, on the regulations existing in Bengal?—They may have been so; but I am not aware of the fact.

6055. *Chairman.*] On what law, does the judge rest the decision of cases?—I have here a section of the regulations in which that is mentioned, and if I may be permitted to do so, I will read it; it is the 26th section of the fourth Regulation of 1827: "The rule to be observed in the trial of suits shall be Acts of Parliament and regulations of Government applicable to the case; in the absence of such acts and regulations, the usage of the country in which the suit arose; if none such appears, the law of the defendant, and in the absence of specific law and usages, justice, equity, and good conscience alone."

6056. Sir *Erskine Perry.*] Do you know that that corresponds with a similar regulation at Calcutta?—I do not.

6057. *Chairman.*] I believe you were formerly connected with what may be called the Enam Commission in that part of the country?—Having been

J. Warden, Esq.

24 June 1858.

employed under the commissioner in the Deccan, in the original settlement of the country, I became more or less aware of the principles on which the settlement of the country was originally made, and I have observed some changes that have taken place since that time; when Mr. Elphinstone took charge of the administration of the country, he issued a proclamation to the people, declaring the principles on which the country would be settled.

6058. In what year was that?—In February 1818, I think; I have not seen that proclamation for many years, but I believe it is before the House, and I think it promised that private rights should be treated with generosity.

6059. Sir *Erskine Perry*.] You know Mr. James Grant Duff's history of the Mahrattas do you not?—Yes.

6060. I will read a passage from that work, it is in page 488 of the third volume: "The progress of the settlement went forward as rapidly as the conquest. After the first instructions were in train, the next object was to obtain full information respecting individuals, that their claims to consideration might be fully understood. Inquiries were also circulated by the commissioner to his agents, and by them to their subordinate agents, on the usages and laws of the country, in which all the intelligent part of the community were called upon for their opinions. A mass of valuable information was thus speedily collected; and, from the judicious nature of the queries, so far from alarming the inhabitants, an inconvenience to which such interrogatories are particularly liable in India, these, on the contrary, being committed to men who knew the natives, tended to gain their confidence, and were in this respect useful to the new government. To keep down insurrection; to settle claims and rewards consequent upon such a revolution; to make some provision for all who suffered; and to better the condition of those whom the voice of the community pointed out as fit objects of bounty, were a part of the duties which devolved upon the Commissioner:" Is that an accurate account of that proclamation?—Yes; I was one of those employed in putting those queries to the natives, and in getting the information which was afterwards digested by a gentleman in the Civil Service of the name of Steele, and published under the authority of Government. I am sorry to say, that it has no more dignified appellation in the country than "Steele's Book;" but it is a most useful work.

6061. *Chairman*.] Proceed, if you please, with what you consider to be the policy or impolicy of the Enam Commission?—I think that the Enam Commission has not attracted all the notice that it should have done in this country.

6062. Can you assign any obstacle to European settlement connected with the Enam Commission?—I go back to the time when Mr. Elphinstone completed the settlement of the country. If I had wished at that time to carry my capital to India for the purpose of growing cotton, and superintending its cultivation by the natives, and cleaning and exporting it, and so on, what I should have done, with my present knowledge of the country, would have been to have sought out a person who had an enam village; because I know that an enamdar, in that part of India, is a person who may be considered to have a proprietary right in the land. I should have gone to him and asked him to mortgage his village to me, or as much of it as I wanted; that would have given me a much better title than I could so obtain in England, because in India a son is responsible for his father's debts. That would have given me the village, if not in perpetuity, at all events, until he was able to pay the money I had advanced to him. The title-deeds of an enamdar are much more copious than any title-deeds in this country; they give a man the land, the trees, the water, the treasure on the surface, and the treasure below; in fact, language is exhausted in its attempt to convey to him the proprietary right in the soil; at this time there was no fear that these Enamdars would be treated otherwise than with generosity; it is true that there was a regulation by which they were unable to sue the Company for enams in the courts of justice, but Mr. Elphinstone was at the helm, and as long as he was there they were safe; as far as I remember, the rule was, that any man who had *official* possession of an enam, that is, whose enam was found recorded in the Peshwah's records, and also *actual* possession, got his enam confirmed to him; if on the other hand it was found that he had not *official* or *actual* possession, then his enam was taken away from him; this was the state of affairs at that time; some time afterwards it was discovered that 10 or 12 villages which, according to the Peshwah's records, should have been resumed, had not been so resumed; according to the records they were in a

state

state of resumption when we took the country; I am speaking now altogether from memory; it was discovered that a memorandum which had been sent from the Commissioner's office to resume these lands had never been carried into effect; I received a letter upon the subject from a gentleman employed in the survey there, and these villages were, I believe, taken possession of by the British Government, and I consider rightly and justly so; this, as I believe, was the foundation of the Enam Commission; but the Enam Commission went a great deal further; it disturbed Mr. Elphinstone's settlement, and not only so, but it deprived the Peshwah's subjects of their rights in respect to their lands, which the subjects of other parts of the Bombay Presidency had; I do not think that the Enam Commission, as I have said before, has received all the attention that it ought to have received in this country as an obstacle to colonization; it was, I believe, first mentioned in that very remarkable speech of Mr. Disraeli's, last session, a speech in which, so far as I know, he hit all the blots of the Bombay administration. I do not speak of other parts of India. It was also mentioned by Mr. Layard, in his speech at St. James's Hall, and an honourable Member of this Committee, the Member for Devonport, moved last Session for some returns with respect to it, of which I obtained a copy, and that led to my putting together some notes for my own satisfaction, and for the information of those who took an interest in the subject.

6063. If you were going as a British settler to undertake the cultivation of cotton in the Peshwah's dominions, of which you speak, what sort of estate would you try to get?—I should seek enam land.

6064. Would you find any obstruction, as a British settler, to having the proprietorship of that enam land?—With my knowledge of the Enam Commission, I should.

6065. Mr. *Willoughby.*] Does not the Enam Commission confirm as well as resume titles?—Yes, it does; as I have stated, having seen a copy of the return which Sir Erskine Perry obtained from the House, I wrote some notes for the benefit of those who felt interested in the matter, showing how I think the Enam Commission bears upon the landowners, and would, therefore, form an obstruction to colonization by Europeans, and with the permission of the Committee, I will read these notes.

6066. *Chairman.*] Be so kind as to do so?—The alienated land in Western India is, for the most part, situated in that country which formed a portion of the kingdom of the Peshwah, whose adopted son, Nana Sahib, has acquired such notoriety. The Peshwah abdicated in favour of the British Government in A.D. 1818, when Mr. Elphinstone issued a proclamation promising an equitable adjustment of private claims. For nine years afterwards the country was administered by a Commissioner, as Scinde and the Punjaub have since been; in 1826, this provisional form of government ceased; and that form generally prevailing in the provinces of the British Government was substituted; some modifications of the general system were however made, the most important of which, as affecting the rights of the people, was that provision of the Regulations by which it was enacted, that claims against the Government on account of enams should not be cognisable by the courts of justice. By this enactment, those who had been the Peshwah's subjects were deprived of the privilege enjoyed by other British subjects of suing the Government for the recovery of enams; first, before the revenue authorities, with special appeals to the Sudder Court, and to Her Majesty in Council; it being provided that the revenue authorities should conduct the inquiry in the same way, and under the same rules as the general regulations prescribe for the trial of civil suits in the Zillah Court.

6067. Under what authority was that law passed?—It is contained in the 42d section of the 17th Regulation of 1827; Regulation 6 of 1830, and Regulation 6 of 1833.

6068. Then the original law was passed under the administration of Mr. Elphinstone?—Yes, it was. Under the Regulations cited, a title to an enam is tested in the courts as follows: Enjoyment for 30 years is a sufficient title to exemption from the payment of public revenue, and such enjoyment, for 12 years only, antecedent to the date when the territory in which the land is situated came into the possession of the British Government, is equivalent to enjoyment for 30 years. As already observed, the Peshwah's subjects were excluded from the courts of justice administering this law for the adjustment of questions of

J. Warden, Esq.

24 June 1858.

title to land, and however strong a claim on the Government a man may have considered he possessed, he had no means of enforcing it; this was of less importance so long as Mr. Mountstuart Elphinstone governed Western India, because he dealt generously by all claimants, and was intimately acquainted with the history and people of the Deccan; but that this exclusion was more or less a hardship is shown by the case against the East India Company for the recovery of the village of Rawluj, situated without the Deccan, where the courts of justice were open to claimants to enams, in which the claimant obtained a final judgment in his favour before Her Majesty in Council. It was to have been expected that the East India Company, when they did proceed to the adjudication of titles to land in the Deccan, would have done so before the lapse of time had established prescriptive titles, and that they would have granted to the people of that country the same advantages which the regulations had secured to other British subjects. But they did not take any steps in the matter till A.D. 1852, thirty-five years after the abdication of the Peshwah, and when many prescriptive titles had been established under the regulations by the efflux of time alone; and when they did act, they passed a law of a most rigid and unjust character, excluding the Peshwah's former subjects from the advantages possessed by other British subjects. Instead of simply extending to the Deccan the laws in force elsewhere, they re-enacted the provisions of a rescinded law, (rescinded because "found inconvenient in practice,") by which sixty instead of thirty years' enjoyment was required to constitute a prescriptive title, and added the still more stringent clause, that these sixty years must be sixty years before the introduction of the British Government, and consequently ninety-five years before the institution of the suit.

6069. Do you mean, that a British settler, in purchasing land of the character you describe, would have to derive from the person who sold it to him a 95 years' title?—Certainly he would; and, further, a new limitation to prescription was introduced, declaring prescription not to arise from the efflux of time only, but dependent likewise on what should appear in the bills of mortality; and females were altogether deprived of their inheritance.

6070. Native females had antecedently a right to succession, had they not?—By the native usages they had.

6071. Mr. *Mangles.*] Are you confident about that?—I am; how otherwise could it come to pass that you see a female patell in a village? The section enacts that land uninterruptedly held, exempt from assessment for 60 years before the introduction of the British Government, and then in the authorised possession of a grandson, in male descent of the original grantee, shall continue to be held so long as there shall be in existence any male heir tracing his lineage through males only. The next section limits possession to "one succession further" only, even if such possession existed 40 years before the British accession; but even that limited possession is encumbered by the provision that there shall have been in the interval a death between the original grantee and the possessor; and females are again excluded from inheritance. It will be remembered that 12 instead of 60 years' possession before the British accession is all that is required in other parts of Western India to constitute prescriptive title.

6072. You speak of possession here; the enamdar is not ousted; he is only obliged to pay revenue; is not that so?—Yes.

6073. But you speak of possession; he is not ousted?—I suppose he may be allowed to continue to hold his village as a common landholder.

6074. Sir *Erskine Perry.*] As a ryot, in fact?—Yes; the only liberal provisions in this Act XI. of 1852, are to be found in sections 7 and 8 of Schedule B, in favour of mosques, idolatrous temples, Mahomedan priests, and Hindoo astrologers, which are followed by a miserable compensation to the widows of those deprived of their inheritance under the operation of this Act. Then when we turn to the procedure of this Enam Commission, we find the *onus probandi* thrown on the defendant, the enamdar who is in possession; and we miss the wholesome restraint of the provision of the regulations, that "inquiry shall be conducted in the same way, and under the same rules as the general regulations prescribe for the trial of civil suits;" and the specimens of trials given in the return show how advantage was taken of this immunity to deprive men of their landed estates by summary process. Although the unfortunate landowner may have appeared before the Assistant Enam Commissioner on the original trial, the appeal to the Enam Commissioner

Commissioner is probably disposed of in the enamdar's absence, and most certainly the "final" appeal before the Governor in Council is done in a corner, and not only is the appellant excluded from the right to appeal to Her Majesty in Council, but "in all matters not specifically provided for" in the Act, the Government, a party to the suit, is to "instruct" the Court; "no order or decision of the Government is to be questioned in any court of law;" and to crown the whole, "subsequently to the passing of Act XI. of 1852, particular cases are no longer reported to the Court of Directors."

6075. Mr. *Willoughby.*] Do you mean that the proceedings of the Enam Commission are not reported to the Court?—Yes; I quote from page 7 of the Return. When we look, lastly, to the persons to whom these absolute powers of disposing of questions of title to land are entrusted, we find them to be, not the judges of Her Majesty's Supreme Court, nor the judges of the Sudder Court, nor any judicial officer whatever, but young gentlemen of the Civil Service, and captains and subalterns, taken from their regiments principally on account of their knowledge of the Mahratta language, and, at this moment, the head of the Enam Commission is a captain of Native Infantry. As if it were not sufficiently irritating to a people to be subjected to the injustice and partiality of the Act I have sketched, the snail's pace at which these enam courts move renders their operation the slowest mode of moral torture that could be applied to a nation on a subject the dearest to their pride and to their hearts, viz., the position and comfort of the widows and children they leave behind them. To the year 1856, out of one hundred and eight thousand cases on the files instituted against 100,000 landowners of Western India, seven thousand only have been disposed of, and of the most important cases, namely, claims to 1,200 villages, only 245 had been disposed of, of which the immediate profit to the East India Company is said to be (in round numbers) 43,000 *l.* a year, with a prospective profit of 15,000 *l.* per annum. After what has been said, it will not surprise any one to hear that, on a proposal to extend this Enam Commission Act from the patient and submissive inhabitants of the Deccan, to the more warlike and independent people of Guzerat, the officer conducting the survey in this province declared his opinion that the measure would produce a rebellion; and although the English public has nearly made up its mind as to what did produce a rebellion at last, it may not be irrelevant to strengthen that impression by the remark that, in the Bombay Presidency, the rebellion first broke out in the southern Mahratta country, where the Enam Commission first appeared and carried on its proceedings most vigorously for nine years, namely, from 1843 to 1852, even without the sanction of an Act of the Indian legislature. It has been said in defence of this Enam Commission, that one third of all the land in Western India has been found to be alienated, and that fraudulent titles exist. But the quantity of land alienated does not affect the question as to the principles of adjudication to be applied to the titles under which the land is held; and the stronger the case which the East India Company has against the enamdars on account of fraud, the more inexcusable it is that they should have shrunk from meeting their defendants in the ordinary courts of law; their having departed from that principle of justice by which the *onus probandi* in such cases is thrown on him who seeks to oust another; their having altered the law of prescription in their own favour, and their having constituted a court of their own for the hearing of their own claims, to which court they, a party to the suit, have the power of issuing instructions, which instructions are not to be questioned in any court of law. If the East India Company had carried their claims into the adawluts, and submitted them to the test of the general laws, nothing could have been said. It has been urged again, that the natives of India have no idea of what we call "fee simple." True it is, that an Indian monarch will resume to-day that which he granted on hereditary tenure yesterday; but such a measure only follows on crime, or at the least on some circumstance by which the enamdar has lost his sovereign's favour, and when a native of India wishes to convey to you that he has a proprietary right in anything, he says, "this is my enam;" and he has a right to consider an enam his own property, for in the title-deeds to an enam, language is exhausted in order to express that all proprietary right is thereby transferred from the Government to the enamdar; and if, under the Peshwah's government, he found himself childless in his old age, he had only to ask permission to adopt a son to succeed him, which permission, on the pay-

J. Warden, Esq.

24 June 1858.

ment of the usual nazzur or relief, was granted, even after the death of an enamdar, to his widow. This last privilege of succession to an adopted son has been taken away, in breach of a promise made by Mr. Elphinstone. As these enams are numerous, and some of them very small, the iron rule of the Enam Commission spreads alarm throughout the country, alienates from the Government the good will of its subjects, and carries dismay, distrust, and hatred into every cottage. It only remains to say that, as the operation of the Enam Commission in Western India involves a violation of public faith, and a rigorous and partial administration of the laws, this commission should be revoked. Act XI. of A.D. 1852 should be rescinded; the young gentlemen who have been constituted judges of questions of title to land should be remanded to their regiments; and all the decrees passed under authority of Act XI. of A.D. 1852, declared open to appeal in *formâ pauperis*, to the Sudder Court, and finally, to Her Majesty in Council.

6076. Did you ever know an English enamdar?—Never.

6077. Do you think that the existing difficulties of proving titles are obstructions to the creation of English enamdars?—Certainly; and I think that no person would take a mortgage of an enamdar if he knew that he would be liable to have a young gentleman come into his village and call upon him to prove his title.

6078. In the course of your experience, have you ever had an opportunity of considering the relative advantages of the administration of justice in the Queen's courts and in the Mofussil courts?—I have. I was for seven years the judge of a mofussil court; I was for six years the senior magistrate of police at Bombay, in which capacity I saw justice administered through the medium of the English language; and I was for six years a judge of the Sudder Court. I had also an opportuity of testing the acquirements of gentlemen in the native languages; I was for several years president of the committee for examining gentlemen in native languages; and I therefore have had opportunities of forming an opinion upon this point.

6079. Do you think that the mode of administrating justice in the supreme courts has been gradually acquiring the confidence not only of Europeans, but also of the natives?—I do.

6080. Do you think that confidence in the Supreme Courts, in preference to the Mofussil Courts, is gaining ground, or do you think that the Mofussil Courts are gaining ground on the Supreme Courts?—Her Majesty's Supreme Court was established in India under the greatest possible disadvantages. The natives were alarmed at its forms, its processes and its mode of procedure altogether; but I believe that at this moment they would rather part with any institution in India than with Her Majesty's Supreme Court; and that feeling is to be accounted for in my judgment by the admirable manner in which Her Majesty's judges perform their duties.

6081–2. Do you trace that to a knowledge of those great principles of jurisprudence which are independent of every country, and every language, and which even a barbarous nation is able to judge of in the long run?—Of course, the education of these gentlemen is of immense importance; but I think the great advantage is, that the suitor is always convinced that a knowledge of his case in all its bearings is brought home to the understanding of the judge, which is not the case in the moffussil courts, and for this reason; it is a very common thing to talk of a person being acquainted with "the" native language; but in the western part of India there are four or five native languages. There is the Hindostanee, which is the political and colloquial language; the Mahratta, the Guzeratee, the Scindee, the Canarese, and a little Tellingee in the South Mahratta countries: in some parts of the country so abruptly does one language cease and another begin, that I have seen the line between them marked on the map like the course of a river, and I have myself, between the rivers Kisna and Bheema, left a village in which Mahratta was spoken; and, after riding two miles only, reached a village in which Canarese was spoken, the two languages being as different as Greek and English. It is hopeless to expect that Englishmen should become, as a rule, sufficiently conversant with those four languages to administer justice in all; and yet, as judicial officers are liable to be transferred from the Deccan to Guzerat, or the Southern Mahratta country, or Scinde, it is requisite, under the system of administering justice in each country in its own vernacular, that they should be quite familiar with all.

6083. Mr.

6083. Mr. *Willoughby.*] Is it not the fact that gentlemen are selected for those provinces in the language spoken in which they have passed an examination, and with which language they are familiar?—All things being equal, they would probably be so; again, Englishmen as a rule are not quick in acquiring foreign languages, while the natives of India are remarkably so. When I first went to India, I was stationed at Dharwar, on the frontier between the Presidencies of Madras and Bombay, and whenever I went to the cutcherry, I was liable to have persons appear before me speaking, one Canarese, a second Mahrattah, and a third Tellingee. This difficulty was readily overcome by the native officials, who as they read either of these languages turned it so rapidly into Hindostanee, that it was difficult to believe this last language was not before them. But even if we had but one Indian language to master, I should still advocate the administering justice in the language of the judge. When a case is conveyed through a foreign language, the parties are never satisfied that the merits have been carried home to the understanding of the judge, nor in point of fact are they always so; the manner of the reader, even his tone of voice, may either add to or subtract from the real import of the paper read, and it is essential that the judge should not only know the native language as found in books, but should be able to understand, and correctly appreciate the dialects of the peasantry which every one knows is sometimes difficult when the language professedly spoken is one's own; how much more so when we hear the dialects of a foreign language? In Her Majesty's Supreme Court, where justice is administered in English, the business is admirably done. There are attached to that court English and native interpreters in each language, the latter watched by the former, is for the most part employed, but the instant a difficulty arises, the Englishman, who has a critical knowledge of the language of the witness, steps in and satisfies the mind of the judge as to the correct interpretation of the expressions used; the documentary evidence is translated and laid before the judge, in English; and the result is, that the suitors are always satisfied that their cases are understood by the court, and the natives have the utmost confidence in Her Majesty's Supreme Court; indeed, although nothing could have been more distasteful to them than this court on its first introduction into India, there is no institution with which they would not sooner part than with Her Majesty's Supreme Court. Their opinion of the Sudder Court is the very opposite; it is considered as "unstable as water," and this, because (receiving, as it does, appeals from all parts of the country) justice is there every day administered to persons speaking three or four different languages (all foreign to the judges) without the intervention of English. Lastly, there is this general objection to the administration of justice in a language that is foreign to the judge—and this one remark applies to the whole of India—that every person speaking a foreign language is always more or less ridiculous; I have heard Englishmen in high places in India addressing themselves to a native crowd in such Hindostanee as could not but disturb the gravity of any one acquainted with the rudiments only of the language. I am aware that the change must be gradually made; I think it should be introduced immediately into the Sudder Court, where a knowledge of three or four languages is requisite, and where much of the pleading is already in the English language; thence it should be extended to the Sessions Courts, and a class of interpreters added to the colleges established for the education of the natives. I would not be misunderstood. While I advocate the use of English in the courts of justice, I would still insist upon every civil officer becoming thoroughly acquainted with the prevailing native language of the Presidency to which he belongs; this at Bombay should be Marhattah. But the test should be very much higher than it is at present. For some years, I was President of the Committee for the examination of officers, civil and military, in the native languages, and therefore I know that the test is wholly insufficient to enable Englishmen to hold familiar conversation on all subjects with natives; and more than once I received requests from commanding officers of regiments not to pass interpreters on so low a test as we did, and I suggested to the secretary of the committee, who was himself a scholar and a linguist, that as an officer, from the moment he is declared to have passed an interpreter's examination, is bound to act as such, even in cases of life and death before courts martial, no one should be declared an interpreter who had not as full a knowledge of the native language as an interpreter of Her Majesty's Supreme Court. His answer was, "You can never get this." I would, however, insist on a second examination, after a civil servant has been

J. Warden, Esq.

24 June 1858.

five years in India, in which it should be required that he should exhibit a critical idiomatic knowledge of the language, enabling him to converse freely with the natives, and become acquainted with their habits, feelings, and manner of thought.

6084. *Chairman.*] I gather from your evidence that, in your opinion, there is an increasing confidence on the part of natives as well as on the part of Europeans in the Supreme Court?—Yes.

6085. And are you of opinion that the introduction of the English language would tend to the better administration of justice, inasmuch as the mind of the judge would then be informed through the medium of his own language?—Yes.

6086. You would be in favour, probably, of a gradual introduction of the English language, and not such a sudden introduction of it as might be considered a dangerous innovation?—Yes, a net-work of railways is essential for India; but if we were to consider the number of years that it would take to enable us to get it, we should be deterred from commencing so great a work; it must be done by degrees. I would, in the first instance, introduce the English language into the Sudder Courts, then to the Sessions Courts, and to the Magistrates' Courts; it should be, of course, a very gradual proceeding.

6087. But you would, at the same time, take care to have the judges sufficiently well instructed also in the native languages?—Yes; there is a class of gentlemen at Bombay who appear to me to be exactly such persons as are wanted for judges. I think that the gentlemen who practice at the bar of Her Majesty's Supreme Court, and who know the language of the country, are the most fit persons to sit on the bench in India; it was usual for them to plead at the bar of the Sudder Court. I remember that by one of the Acts introducing this change, if one of the opposite party objected to a suit being conducted in English, the barrister must either speak Hindostanee, or hold his tongue. On one occasion a vakeel got up and moved the court that a barrister, who was speaking, should speak Hindostanee. As it is honourable to him, there is no reason why I should not mention his name; it was Mr. Dickenson, of the Bombay bar. I said, "Mr. Dickenson, I am very sorry to say you must stop, unless you can go on with your speech in Hindostanee." He said, "Very well, so I will;" and he then finished his speech in Hindostanee, and did it extremely well. Now, I do not speak of my brother judges; but I certainly think that that gentleman was more fit to sit in my place than I was myself; because he had had a legal education, and because in that country the suitors do not have an attorney interposed between them and the barrister. It is not an unusual thing for a party in a suit himself to go to a barrister; the barrister becomes acquainted with him, and gets into his confidence, and by those means he learns the habits, the manners, the thoughts, and the usages of the natives; he also knows their language, and having had a legal education he is in every way fit to become a judge.

6088. Do you think that a previous knowledge of the principles of law is desirable for a judge?—Certainly, I do; every day of my life I have felt the want of a legal education.

6089. Do think that the civil servants who administer justice for the Company, have a sufficient knowledge of law to enable them to do so efficiently?—We struggle hard and do our best, but I think we are very far inferior as judges to gentlemen who have had a legal education.

6090. Do you think that the civil servants of the Company, who administer justice, have such a thorough knowledge of the native languages as is requisite to make them adequate administrators of justice in India?—No; I do not think it is possible for them to have an adequate knowledge of so many languages.

6091. Supposing you are in a court where the native language only is used, do you think it desirable that even the judge of such court, himself using the native language, should still have had a previous education in the principles of jurisprudence and of law?—I do.

6092. Mr. *Willoughby.*] When you say there is no intervention between a client and a barrister, do you mean that to apply to the Supreme Court of Bombay?—To the best of my knowledge a barrister in India will sometimes see a client without the intervention of an attorney, but I do not allude to open proceedings in court.

6093. *Chairman.*] I gather from what you have stated, that you do not think sufficient consideration has been given to the administration of justice in that part of India, in which you have been?—I think there has been every possible desire to administer justice well.

6094. Has

6094. Has the administration of justice been in your opinion the paramount consideration, or has it been subordinate to other considerations?—I think the misfortune on the Bombay side of India is that the magistrates are also collectors. I believe they are not so in Bengal; the consequence of that is, that magisterial business is always considered a secondary matter; a person will attend to his magisterial business if he has no other business to do. I think it is important that a magistrate should be a magistrate and nothing else; in that respect I think there has been a great defect in the system.

6095. In point of fact, you think that the administration of justice should be the primary consideration?—Yes; I think that a person who fills a judicial office should not occupy any other.

6096. Do you think that proceedings now in that part of India are sufficiently simple and summary?—No, I do not.

6097. Do you think it desirable that a more simple and a cheaper course of proceedings should be introduced?—I do; in the year 1851 I made a circuit as Judicial Commissioner from Bombay through the Deccan and Khandeish; and being impressed with the idea that the mode of proceeding under Regulation 4 of Bombay was burdensome to the natives in the way of costs, whenever I came to a mofussul court, I made the Moonsuff open his books, and from them I took at hazard different small cases; I said to him, "Show me a case of one rupee;" then he would turn to a case of one rupee, and when I came to see what the costs were, I found that they amounted probably to a rupee and a half; so that the costs amounted to 150 per cent. These facts were all stated by me officially on my return to Bombay; I think that for such cases as those to which I have referred, courts of request should be established; they would be cheaper; they could not well be dearer.

6098. Mr. *Campbell.*] That would affect Europeans as well as natives?—Yes; the cases are all mentioned in the report which I made as Judicial Commissioner to the Government in 1851, I think. It struck me as a great hardship at the time.

6099. Mr. *Villiers.*] Where is that report recorded?—At Bombay, I presume.

6100. *Chairman.*] Can you give us any information as to the state of roads in Bombay?—The circuit of which I have spoken was the last occasion on which I had an opportunity of testing the Bombay roads; that was at the period when roads are most required, during the monsoon; it was extremely rainy weather; and between Ahmednuggur and Malligaum I found for a very considerable distance no road at all. I think that will be found mentioned in the report. Ahmednuggur was the head quarters of the artillery, and Malligaum was a military station; and I observed then that if any outbreak occurred, in consequence of which it should be necessary to send a siege train of heavy artillery from Ahmednuggur to Malligaum, it could not be done.

6101. Can you give us any general opinion as to the state of the roads?—It is most important that we should have good roads in cotton ground: in fine weather the whole country may be made into a road. The ground crumbles and forms the finest road for a cart or for a gallop in the world; but the moment rains comes, the soil becomes like a sponge, and you cannot move. Then you sometimes find a road without a bridge. You do not want either a road or a bridge in fine weather; but roads without bridges are of no use.

6102. To what parts are you now referring?—To that part of the country which lies between Ahmednuggur and Dhooleea.

6103. What is the state of roads in Guzerat?—I do not know. I never was in Guzerat, but I believe there has been a great improvement there. I myself suggested that the villagers should make the road from Ahmednuggur towards Dhooleea, and that they should keep it in repair within their respective boundaries. I believe the Government adopted my suggestion, and that they have done it; but my predecessor having gone that road year by year, it was a matter of course with him to find a bad road, and he did not take any notice of it.

6104. Sir *Erskine Perry.*] With reference to your opinions as to English being the best language to be used in courts of justice presided over by Europeans, an objection to this effect has been made; that in the provinces there would be no audience capable of detecting a false transaction by the interpreter. That is an objection which has been made before the Committee. What is your opinion upon that subject?—According to the plan which has been suggested there would

J. Warden, Esq.

24 June 1858.

would be pleaders on each side watching the interpreters, who would be acquainted with both languages. I presume that education will be carried on to a great extent, and that both the pleaders would be watching the interpreter.

6105. You were President of the Board of Education at Bombay, were you not?—I was.

6106. In that institution, are there many young men brought up who would be available for offices, such as those of which you have spoken?—There are.

6107. Are those young men well acquainted with the English language?—Extremely well.

6108. Such young men, therefore, would form a very competent bar for the zillah courts of which you have spoken, would they not?—I think they would.

6109. Is it your opinion that the objection to which I have referred is one which has any validity in it?—I think there is no validity in it whatever.

6110. What is your opinion as to the power of the sheristadars over the majority of the judges in the Company's service?—There is a section of the Bombay regulations which makes it penal for a sheristadar to abuse his influence, which is a presumption that he has some influence, and my own opinion is that a sheristadar has more or less influence in all cases. On one occasion my own sheristadar in the political department at Poonah was tried for this very crime of misusing his influence. He had tried to work on one of the Sirdars, and to induce him to give him a large sum of money to use his influence with me to get a certain income settled on him out of his family property. The prosecutor described very well the means that a sheristadar had of influencing the judge. The prisoner on the other hand persisted that he was merely a reader, and that he had no influence at all. One of the first points therefore that I had to decide was, whether there was such influence as that which he was charged with having abused; and on that occasion I remember, I said on the bench that I thought every British officer in India was more under the influence of his immediate native subordinate than vanity would always admit. My having said that raised rather a storm against me. However, I never heard anybody but gentlemen in the civil service deny it. All military men with whom I have ever conversed have acknowledged and felt it; but many persons in the civil service have said they did not think it existed. For myself, however, I have no doubt of it.

6111. Where the Queen's system of justice is adopted, whether a judge is acute or stupid, he is, at all events, always known to be exercising his own judgment?—Yes.

6112. And it is known that he is not dependent upon his subordinate officer for his opinions?—Yes, not in the remotest degree.

6113. Do you not think it is to that knowledge that the appreciation of the Queen's system is to be attributed?—Yes; the people feel satisfied that the case is brought home to the judge, and that the judge gives an independent judgment. I do not wish to say a single word against the desire of the Company's judges to administer justice in the most fair and impartial manner; but the case does not come home to them in the same way as it does to the Queen's judges.

6114. Do not the Queen's judges and the Company's judges belong exactly to the same class of life, and are things not governed by exactly the same code of morality?—Yes.

6115. Therefore, the only advantage that a Queen's judge possesses over a Company's judge is, that the former has had a legal education?—Yes; they are both men of equally high principles of honour, morality, and justice.

6116. One does not hear the conduct of the Company's judges impugned, or of any other fault being found with them, except that they are liable to be misled by other people, who know the language; is not that so?—Yes.

6117. In point of fact, in India, there is no breath of suspicion attached to any of the Company's judges of anything like corruption or malversation?—No.

6118. But the objection which is made is, that they are ignorant of the principles of jurisprudence, and that they ought to have had a legal training?—Yes.

6119. It has also been stated that if English judges were to administer the law through the medium of their own language, it would be extremely distasteful to the natives; what is your opinion upon that subject?—From what I have seen at Bombay, I do not think so.

6120. Is there not at Bombay a population of six hundred thousand natives?—Yes.

6121. Those

6121. Those natives not having been born upon the spot but emigrating continually into Bombay?—Yes.

6122. If the introduction of the English language into the courts generally would be distasteful to the natives, do you think that that dissatisfaction would have been manifested in Bombay, where a perpetual stream of natives is coming in?—I should imagine that it would.

6123. It has also been objected that the expense of having interpreters in the Zillah Courts would be much greater than the expense of the present establishment of the Zillah judge; what is your opinion upon that subject; first of all tell me, if you please, what is the establishment of a Zillah judge in sheristadars?—A Mofussul judge has a sheristadar, who receives from 70 to a 100 rupees a month, and perhaps one deputy, who receives 50, and four or five men, who they call in the Deccan the karkoons, who have a graduated allowance, going down as low as 10 rupees a month.

6124. Do you think that two interpreters, one receiving eighty rupees a month, and the other fifty, would be a more costly establishment than the present one?—Under the system contemplated the sheristadars would disappear, and I do not think it would.

6125. Do you think that men such as I have described could be easily obtained from the educational establishments in India if salaries were offered such as those I have mentioned?—Certainly; particularly with the hope of advancement.

6126. I will now take you, if you please, to the Enam Commission. I gather from you that whether there have been frauds on Government or not, the error that has been committed has been extending the period of prescription to a very much longer time than is recognised in any other system of law?—Yes; that I think is a great objection.

6127. At the time when the Act of 1852 was passed, was it not necessary that ninety-five years uninterrupted possession should be shown?—Yes; that was the case when that Act was passed.

6128. It amounts now, in fact, to a hundred years, does it not?—Yes.

6129. By the operation of that Act an enamdar had no right of appeal to any court of justice, had he?—None whatever.

6130. The appeal was made to the Governor in Council, who did not hear the case by counsel or by vakeels, but heard it *ex parte*?—If the case happened to be decided by one of the assistants of the Enam Commissioner, there was an appeal to the Enam Commissioner, and from the Enam Commissioner to the Government; I cannot say whether the Enamdar was always present with the Enam Commissioner or not, but certainly he was never heard by counsel or personally before the Governor in Council, who finally decided his case, there being no appeal to the Privy Council.

6131. You were a member of the Government for some years?—Yes; off and on for two years.

6132. During that period, did any of these appeals come before you?—They did.

6133. Are you able to say whether the parties appealing had any power of making themselves heard before the Governor by vakeels or counsel?—None whatever; the Act had only been recently passed; I suggested to the Government that although it was called an Enam Commission, it was a court for adjudicating the most important questions that could come on, and that those cases should be adjudicated in the form of trials; and I sketched out a form of proceeding which was approved by the Government.

6134. By the return made to the House, which I moved for in 1857, it appears that Government in a suit of this kind is, in point of fact, judge in its own cause: is not that the fact?—It is very like that.

6135. I have here a letter from a landowner in Bombay, will you have the goodness (*handing the letter to the Witness*) to read it to the Committee, and I will examine you upon it?—It is a letter, dated "London, 8th July 1857," signed "Jafur Alee," and addressed to Sir Erskine Perry: "My dear Sir Erskine,—The debate on cotton cultivation in India is coming on in Parliament, and a few observations on the subject may not be unworthy of your attention. The late Nawab of Surat, 12 years before his demise, purchased a village called Outyadra, from one Syed Edroos, for a sum of 60,000 rupees; the Syed held that village, as well as other lands, under sunnuds from the Emperor of Delhi,

J. Warden, Esq.

24 June 1858.

paying a sum of 1,500 rupees per annum to Government for the village. The annual income of the village was 5,000 rupees, or thereabouts. The Government, on being applied to, refused to confirm the sale, under the pretence that the land could not be alienated by its owner; if it was, it escheated to Government, and a proclamation was issued for the owner, but no one came forward to claim it. Year after year passed in carrying on useless correspondence with Government, until the late Nawab's demise in 1842. I, as his son-in-law, took charge of the estate, but the Government sequestered it; and after five years' correspondence with me, and 17 years after the purchase, the Government came to a decision, which the following letter from Mr. Andrews, the Government agent at Surat, will now fully testify: 'With reference to my Persian letter to you, of the 29th ult. on the subject of the wusussa village of Vontyadra, I am directed to inform you that Government has resolved to continue to withhold its recognition of the sale of the said village to his Excellency the Nawab of Surat, and that the collector of Broach has been directed, unless some representative of original grantee be forthcoming, to claim the village as an escheat to Government. 5th October 1847.' It was with the greatest opposition and the loudest protests, that I succeeded in preventing the Government from taking possession of the village. Notwithstanding, the revenue of 15 years is in their possession, which I intend to sue them for on my return to India, unless I am debarred by the Act hereinafter alluded to. Buckshee of Surat had, some years ago, purchased some land in the collectorate from some freeholders under the Delhi Emperor's sumnuds. My brother, Meer Ackbar Alee, purchased the land from the Buckshee some years ago; Meer Ackbar Alee died, and the Government seized the land for its own use, refusing his son or family to have anything to do with it under the pretence that it could not be alienated from the original owner; if it did it must go to Government. An action is now pending in the Zilla Court for its recovery. Hundreds of cases of this description have taken place at Surat, and the Government has always taken possession of lands after the death of the original holder, be he purchaser or mortgagee, and the people are too poor to go to law against the Company, in the Company's Court, presided over by the Company's judges. Their rights are thus lost for ever. The Company is, as I have said, fast taking possession, under one pretence or other, of lands which people have, in various ways, from their former Governments; and as it does not give nor sell land to the people, it is clear that very soon will disappear from India all who once held land, and could call it their own. An Enam Commission is now appointed by Government to investigate into the rights of people who hold lands in Surat Zilla, and an Act of the Legislative Council is, it appears, proposed, that there should be no appeal against the decision of the commissioners. The people, whose interests are affected by it, are much dissatisfied, and threaten not to appear before the commission; and no wonder. The European Inquisition was nothing to this. I have alluded to my own proposed action against the Government. You are aware that I can now by law sue the Government; but this right or privilege, it seems, is to be taken away from us by an Act of the Legislative Council. What next? and next? and next? I dare not speak of it! It requires no ghost to come from the grave to tell us the result. Having troubled you so much at length upon the land system, as it affects the production of cotton, and the like, I must conclude by summing up with a view of the immediate evils we have to complain of: that the Government deprives the people of their land; that they interfere with their religion; that they place over natives European officers, incompetent from age and experience, to do the work assigned to them. The people want employment; have no trade."

6136. With reference to that letter, I will ask you what is the distinction between an enam and a jagheer?—In the Deccan jagheers are called serinjaums, and enams are quite distinct. An enam is a conveyance of the land with all upon it, in it, and everything that is to be got out of it; serinjaums are of two kinds, the one military, or which are called fouj serinjaums, and the other zaat or personal serinjaums. Under the Mahratta rule the Peshwaw gave large tracts of land on the fouj serinjaum tenure, the conditions of which were, that the chief who received the land should support a contingent of troops for the service of the State, who should be called out when their services were required.

6137. May I not state it shortly in this way; that an enam is a grant of land

in

in fee-simple, and that a jagheer is a grant of land for service rendered?—Yes. Our military system being so different from that of the Mahratta, the fouj serinjaums were resumed when we took possession, and the obligation of supporting the contingent, with some few exceptions, ceased; the zaat serinjaums were continued; some were made hereditary, some for two generations, and some for life: but a serinjaum is always supposed to lapse with the life of the holder, and if it is re-granted, it is always considered to be, what Lord Hastings called "an act of grace;" an enan, on the other hand, is hereditary, and it is better than an hereditary title would be in England, because if a man has not got a son he is able to adopt one; though that, I believe, is now prohibited.

6138. Under this enam commission, the act of resumption of land takes place by Government unless a title of the length you describe can be proved by the owner of the enan, can it not?—Yes.

6139. And the *onus probandi* is thrown upon the landowner, is it not?—Yes; it is thrown on the landowner.

6140. Is it true as stated in the letter which you have just read, that Government does not make any grant either in enam or jagheer, or sell land in the Bombay presidency?—There have been a few grants of enams made, but very few to the best of my knowledge, but no grants of jagheers; there was a man who was the commissioner's sheristadar at Poonah, who received an enam of four thousand rupees a year. Ballajee Punt Natoo, a man who was very useful to us in critical times, also had an enam given to him.

6141. Has not the principle pursued by the Bombay Government, derived I believe from home, been not to make any grants of this kind, either in jagheer or in enam?—I think where they have done so, it has been the exception.

6142. Therefore the statement contained in the letter which you have read is true, that as Government does not give or sell lands, if they resume, the natives will become gradually divested of their rights to property in land?—Yes.

6143. And the consequence will be that a capitalist going out from this country to buy land, could not obtain it because the race of landowners is disappearing under this system?—I think so; the Government unsurveyed land bears a very high rent, and nobody would take enam land unless these special courts for adjudicating titles to enams were abolished; and that is the way in which I consider that the Enam Commission bears upon the question before the Committee.

6144. If therefore a European were to buy the grant of an enam, his title would be liable to be investigated under this Act at any moment the Commissioner chose?—Yes.

6145. In your opinion, would that be sufficient to deter any reasonable man buying land under these circumstances?—Yes.

6146. How many estates does the return which I moved for, and which was ordered by the House to be printed on the 28th of August 1857, show then had their titles questioned?—The total number of claims recorded is 108,199.

6147. How many decisions have passed?—6,002.

6148. How many questions remain to be adjudicated?—100,286½.

6149. Therefore, that shows that the estates to which an indefeasible right has been granted, form but a very small portion as compared to those that are still *sub judice*?—Yes.

6150. Mr. *Willoughby.*] You do not understand, from the return to which you are referring, that these are all enam claims, do you?—Yes; they are stated to be so in the northern and southern divisions.

6151. Does it show how many of the 6,002 cases which were adjudicated were decided in favour of the claim, and how many against it?—No; it does not state the number of those that have been confirmed, and those that have been resumed.

6152. Sir *Erskine Perry.*] Under this Act, adoption, I believe, is not allowed as it used to be in the Hindoo code?—To the best of my recollection, the Act is silent upon the subject of adoption.

6153. Will you put in, if you please, the statement which is contained in the Parliamentary Return to which your attention has been called?—[*The following extract from a Return (Bombay Titles of Land Commission) ordered by the House to be printed, 28th August 1857, was put in.*]

STATEMENT showing the Number of INAM CLAIMS Received and Recorded in the Northern and Southern Divisions of the *Bombay* Presidency.

	NORTHERN DIVISION.				SOUTHERN DIVISION.				TOTAL.			
	Villages.	Umuls.	Estates.	Total.	Villages.	Umuls.	Estates.	Total.	Villages.	Umuls.	Estates.	Total.
Total shown in the Collectors' Accounts.	549½	2,159	29,745	32,453½	711	367	74,668	75,746	1,260½	2,526	1,04,413	1,08,199½
Recorded up to 30th April 1855.	357½	829	5,683	6,859½	531	332	41,667	42,530	888½	1,161	47,350	49,399½
Ditto - during year ending 30th April 1856.	39	81	627	747	17	8	706	731	56	89	1,333	1,478
Total Recorded - -	396½	910	6,310	7,616½	548	340	42,373	43,261	944½	1,250	48,683	50,877½
Remaining to be recorded -	153	1,249	23,435	24,837	163	27	32,295	32,485	316	1,276	55,730	57,322
Total Claims - -	549½	2,159	29,745	32,453½	711	367	74,668	75,746	1,260½	2,526	1,04,413	1,08,199½
Adjudicated up to 30th April 1855.	35	- -	12	47	158	3	5,990	6,151	193	3	6,002	6,198
Ditto - during the year ending 30th April 1856.	27	3	49	79	25	- -	611	636	52	3	660	715
Total Adjudicated -	62	3	61	126	183	3	6,601	6,787	245	6	6,662	6,913
Remaining to be adjudicated	487½	2,156	29,684	32,327½	528	364	68,067	68,959	1,015½	2,520	97,751	1,01,286½
Total Claims - -	549½	2,159	29,745	32,453½	711	367	74,668	75,746	1,260½	2,526	1,04,413	1,08,199½
Specification of Decisions passed:												
Declared hereditary or permanent.	14	- -	- -	14	- -	- -	- -	2,934$\frac{50}{210}$	- -	- -	- -	2,948$\frac{50}{210}$
Ditto continuable for two or more lives.	- -	- -	- -	- -	- -	- -	- -	132½	- -	- -	- -	132½
* Ditto - to present incumbents.	15½	1	6	22½	- -	- -	- -	3,112$\frac{46}{210}$	- -	- -	- -	3,134$\frac{151}{210}$
Ditto - at once assessable	8½	1	54	63½	- -	- -	- -	608	- -	- -	- -	671½
Ditto - to be Surinjam -	24	1	1	26	- -	- -	- -	- -	- -	- -	- -	26
Total Decisions - -	62	3	61	126	- -	- -	- -	6,787	- -	- -	- -	6,913

* The estimated accession of revenue from these resumptions is *Rs.* 4,31,773. 6. 2; of which *Rs.* 1,58,467. 0. 9. have been, and *Rs.* 2,73,306. 5. 5. will, after the lapse of one, two, or three lives, be recovered.

6154. Under the operation of this Enam Commission, as the grantee is not allowed to sell enams, and as the power of adoption is not allowed, does it not follow that in time all Enamdars will disappear from the Bombay Presidency? —I think they will; because I remember, in the case of the jageers, Mr. Elphinstone, in his recommendations to the Government, made a great number of them hereditary in the fullest sense of the word, but from want of heirs they lapsed very fast; and judging from that example, I think that the enams will escheat very fast.

6155. Then as the Government does not make fresh enams as a principle, the consequence will be, will it not, that no landowners, with such rights, will exist in the Bombay Presidency?—In time they will disappear.

6156. Therefore, any British capitalist going out to buy land from them will find nobody in a condition to sell him such land?—That will be the result.

6157. With respect to other land not held in enam, has land generally a saleable value in Bombay?—No; the best title is that which is called Maras, a title of perpetual occupancy; a person may come back to Maras at any time and oust a person in possession on paying his expenses of improvement, and so on.

6158. Is it not the fact, that in the Bombay Presidency the land is so heavily assessed, that it has no saleable value beyond the value of the right of occupancy and of getting subsistence from the soil?—The survey and assessment has reduced the rates on land, but not sufficiently to make it saleable to an English capitalist.

6159. Or to a native capitalist?—No.

6160. Is there enough saleable value in the land to make it an article of commerce, on which capital can advantageously be laid out?—I never heard of such a sale.

6161. Did

6161. Did you, in the course of your experience, ever know of such land being bought by a capitalist, whether European or native?—No; I never did.

6162. Are you aware, from your own knowledge of India, that the natives have just as great a desire to invest their money in land as Europeans have in this country?—Certainly.

6163. Is it not rather a remarkable feature in the native character that they have a great attachment to land?—It is.

6164. Do you think that there is any other cause to which their not purchasing land is attributable than the one you have suggested, that land is too heavily assessed to have any saleable value?—I think that that is the reason.

6165. I will read you another passage from the book to which I have already referred; the History of the Mahrattas, by Mr. Grant Duff. He says, in page 492 of the third volume: "The next claims were those of the jagheerdars; but it may be first proper to mention, that every species of hereditary right, not jagheer, all other rent-free lands, all established pensions, charitable and religious assignments and endowments, were restored." Does it consist, with your experience that that is the case?—I have not seen the enam rules for many years, nor the proclamation; but my impression is, that that is what Mr. Elphinstone did; if he found the right recognised, and the person actually in possession, he confirmed the grant.

6166. He goes on to say, "Every promise held out by the proclamation of Sattara was fulfilled without reserve or modification?"—Yes, all promises were fulfilled.

6167. Under that system, therefore, a great number of hereditary rights to land were confirmed?—Yes.

6168. Does it, therefore, appear to you that, under the circumstances you have stated, those hereditary rights to land are fast disappearing in the Bombay Presidency?—I think they are.

6169. And you conclude that such disappearance of rights in land forms a great obstacle to the settlement of Europeans or native colonists?—I do.

6170. Mr. *Villiers.*] Do you consider that the Bombay Presidency with its present resources offers an advantageous prospect to Englishmen to settle there, and employ their capital there?—I think, having regard to all the surrounding circumstances, and looking to the reforms of which we have been speaking being carried out, that a capitalist might go there and place himself in the position of an enamdar towards the ryots, superintend the cultivation of cotton or sugar, improve the cultivation of cotton, improve the cleaning of cotton, and export it to England; and labour being so cheap in that country, I should think it would be an advantageous thing for him to do.

6171. You mention cotton and sugar; is it in cultivating those products that you think a European settler would profitably employ his capital?—In the parts of the country in which I have been, cotton and sugar are the only things that I think would prove an advantageous investment.

6172. I understand you to say that no European capitalists have come out there?—No; I never met with one.

6173. Would you say that the defects in the administration of justice or any insecurity arising therefrom as regards person and property would be sufficient at present to deter them from doing so?—I certainly think that the mode of administering justice would be an obstruction; it would be an obstruction to me, for instance, if I knew I should be subject to the mode of procedure which I have described; if you hope to colonise successfully you must make some such reforms as I have pointed out.

6174. You must render the title to land more secure, and the forms of procedure in the courts of justice more intelligible and easy?—Yes, and I think there should be a more summary mode of adjudicating upon petty claims.

6175. Mr. *Campbell.*] And a more economical mode also?—Yes, and I think that after introducing English into the Suddur Court and the sessions court, you should take it into those parts of the country to which Europeans go.

6176. Mr. *Villiers.*] Still you do not know that Europeans do not go there, or that they have been deterred from going there by the imperfect mode of administering of justice to which you have referred?—No; the great difficulty staring you in the face is, that you cannot get the land.

6177. Then the Bombay Presidency labours under greater disadvantages than

J. Warden, Esq.

24 June 1858.

Madras or Bengal?—I should certainly say that, in Bombay, it is more difficult to obtain title to land than it is in Madras or Bengal.

6178. Do you know anything of these persons who have gone out there for the purpose of making experiments in the cultivation of cotton?—I do not know them personally; I should imagine that you may make some improvement in the sort of cotton grown in India; but you will never alter it so as to make it like the cotton that grows in other parts of the world; there seems to be a law of vegetation which prevents that; every man who superintends a kitchen garden in India knows that you must renew your English seed every year; and that if you do not renew it, everything deteriorates.

6179. Do you mean to say that a person could not, with advantage, improve the cultivation of cotton there?—He might improve, in some degree, the sort of cotton which India produces, and he might improve the mode of cleaning and packing it; but he could not improve the nature and kind of cotton so as to make it compete with American cotton or with the fine cotton I have seen. That is my opinion; I do not profess to know very much of these matters.

6180. You are not speaking from experiments which you yourself have made?—No; I am merely speaking from information which I have picked up, and from my own knowledge, that every foreign seed deteriorates when continued to be grown in the same soil. I would take the case of the commonest kind of seed, such as the seed of green peas; if you take them from England and plant them in a kitchen garden in India, you will the first year get the same kind of pea; but if you preserve the seed and sow it the next year, you will get an inferior kind of pea. Bombay is celebrated for its onions; I have taken onion seed to the Deccan and sown it there; the first year I have got the Bombay onion, but the next year the seed has produced only the Deccan onion.

6181. Have you ever known any experiments made for the purpose of preventing this deterioration by irrigation, or by other means?—No.

6182. Did you hear the evidence which was given here the other day by an engineer upon the subject of irrigation?—No; I did not.

6183. You think, then, that the cultivation of cotton in India is not likely to succeed, inasmuch as you think the plant must deteriorate?—I think that the cotton grown in the country will improve; but it will never be like the American cotton; I do not think that you will ever be able to alter the nature of the cotton, as some people suppose you will; I think it will gradually deteriorate into the cotton of the country.

6184. You have mentioned that the roads are in a very bad state?—Yes; they were at the time I have been speaking of.

6185. That was in 1851?—Yes.

6186. When you left the country, it would have been a hopeless thing for any capitalist to settle there, heaving no communication with the ports?—If he happened to be late with his cotton, and if the cotton had to travel during the monsoon, it would be impossible for him to get it down uninjured.

6187. Would he have to travel 300 or 400 miles?—If he came from the Hyderabad country to Bombay, he would have to travel 200 miles.

6188. There are now railways in the course of construction there, are there not, which would meet that difficulty?—Yes.

6189. I understand you to say that there is no disinclination among the civil servants in Bombay to encourage European settlers, so far as you have ever observed?—I do not think there is.

6190. Do you think that a man occupies as good a position if he comes to the Presidency, for the purpose of settling there, as he does if he is in the civil service?—No.

6191. His social position is inferior?—I think it is.

6192. What in your opinion is the ground of that distinction?—The people are almost all official in that country; and the civil part of them are all extremely well off and wealthy. I do not mean to say that if very wealthy people came there they would not hold a better position than the private Europeans one meets there now; but the best thing that ever was said of the civil service was said by Colonel Sykes before a Parliamentary Committee; that the civil service was a caste.

6193. Mr. *Campbell*] You mean an exclusive caste?—Yes.

6194. Mr. *Villiers.*] Do you think that in the courts of justice presided over by one of the Company's judges, in a question between one of the merchants and an officer in the civil service, any partiality would be shown?—Not the least. I think,

I think, as I said before, that the Company's judges do their best to administer justice impartially.

6195. Does that observation apply to the native judges; would they show the same respect for an uncovenanted person, as they would to one in the Company's service?—When we speak of an uncovenanted person now, we mean a person holding a small official situation; but supposing a European capitalist to be a a man of wealth who has acquired property in the country, he, of course, would gain a good deal of power there, and would stand on a footing equal to that of any civil or military servant or anybody else who came before the native court; I should be sorry to say anything against the natives, because, as a rule, I think they have done extremely well; but still they are too apt to think more of the sahib than anybody else. I recollect a remarkable case of that kind; a case of an attempt to murder, which was tried at Poonah: some of the Ramooses of the Deccan had waylaid an English contractor and his wife and children, and very nearly slew him, in fact, it was no fault of theirs that they did not; and when I passed sentence on one of these men at the close of the trial, the prisoner said, "I did not know he was a sahib, sir, or I should not have done it."

6196. A sahib means a gentleman?—Yes; he was a commissariat officer; he came into court and gave evidence against the prisoners.

6197. I suppose that a feeling pervades the naitves of all ranks, and under all circumstances, which makes them desirous of showing greater deference to the Company and their servants than to others?—There are so very few persons who are not in the Company's service, that it is difficult to answer that question.

6198. Do you believe that English people would be deterred from going there to settle if they had not the advantage of a covenanted service to govern the country?—I do not think they would care whether it was covenanted or uncovenanted, so long as it was efficient.

6199. You do not think it would deter English settlers from going there if the system were abolished of having a covenanted service, which is a privileged caste, to govern the country?—No, I think not.

6200. After your long experience, you come to the conclusion that it is not absolutely necessary to have the service covenanted?—I think it is not.

6201. You do not think that inefficient persons would be appointed to important offices, and that great jobs would be perpetrated?—I think that the Government of India always does its best to secure good and efficient instruments, and I think it would do the same then.

6202. Sir *Erskine Perry*.] Have they done so hitherto with regard to the uncovenanted service?—The rights or usages of the civil service interfere very much; for instance, there was the case of a young man, whom I originally knew as a domestic servant, who stood behind his master's chair (a relation of mine when I went to India); this young man rose to be appointed postmaster-general at Bombay, and his appointment was confirmed by Lord Dalhousie, subject to final confirmation in England, but the confirmation in England was refused; that was an example of a man's not having a covenant interfering with his advancement.

6203. That is a sort of notice, is it not, to everybody there not to expect or seek to deserve promotion?—He had promotion up to a certain point; he was deputy-postmaster, and Lord Dalhousie made him postmaster-general.

6204. What I understand you to say now is consistent with what you have said before, that you think barristers would make better judges than persons actually in the service who have not had that kind of practice which a professional man has in court?—Yes, I think that a barrister would be a better man to fill the office of judge than a covenanted servant who has not had the advantage of a legal education.

6205. In some respects, then, you would expect the Government to be more efficient if the covenanted system of service were done away with?—I think it would.

6206. Mr. *Mangles*.] In the case to which you referred just now, what did you understand the prisoner to mean by the term "sahib;" did you understand him to mean, that he did not know the person he attacked was a gentleman, or simply that he did not know that he was a European?—Something more than a European; otherwise, he would have called him a soldier most likely.

6207. It is said that the reason why Englishmen never suffered from Thugs, was, that the Thugs knew that the murder of an Englishmen was a crime that was never forgiven by the British Government?—I always understood that the

J. Warden, Esq.

24 June 1858.

reason given by the Thugs for not thugging Europeans was, that there would be such an immense fuss made about it, and that they sometimes carry pistols.

6208. Mr. *Campbell.*] Is not the ordinary designation of a European, who is not a sahib, "Gliora Logue"?—Yes; very often about military stations they call them soldier logues.

6209. Mr. *Mangles.*] You have spoken of Mr. Elphinstone's promise, that all rights should be treated with generosity; do you think that the word "generosity" is a word proper to be applied to a question whether men should bear their equal share of the public burthens?—I must first be convinced that the system of enam would be inconsistent with their bearing that share.

6210. With partial exceptions, bearing but upon few, and upon those slightly, is not the land revenue of India a great source of income in the country?—It is.

6211. Are you aware that Mr. Hart, or one of the Enam Commissioners, stated, that in the two districts of Belgaum and Dharwar more than half of the whole villages were held in enam, and that there were very large quantities in the remaining half, Government revenue villages?—I am not aware of those details; but, as I have already said, I do not think that the quantity that was alienated is a justification of the manner in which the Government proceeded to adjudicate on these titles.

6212. Suppose the whole of those districts had been alienated?—Then the Government should have acted before the efflux of time had created prescriptive titles under their own laws; I think it is very hard that the enamdars should suffer for the exigencies of the Government.

6213. Do you not think that, as primary consideration and as a general principle, the burthen of the country should be laid fairly and equitably upon all shoulders?—I think that, by creating a middle class of this kind you would create a class who, in other shapes, would bear the burthen; Sir John Malcolm, you will remember, had a plan by which he proposed a mode of taxing these people without interfering with their titles; that plan was very much canvassed, and I believe it was ultimately rejected by the Court of Directors.

6214. What do you suppose to be the whole revenue of Bombay; what proportion should you suppose is now alienated from the public exchequer and held by private individuals?—I think that Mr. Elphinstone estimated the alienations at a million of money; that was soon after we took the country.

6215. Have you ever inquired into that point since?—No, I think not.

6216. Is it not the case, that in Bengal and the North Western Provinces the class of landowners may be created or maintained without altogether exempting them from bearing any share of the public burthens?—But then, I think, it is for the Government to remedy that by taxing them in other shapes.

6217. If you were to tax the enamdars as jagheerdars, would not that be a mere quibble?—The exigencies of the Government would be a fair justification. We are all obliged to pay income tax, because at the time it was imposed Government was in a situation which obliged them to levy a tax upon the people.

6218. The land being almost the only source of the revenue, do you think it equitable or just that so large a proportion of the people should have an army maintained for their defence against Pindarees and marauders of all sorts, and should have courts of justice, police, roads, and bridges maintained for them, they themselves contributing nothing towards them?—I think that any mode of taxation is better than depriving them of what they consider their private property. I cannot suppose that the Government could not have devised some means of taxing them; an income tax would be one mode.

6219. Would it not be a mere evasion to say that a man should have his land rent free, and then make him pay a large property tax?—I think that the Government should have acted earlier.

6220. Are you aware that Bombay has not for many years borne its own proportion of the expenses, and that a considerable sum has been contributed by Bengal?—I am aware it is so.

6221. Do you think it equitable that the people of Bengal should be taxed for the purpose of paying the expenses of Bombay, where very large classes are allowed to go tax free?—I think that India should be treated as one kingdom, and that the distinction of Presidencies is merely imaginary.

6222. You think that the ryots of Bengal and the North Western Provinces should

should pay their share towards the expense of roads, police, and other advantages in which they participate, with other parts of India?—Yes; for instance when I travelled through the country I found there were no roads, and I said, "Why do you not make these roads, and insist on the villagers keeping them in order?"

6223. How do you suppose that Government could find funds to make roads, if these people were to remain untaxed?—I think that anything would be better than allowing such a lapse of time to pass, and then passing a law which they could not but see was a very rigorous one, when time alone had given them titles which could not be disturbed in courts of justice.

6224. You have spoken of these resumptions of the enams being a profit to the East India Company, and of their being in their own favour; do you not hold them to be trustees for the public, and are they not, as trustees of the community, bound to put the taxation fairly on all shoulders?—They are bound to do it fairly; and it is because I think that the system they have adopted is a most unfair one that I object to it.

6225. Was not the operation of the Enam Commission simply to ascertain whether these people were entitled to the rights they claimed?—But it was too late then; time had given them a title.

6226. Do you consider it fair to the rest of the community, because the Government has been engaged in wars, to allow a certain class to remain entirely tax free, when burdens are laid not only on their next door neighbours, but on the ryots of Bengal and the North-western Provinces to pay for them?—I would have taxed them, but not in this way.

6227. Would it not have been a mere evasion, and would they have liked it a bit better, if a heavy property tax had been levied upon them?—No; they gain certain advantages under our Government, and it might have been very fair to tax them for those advantages; take, as an example, the jurisdiction established by Mr. Elphinstone for the adjustment of pecuniary claims by native bankers against the Mahrattah chiefs; these sahoocars, or bankers, held the sudar's or chieftain's bonds, bearing an enormous rate of interest. Mr. Elphinstone, in founding this jurisdiction, said, when these bankers put their money to hazard, they knew that if the Peshwah were successful in the war for the prosecution of which the loan was granted, they would recover their money, but if the Peshwah were unsuccessful they would get nothing; when we came the bankers assumed a more favourable position in respect to the chiefs, for they found courts of justice in which they could sue on their bonds, and it would have been most unfair to the surdars to have made them pay the interest they had agreed to pay under a totally different state of circumstances; in the same way you may say to these enamdars, "We have given you railways and bridges, and roads, and these are advantages which you had not under the former Government, and therefore you must pay for them."

6228. You have quoted Sir Thomas Monro and Sir Charles Metcalfe as examples of great equity, and as being men of the old school, whose system of Government was most agreeable to the people?—I said that when I went to India the persons at the head of the different departments of Government were persons who could not but give the natives every confidence.

6229. But are you aware that both those gentlemen expressed themselves in very strong terms as to the justice and propriety of very largely resuming all these rent-free grants?—That was a matter of opinion with them; it might have been correct to do it, but it has been done too late; it is impossible to do it now without violating good faith; the time for doing it has gone by.

6230. Are you aware that Sir Thomas Monro said, that the reason why native princes were liberal in making grants was because they always held themselves justified and entitled to resume all the grants of their predecessors?—It might have furnished another good reason for imposing some tax upon them, that their tenure had become better under our Government than it was under the late Government. We might have made that a ground for taxing them, in the same way as we might say, "We have made roads and bridges, and given you a good administration, and you must pay for it." But I think that anything would have been better than depriving them of their property; that is the view I take of the matter.

6231. Are you aware that Sir Thomas Monro quoted the statement of the Nawab of the Carnatic with respect to rent-free tenures generally, and of royal aitumghas in particular (those being considered the most sacred grants) to the effect

J. Warden, Esq.

24 June 1848.

effect that he had resumed all the grants of his predecessors as a matter of course?—I have no knowledge of that.

6232. Are you aware that Sir Charles Metcalfe spoke very strongly as to the propriety and necessity of resuming the rent-free tenures, and stated that we could not afford to purchase a shortlived popularity by allowing the grants of our predecessors to remain unresumed?—I am not aware of that. As to Sir John Malcolm, there could not have been a more remarkable example of the way in which the natives valued him than an anecdote which is told in the second volume of his memoirs: when he went out to fight the battle of Mehidpoor, he being Commander-in-chief of the British army, Holkar, who was commanding the Mahratta army, told his troops whenever they saw Malcolm to cease firing, for that Malcolm's life should not be taken in the battle.

6233. You have spoken of the present principal enam commissioner as being a captain of Native Infantry; do you suppose that captains of Native Infantry are not often men of great ability and fitness for such offices?—I spoke of the enam commissioners comparatively with such persons as I thought ought to be entrusted with such important trials. What I said was quite consistent with the whole of the evidence I have given. I say that a gentleman who has not had a legal education is not competent to try titles to land.

6234. Was not Sir John Malcolm once a captain of infantry?—Yes; but I do not know that he was ever a judge.

6235. Did he not constantly dispose of questions of the greatest importance?—He may have done so; but if I had been a party, I would much rather have had them disposed of by Lord Campbell.

6236. Would it be possible to get a Lord Campbell to be an Enam Commissioner in India?—No.; but you might get men better adapted to fill the office than those who have been appointed; I think that barristers practising in the Supreme Court would make better judges.

6237. Will you mention the names of the persons to whom you referred when you spoke of young gentlemen being appointed Commissioners, and recommended that they should be remanded to their regiments?—I mean young officers who have been appointed Assistant Commissioners.

6238. Will you state if you please, the names and the standing of the officers to whom you allude?—I could not do so without reference to the book, and I would rather not mention their names, unless the Committee desire me to do so; I would say broadly, that any man who has not had a legal education, and who is not accustomed to weigh evidence, is not a competent person to fill such an office; I spoke of them as compared with the judges of the Supreme Court.

6239. You know Mr. Hart?—Yes; Mr. Hart is a very able man; he does me the honour to say, that I was the person who pushed him on in the service, and I have the highest respect for him; but still I think that such an appointment would have been much better in the hands of graver and older men, more accustomed to weigh evidence, considering that the matters they have to determine are so important to the interests of the people.

6240. Will you state, without naming them, the standing of the officers to whom you specially alluded, and their regiments, when you spoke of them as young gentlemen?—Mr. Hart was a very young man; he was my own assistant at Poonah when first appointed to adjudicate on enams.

6241. What is his standing at present?—Mr. Hart is at this time of three or four and twenty years' standing; he is a very able man, and I was very sorry to lose him; the Committee will remember that I spoke of these gentlemen comtively; I said they were not the sort of persons to whom so important an office should have been entrusted. I have nothing whatever to say against them personally, and that I have endeavoured throughout my evidence to impress upon the Committee.

6242. Is not Captain Cooper a man of competent age?—I should say he is under thirty: but as I said before, I would rather not mention names.

6243. You have spoken of the rebellion having first broken out in the South Mahratta country, and you say you attribute it to these enam inquiries; to what rebellion do you refer?—I speak of the dissatisfaction that has from time to time shown itself in the South Mahratta country during the last twelve-months.

6244. You spoke of a rebellion; to what rebellion do you refer?—I consider the whole thing a rebellion; I am perfectly aware of the state of mind of the natives

natives in the Bombay Presidency, and I ascribe it principally to these inquiries, the effect of which has been to shake their titles to their property, and to make them mentally fraternise with everything that has been going on against the Government.

6245. What overt acts do you allude to when you use the word "rebellion?"—I am speaking of the disaffection that has shown itself in the South Mahratta country during the last eighteen months.

6246. Are you aware that the only open rebellion that broke out was in a territory that did not belong to the British Government at all?—Were there no symptoms of rebellion at Sattara or at Kolapoor?

6247. Do you feel confident that the natives, our predecessors, allowed female succession to enams, and the adoption of heirs to enams, without question as a matter of right?—I think they did.

6248. You have spoken of the hardship of the *onus probandi* being thrown on the defendant; do you think it a great hardship where a man makes so large a claim as exemption from taxation, that he should be required to prove his right to such exemption?—I think, that to require him to prove possession for a hundred years is extremely hard; I would make him prove all that people are obliged to prove in the courts, a 30 years' possession.

6249. You say, you think it would be very desirable that there should be a second examination of civilians after five years of service?—Yes; I think it is extremely difficult for a man to acquire a sufficient knowledge of the language in a short time; he might have sufficient knowledge to enable him to do certain things, which would facilitate his acquiring the language, in the first instance to put him to perform ordinary duties with that object in view.

6250. Are you aware, that in all the Presidencies there are two successive examinations after young men have entered the service?—Yes; since I left there has been an improvement in that respect; but we have so many languages on the Bombay side that it would be impossible for any individual to be competent to sit in all the courts of the Presidency.

6251. You have spoken of Mr. Dickenson, an able barrister in the Supreme Court, being so conversant with Hindostanee that he was able to conduct a cause in that language?—Yes; he concluded his speech in Hindostanee; and Mr. Dickenson had, what civilians have not, a legal education, and he knew the practice of the Supreme Court.

6252. You spoke very highly of Sir Thomas Monro, and very deservedly; are you aware that he pronounced an opinion that no man was competent to be a judge in India who had not been a collector?—I am aware that he did say so.

6253. I do not mean to disparage legal knowledge, but do you not think that that kind of knowledge which a man acquires as a collector, when he sees the people in their villages and fields, is at least as necessary as the legal knowledge which you consider so essential?—I have said that barristers, from their habits of intercourse with the natives, learn their manners and their thoughts and their usages; and that they do not sever themselves from their clients as barristers do in this country; the gentleman to whom I have referred (Mr. Dickenson), had a good deal of knowledge of the natives.

6254. Do you think that a man is quite fit to be a judge who merely possesses legal learning without an intimate acquaintance with the habits, manners, and pursuits of the people?—It is very desirable that he should have this also.

6255. Does not the education of a young assistant to a collector, and do not the habits of a collector, give him a great advantage in that respect?—No doubt; and I think it would be highly advantageous that a person who is to be a judge should acquire that knowledge in addition to legal knowledge.

6256. Do you not think that barristers sent out as judges would necessarily be very deficient in that knowledge?—I read the other day the evidence of Mr. Theobald before this Committee, who had sketched a plan which I thought was a feasible one; it somewhat resembled a suggestion which I myself made to the Law Commissioners many years ago; that gentlemen of a judicial turn of mind should be made to study judicially, as men do in this country; and that after practising in the Supreme Court, you should not make them judges immediately, but should send them up the country as magistrates, in which capacity they would have the means of acquiring that kind of information which civilians have.

6257. Has any judicial officer the same means of acquiring that sort of in-

J. Warden, Esq.

24 June 1858.

formation that a collector has?—No; but I think that that is counterbalanced by other advantages.

6258. Do you think that a man who does not know a field of potatoes from a field of wheat, and who is altogether ignorant of the trade and produce of the country, is fit to be a judge, whatever amount of legal knowledge he may possess?—There is an old story which may furnish my answer. When a sailor who was giving evidence spoke of "abaft the binnacle," the judge asked him what he meant; upon which the sailor said, "A pretty man you are to be a judge, if you do not know what abaft the binnacle means."

6259. Does not a practical knowledge of the habits and manners of the people give a man a great advantage on the bench?—Yes; there can be no doubt about that.

6260. Do you think that a barrister who was comparatively ignorant of those matters would be able, from a mere knowledge of the general principles of law, satisfactorily to administer justice?—As I have said before, after he had been for a certain time practising in the Supreme Court, he might be appointed a magistrate, and living in the country and acting in that capacity, he would acquire, more or less, that information which a collector has.

6261. Would you commence by making these men magistrates?—First of all, I would make them pass the same kind of examination that other people pass before they go out; and then I would put them in the Supreme Court, and from the Supreme Court I would draft them into the country to act as magistrates. I think there should be a gradual rising.

6262. You have said that the natives of Bombay are very apt in acquiring a knowledge of the English language?—Yes; I could produce to you letters that I have had from natives which show such a remarkable knowledge of English as would surprise you.

6263. Are you aware that in the recent examinations which have been carried on by independent persons, and not by the president and professors of the College, the students at Bombay have most grievously broken down?—I am aware that they have; but I know at the same time that many of them are very superior young men, and that they possess a remarkable knowledge of the English language.

6264. Are you not aware that of late a very different opinion has been entertained with regard to the education and attainments of these young men from that which prevailed formerly?—I am aware that there was formerly a good deal of cramming, and that the examination under professors did not develope their defects in the way in which they are developed by having independent examiners; but of my own personal knowledge I can speak to the fact of many of them being extremely well educated.

6265. Various opinions have been expressed before this Committee with regard to the qualifications and character of the native judges, and their integrity and fitness to administer the law; what is your opinion upon that subject?—My opinion is, that they are perfectly fit to administer the law in the courts, in the way they do now; I think that they should have more education than they have; but considering what they are, my opinion is that they have done remarkably well.

6266. What is your opinion in general of their integrity?—I would rather put it in this way; I do not think that their salaries are sufficiently high to insure integrity either in them or in any other class of people.

6267. Do you believe, as some of the witnesses have stated, that an increase of the salaries of the native judges and officers of police would only render it necessary to bribe them higher?—I think that if they were better educated, and by that means were enabled to associate more with Europeans, they would acquire higher principles, and that if their advantages were greater than they are now, the temptation to go wrong would be much less than it is at present. In regard to policemen, in spite of one unfortunate failure, at Bombay, the best experiment that has been made was made when I went down as senior magistrate, and when what was then called the Peel police was introduced, we got our serjeants from the army, and Lord William Bentinck, the then Governor-general, was good enough to allow the men all the advantages they had in their own profession. I know there have been instances of their taking bribes, but I am persuaded that during the same interval of time, now nearly a quarter of a century, for every instance of the kind that has occurred, there would have been

been at least a dozen if, instead of the men we had, the natives had been employed.

6268. Do you not think it is necessary to employ the natives, and that by watchful care and superintendence the system would purge itself?—I think that much is to be done by education, and by drawing them as much as possible towards us.

6269. Are not the principal sudder umeens generally men of fair reputation?—They will become more so; but they are not men who have been educated in our colleges; they were brought up under the native system.

6270. But they are usually men of high intelligence, are they not?—Yes. I do not wish to speak disparagingly of the natives; but, as regards police, I think that in Bombay, if a rich man were put into the watchhouse, he could secure his discharge by bribing a native sufficiently highly; but it would be difficult to do so with a serjeant, who would know, that if he were detected he would forfeit all his military advantages, and all his civil ones too.

6271. Mr. *Campbell.*] You do not suppose that a native in the receipt of 10 or 12 rupees a month, unless he were educated, and his moral character were higher than that of an ordinary native, would refuse to receive a bribe if the 10 or 12 rupees were doubled?—That is my opinion.

6272. Mr. *Mangles.*] Do you suppose that with competent English officers, such as we have now, a sheristadar has any influence with the judge?—Yes, I think he has.

6273. In what way?—I think that the mere tone of voice, or the manner in which he reads a paper, has an effect.

6274. Would not that rather tend to excite suspicion?—My opinion is that we are all, more or less, influenced by them. They are extremely quick in discovering the bias of a man's mind.

6275. You think, do you not, that we ought to abolish the present system of sending out young men to be trained to the service from their youth, and that we should allow the Government in India to select the best men, wherever they can find them?—The question Mr. Villiers asked me was, whether I thought there was any advantage in having them covenanted? I do not; and I do not see any advantage in having it an exclusive service; it limits the choice.

6276. Do you not think it is necessary, if you send young men out to the service, and tell them that that must be their line of life, and if you engage them for 25 or 30 years, as is practically the case, you must, in order to get the sort of men you wish to get, offer them some exclusive privileges, and protect them, in fact, against the competition of outsiders?—I think the present system would be less objectionable if the judicial department were severed from the covenanted.

6277. You have referred to a case in which the appointment of a gentleman to the office of postmaster-general at Bombay was not confirmed by the Court of Directors, and you have spoken of that as a hardship; do you think it would be acting fairly towards young men who have been induced to go out to India with the understanding that they are to stay there 20 or 25 years, if men taken indiscriminately were allowed to come in and to take those appointments for which they had been trained?—I only referred to that as an instance to show that the best man out of the service was not able to get the situation for which he was most qualified.

6278. Do you not see that you must take the two systems with their roughs and smooths, and that you must submit to the inconvenience sometimes of losing the best men, for the purpose of maintaining the system (supposing it to be the best system), where young men enter at the bottom and rise to the top?—I think that the judicial administration should be severed from the civil service. I think it would be better that the postmaster-general should not be a covenanted servant. I think that the office of collector of the Customs should not be given to a civilian. I think that a man trained in the post-office in London would make a better postmaster-general, and that a man trained in the Custom-house in London would make a better collector of Customs than a civilian.

Martis, 29° *die Junii*, 1858.

MEMBERS PRESENT.

Mr. Willoughby.	Sir Erskine Perry.
Mr. Villiers.	Mr. Mangles.
Mr. William Vansittart.	Mr. Kinnaird.
Mr. J. B. Smith.	Mr. Gregson.
Mr. Danby Seymour.	Mr. Campbell.

WILLIAM EWART, Esq., IN THE CHAIR.

William Balston, Esq., called in; and further Examined.

W. Balston, Esq.

29 June 1858.

6279. *Chairman.*] WILL you state to the Committee how far irrigation would be in your opinion advantageous, with reference to the cultivation of sugar in India?—In my last examination before the Committee, I stated that the climate of India, as it affected the productive power of the soil, appeared to me to be the greatest of all obstructions to any extensive settlement of Europeans in that country. To support my opinion upon that subject, I referred to the extreme poverty of crops in India, and selected from the number more particularly the cotton crop; the same obstacle that presents itself to the cultivation of cotton in India by Europeans prevails also with reference to his cultivation of sugar there; the sugar cane of India, as compared with the cane of other countries, is as stunted and unproductive as the cotton plant, yielding only from four to five hundredweight of marketable sugar to the acre, whilst that of other countries produces from twenty to thirty hundredweight. The cost of production in India includes two very important items, which are not included in the cost of production in other countries; the cost of water and the land-tax amounting together, under the most favourable circumstances, to 50 per cent. of the cost of production.

6280. Sir *Erskine Perry.*] Have you had any practical experience yourself in the cultivation of sugar, or are you only speaking of garden cultivation?—I know of only one European planter in Western India, but I have obtained information upon the subject from several practical planters in Bengal.

6281. Mr. *Gregson.*] You say that the expense of water and the charge made for land-tax amount altogether to 50 per cent.?—Yes; that is on the cost of production in Bengal.

6282. Can you give us the expense of water and the charge made for land-tax separately?—Yes; Mr. Wray, a practical planter in Bengal, who gave his evidence before Lord George Bentinck's Committee in 1848, gave the items of cost.

6283. How much of the 50 per cent. is for water, and how much for land-tax?—Thirteen and sixpence for irrigation, and 12*s.* for rent. This 13*s.* 6*d.* amounted to 25 per cent. of the cost of production, and the irrigation was only three waterings, which is much less than is required in Western India.

6284. *Chairman.*] You say that in Western India the cost of water and the charge for land-tax amount to 50 per cent. upon the cost of production; on what data do you make that statement?—By calculating the amount of labour employed in irrigating an acre of cane; the least quantity of labour so employed in producing sugar is 50 per cent. of the whole quantity used; that is owing to the dryness of the climate, and the length of time that cane requires watering. The exotic cane cannot be grown in the western part of India, or anywhere where there is not sufficient irrigation. Where it can be grown it is grown, and produces as good a crop as is produced in any other country, and at one-fifth part of the cost. The present practice of transporting Indian coolies to the Mauritius and the West Indies is as bad in economy as it is in morality. It increases the cost of coolie labour five-fold in the Mauritius, and ten-fold in the West Indies.

6285. What observations have you made with regard to the effect of irrigation upon sugar?—It is not cultivated to any extent in Western India, in consequence

of

of the cost of irrigation. The consumption of sugar in the Bombay presidency is in excess of the production.

6286. What other productions would, in your opinion, be benefited by irrigation?—The effect of irrigation on grain and oil seeds is so great as to double the crop, and if a cultivator had a good supply of water throughout the year, he would be able to produce two crops a year instead of one; and if the work of irrigation were a canal, opening a communication with a seaport, it would give a seaport value, or nearly so, to the produce of the interior, which is now worth only one-half or one-fourth of that value.

6287. Mr. *Willoughby.*] For how long a time were you in the service of the great India Peninsula Railway Company?—I was not in their service, except as a contractor.

6288. For how long a time were you under a contract to them?—The first contract that I took from them was subject to a condition.

6289. What was the nature of your contract?—The nature of my contract was to execute a part of the works subject to competition in England afterwards.

6290. Did you not also enter into contracts for the supply of a certain number of sleepers?—I did.

6291. First for 10,000 and afterwards for 40,000?—Those were the numbers, as well as I can recollect.

6292. And you were unable, were you not, to fulfil either contract?—Yes. Will you allow me to explain the reason? The nature of the wood of the Konkan was not known at that time, either to the engineer or myself; they wished to get sleepers made of a kind of wood called kheir, and it was found that the jungles of the Konkan would not supply wood of the requisite size; that was the reason why that contract was not completed.

6293. Were you not also to make a certain deposit of 5 per cent.?—I really cannot speak correctly upon that subject.

6294. You forget whether you were or not?—I forget; it is not customary to make any deposit.

6295. In your contract was there not a stipulation that you were to deposit 5 per cent., and is not that a common custom in India?—It was not the custom with English contractors in India.

6296. *Chairman.*] Were you to make that deposit?—I really do not remember; it was a very trifling affair altogether; only 10,000 wooden sleepers.

6297. Mr. *Willoughby.*] How long were you in Guzerat?—About three months; I was there merely during the height of the cotton season. I should think not more than two months; perhaps scarcely that.

6298. Then all the observations you have made relating to the cultivation of sugar are founded on two months' observation?—Two months' observation is, I think, quite as good for the purpose as two years.

6299. Having been there only for so short a time, you are not able to give us any clear opinion, of course, as to the character of the climate there?—No; I should not express any decided opinion upon that subject, nor have I done so.

6300. From what you do know of it, do you think it is adapted to European colonisation?—I do not know anything to the contrary; there are a great many Europeans in the Government service residing there; as many, I think, as there are in other provinces.

6301. Do you not know that fever of a dangerous character is very prevalent there, especially during the months of September and October?—Fever prevails generally in jungly countries during those months.

6302. You would not consider the districts which you visited jungly, would you?—No; and I should think that those districts would be free from fever.

6303. You have said that in Guzerat the land-tax amounts to 50 per cent.; upon what data do you found that statement?—It is based on an average of years, as given by Mr. Mackay in his book; it varies according to the value of the produce; on an acre of cotton, producing 16*s.* 9*d.* worth, it would be 52 per cent. As the land-tax is fixed without reference to the value of crop, the lower the value of crop the greater the per-centage of land-tax. The per-centage is constantly varying; you can only take an average.

6304. What average have you taken?—An average of seven years.

6305. Have you any idea what the land-tax is per acre in Guzera?—Eight and ninepence was the sum paid on an acre of cotton; the grain crops are lower than the cotton, and I suppose the land-tax would be lower.

W. Balston, Esq.

29 June 1858.

6306. In your evidence, the other day, you alluded to a canal 1,400 miles in extent, and said that that was a hypothetical distance; I want to know what tract of country you had in your mind at that time?—None; I merely put it as an illustration to show the cost of different modes of carriage.

6307. You did not mean to say that the construction of a canal 1,400 miles long was practicable?—No; I do not know any district of country in India in which there could be a canal made 1,400 miles long in a direct line.

6308. In one of your answers you stated, "In Western India cultivators are, or have been, charged upwards of 5 *l.* an acre for a canal subject to this cost;" and when I asked you where, you said, "In Western India, near Poonah;" will you have the kindness to point out the precise locality?—It is pointed out by Colonel Sykes in the evidence which he gave before Lord George Bentinck's Committee in 1848.

6309. In what locality is it?—He names the place near Poonah; I do not remember the name of the place.

6310. Is it a canal?—No; I said nothing about a canal.

6311. Your evidence was, "It does not appear whether the cultivator spoken of, who pays Government 3 *l.* an acre, is or is not subject to any cost in lifting the water; but in Western India cultivators are, or have been, charged upward of 5 *l.* an acre for a canal which is subject to this cost." Then I ask you where, and you say, "In Western India, near Poonah"?—Five pounds for irrigated land, in addition to the cost of lifting. The cost of the water is put down at 25 *s.* 3 *d.* per beegah of 3,600 square yards, or 34 *s.* per acre.

6312. For the canal?—There is no canal there; there is no canal near Poonah.

6313. Then you would wish to correct that?—Yes; the total amount of charges was 53 rupees, I think.

6314. To Government or to the cultivator?—For Government dues.

6315. How was the irrigation effected; from what source was it obtained?—That is not stated, but the charges for lifting are put down in the account; whether it was a well or a tank does not appear.

6316. Mr. *Smith.*] You do not state this on your own authority, but on the authority of Colonel Sykes?—Yes.

6317. Mr. *Willoughby.*] Will you point out, if you please, where Colonel Sykes' authority is to be found?—It is to be found by referring to the Report of Lord George Bentinck's Committee of 1848, page 80.

6318. You allude to the irrigation of cotton lands; do you think that in Guzerat they would pay the expense of irrigation?—That would depend entirely upon the system of irrigation pursued; if you can supply water from a canal at an expense of from two to four shillings an acre, it will pay very largely.

6319. Do you think that a canal could be constructed so as to admit of those charges?—I do, certainly.

6320. In what part?—In the greater part of Guzerat; there are three or four large rivers coming in there, and I believe that at that charge you might irrigate great part; I am speaking now, however, without having any exact levels.

6321. And of course you cannot tell what would be the cost of constructing those canals?—It would require an exact survey to estimate that. There is a very great extent of level ground; the kind of labour required for canal work is abundant and cheap; and there is a large quantity of water flowing waste to the sea, at times when the crops are suffering severely from the want of it. There is much complaint in Guzerat of the uncertainty of the periodical rains.

6322. Sir *Erskine Perry.*] Which river do you mean?—There are several rivers there, but without an actual inspection of the country it would be difficult to decide which you would prefer; I believe, however, that about the sources of most of them there are very good opportunities for storing water; I think it would be necessary to store water to some extent.

6323. Can you mention the river?—I have not studied the map of that part of the country, and therefore cannot say which river I should select.

6324. You know the neighbourhood of Tapti, and that there are two great rivers in that district?—Yes; at Jubbulpoor the water of the Narbudda is 1,200 feet above the level of the sea; what the nature of the ground is between Jubbulpoor and the sea, I cannot say, without exact levels, but so far as I can obtain any information from maps, there would be no great difficulty in it.

6325. But you need not go beyond?—Yes; you must go a great deal beyond that

that to get water free from the cost of lifting, and to accommodate the traffic of the interior as well.

6326. Then you would make the canal come from the source of the Narbudda?—Yes.

6327. How far is Jubbulpoor from the sea?—About 600 miles.

6328. Mr. *Willoughby.*] Have you considered the cost of bringing the water that distance?—Yes; I have considered it well. Not so much in this particular locality as in others, where the necessary works would certainly be very light. I have also considered the facilities for constructing them, and the probable results. Canals are more wanted in India for carriage, as well as irrigation, than in any other country I know anything about.

6329. Have you ever travelled the country between Baroda and Mow?—No.

6330. Is it not the fact that the jungly and rocky country between Baroda and Mow is so injurious to health that people cannot pass through it at certain periods of the year?—I think that water would be a great advantage to the people there.

6331. No doubt; but the question is how to get it there?—There must be some expense in getting it anywhere; but a canal even if it were to cost 50,000 *l.* a mile, would be much more profitable in India than a railway costing 10,000 *l.* or in 15,000 *l.*; that is, if it has an area of irrigation at all equal to the great Ganges Canal.

6332. Mr. *Mangles.*] But there is no advantage, is there, in having a large produce unless you have the means of conveying it?—It must be also a navigable canal. Canals to be fully efficient must run parallel with existing lines of drainage, that is, from the interior to the sea board. Such canals would not only create a large amount of produce, but would also convey it to the coast at a very trifling cost. There is a large and largely increasing import into this country of grains and oil seeds (the amount in 1856 was 28,000,000 *l.*), which are produced freely in the interior of India, but not on the coast. In consequence of the high cost of inland carriage, there is very little export except when prices in this country are excessively high, as was the case during the Russian war. At the commencement of the war there was a first import of 20 quarters of wheat from India. This rose to 90,963 quarters in 1856, and declined with declining prices to 30,429 quarters in 1857. The effect was the same on the exports of oil seeds. Rice is exported largely at all times, in times of peace as well as war, although its tonnage value in England is not more than that of wheat or oil seed. This is because it is produced in great abundance on the coast, and is not subject to the cost of inland carriage. The present cost of a quarter of linseed delivered in London from Mooltan, in the Punjab, would be as under:

1. First cost	- - - - - -	14 *s.* per quarter
2. River carriage, and expenses	- - -	24 *s.* ,,
3. Freight to England	- - - - -	12 *s.* ,,
4. Costs and charges	- - - - -	6 *s.* ,,
		56 *s.* per quarter.

Canals to convey both produce and producer to the seaport would reduce the second item of charge from 24 *s.* to 2 *s.* per quarter. With this advantage, India would at all times supply the whole of the grain and seeds imported here. The cost of production in India is less than one-half the cost in America, whilst the difference in sea freight from America and India to England is only 9 *d.* per bushel against India.

6333. Are not the levels of the country on the western coast so various that it would be impossible to make a canal there?—The coast is, no doubt, very difficult, but (with very rare exceptions) wherever you can make a railway you can make a canal. It is as easy to carry a canal down from Guzerat as a railway, and easier. I am not an advocate for making coast lines. In reply to questions, I speak only of the possibility of making them. When once produce reaches the coast it is conveyed to a seaport at a very low cost by coasting vessels, and the western coast, excepting Guzerat, offers no great facilities for canal irrigation.

6334. Sir *Erskine Perry.*] Is it not the fact that the water is much too deep in the neighbourhood of Tapti to enable you to get water for a canal from those rivers?—Yes.

W. Balston, Esq.

29 June 1858.

6335. Therefore you must go into the interior for head water?—Yes.

6336. A distance of 600 or 700 miles?—Yes, the further the better.

6337. And in order to construct a canal, you must penetrate the whole of that rugged country with a range of mountains three or four thousand feet high?—I do not think it is so much as that. The fall of the Narbudda is only 1,200 feet in 600 miles.

6338. Mr. *Willoughby.*] Have you ever crossed the Bawa Pieara Ghat in the month of May?—No.

6339. Are you aware that you can cross it with the water not more than above the horse's knees?—I think that is very likely in the driest time of the year; I think it would be necessary to store water to some extent in Western India.

Colonel *William Campbell Onslow*, called in; and Examined.

Colonel *W. C. Onslow.*

6340. *Chairman.*] HOW long were you in India, and in what parts have you been?—I have resided in India 28 years; for 14 years of that time I was in Mysore; in the Mysore Commission.

6341. Mr. *Willoughby.*] You belong to the Madras army, I suppose?—Yes.

6342. *Chairman.*] Where were you during the other part of the 28 years?—I was with my regiment in various parts of the Madras presidency.

6343. In what capacity?—I was in the civil charge of the Nugger division of the Mysore territory for eight years, and for two years and a quarter I was in charge of Coorg as superintendent.

6344. When did you leave India?—In May 1854.

6345. Did you ever turn your attention to the subject of the facilities existing in Mysore for the settlement of Europeans?—I never turned my attention particularly to it until lately; but I have been able to form some opinion upon the subject from my long residence there.

6346. What is the result of your consideration of the subject?—My opinion with reference to Mysore is that it is of all countries that I have heard of or seen in India, the most favourable for any attempt of the sort. Of course there are some very serious difficulties in the way. I do not think it would be possible to colonise, in the usual sense of the word, in India; a country which is already occupied by so many millions. I do not conceive that Europeans could live there as colonists.

6347. My question referred to temporary settlement and Mysore?—The same remark would apply to Mysore; that is a country about the size of Ireland, containing a population of nearly four millions of people.

6348. Sir *Erskine Perry.*] And the wages of labour are very low, are they not?—Yes, the wages of labour are very low, and capital is by no means in proportion to the population.

6349. *Chairman.*] Would the settlement of Europeans there be a great advantage as a means of employing native labour?—Yes.

6350. Do you think that European settlement in the restricted sense, and not in the sense of colonisation, is practicable in that country?—Quite so.

6351. And do you think it would be a great benefit to the country?—It would be a great benefit to everybody concerned in it, both native and European.

6352. How far do you think it would be possible for a settler who came intending to remain in that country for the rest of his life or for several years, to live there and maintain his health?—The prevailing disease of Mysore is fever; fever prevails, more or less, in all parts of Mysore, nevertheless I have known men live there for many years. I was there myself for 14 years, and experienced very little failure of health, and when I found my health affected it was in consequence of a long residence in a tropical climate rather than from fever or local disease of any kind. It was more a general debility than anything else, that compelled me to leave India.

6353. What is the character of the fever, and what are the causes of it?—It is difficult to say what are the causes of it.

6354. Is it an intermittent fever?—Yes, it is an intermittent fever; a jungle fever. In some parts the type of it is decidedly what is called a jungle fever; in other parts it does not partake of that type entirely. In Seringapatam, up to 1822 or 1823, we had a large garrison, and they were there for some years after the fall of Seringapatam in very good health; that applied both to Europeans and to natives, but in 1823 a fever broke out there which was of so malignant a character

character that they were obliged to vacate, leaving a very small detachment; eventually even that detachment was withdrawn, and no troops remained there at all. That fever has been attributed to the exposure of the granite rock in the river; the river is very broad there, and from the month of February to the month of June it is almost empty; there is then an immense expanse of rock exposed, and I have heard medical men say, and it is the general opinion of the inhabitants also, that the fever is caused by some exhalation from the rock. That kind of fever, however, prevails almost throughout Mysore.

6355. Sir *Erskine Perry.*] And now the general belief is, is it not, that if a European sleeps for a single night at Seringapatam, he is liable to the fever?—Yes.

6356. *Chairman.*] What do you consider to be the most healthy parts of Mysore?—Bangalore is a most healthy part, and during the cold season of the year all the high range of mountains and all that country is healthy; Seringapatam itself is healthy when the river is full of water.

6357. What is the height of the highest part of Mysore?—The highest part of Mysore takes in the western ghauts, and some of those ghauts are 6,000 to 7,000, or even 8,000 feet high; Bangalore is 2,800 feet high.

6358. Mr. *Willoughby.*] That is the principal military station, is it not?—Yes. and it is the head-quarters of the Commission; it is the seat of Government.

6359. *Chairman.*] Are you of opinion that Europeans could live in the healthiest parts of Mysore?—Certainly; the present Commissioner has lived in India for 58 years, and during the greatest part of that time he has lived in Mysore; he has been a Commissioner of Mysore ever since the establishment of the Commission in 1832.

6360. I believe he is almost the governor of that country, is he not?—He is.

6361. Will not the railway come near to Bangalore?—It is to be hoped that it will come there eventually; it ought to have done so before, in my opinion.

6362. Will not that be a great advantage by inducing British settlers to go there and develope the resources of the country by means of their capital?—No doubt it will.

6363. In what way do you think the capital of Europeans could be advantageously employed in Mysore?—In coffee planting and in sugar planting; I am of opinion also that it might be employed with advantage in cotton planting, for although cotton has not yet been cultivated in Mysore to any great extent, still I know that very fine cotton can be produced there. I had myself, when I was in charge of the Nugger district, a small experimental farm under a superintendent, a Eurasian of intelligence, who paid great attention to it, and who raised cotton of a very fine character, which we sent to the Great Exhibition, and a gold medal was returned to the superintendent for the sample that was sent; I think you will find it reported on by Dr. Royle in page 90 of the Report of the Commission.

6364. Mr. *Willoughby.*] What quantity was produced?—It was only a small quantity; we had not time to produce any large quantity, nor was the extent of the farm sufficient.

6365. *Chairman.*] Did it resemble the best American cotton?—It was from Mexican cotton seed sent out by the Court of Directors.

6366. Where was it grown?—It was grown in the Nugger Division, in a dry hot part of the country; I do not know that the sample sent home was grown on land that was irrigated, but we did experimentalise by irrigation, and with very considerable effect.

6367. But the greater part of the plateau of Mysore is not very fertile, is it?—A great deal of it is very fertile, but it is an undulating country.

6368. What is the chief thing produced there?—Ragi is the chief grain.

6369. Sir *Erskine Perry.*] That is an inferior kind of grain, is it not?—It is a very small grain, but it is very nourishing, if you may judge of it from the appearance and strength of the people, who live a good deal upon it; that part of the country produces a great variety of grain; ragi is the grain on which the main part of the population live, but there is still a great deal of rice produced, wheat, and various other kinds of grain; the sugar cane also is largely cultivated.

6370. *Chairman.*] In what way do you think that European capital could be employed in cultivation?—In the production of coffee, sugar, and tobacco, cotton, silk, &c. &c.

Colonel *W. C. Onslow.*

29 June 1858.

6371. Which would you say pre-eminently?—I should say pre-eminently, coffee or sugar; from my own experience I should say coffee; sugar makers have succeeded there very well indeed; I have coffee plantations myself there.

6372. Are there many English coffee planters there?—In my division there are five or six Eurasians and Europeans: there are none who are cultivating other productions that I know of.

6373. Has the number of European cultivators of coffee increased much?—Not very much; when I left there were not above six or seven in the whole district; therefore it cannot be said to have increased very much; but the cultivation of coffee by the natives has increased immensely.

6374. What is the quality of the coffee that is produced there?—Very fine; the prices that I get for my coffee in England are nearly as good as the prices obtained for Mocha coffee.

6375. Sir *Erskine Perry.*] Is that 85*s.*?—No; 93*s.* 6*d.* I got the last time.

6376. *Chairman.*] That is superior, is it not, to the Neilgherries coffee?—It brings higher prices.

6377. Whereabouts in Mysore are these coffee plantations?—One of the coffee plantations that I have, is situate on one of the ramifications of the Baba Booden hills.

6378. Just point out on the map, if you please, where the coffee in Mysore principally grows?—It grows on the western side of the Mysore, and in Coorg, which may be called part of Mysore, because it is all under the same Government and adjoins that territory.

6379. Sir *Erskine Perry.*] Those are spurs of the great range of ghauts, are they not?—Yes, what I have pointed out are.

6380. *Chairman.*] Has the number of coffee planters in Coorg much increased?—I am told so; I do not know it of my own knowledge.

6381. What is the tenure of land in Mysore?—The tenure of coffee land may be called fee-simple tenure: the way in which they get a grant is by making an application to the local functionary for a certain piece of jungle land; every wood and slope of a hill has its name; you apply for a certain piece of jungle land, called by such and such a name, for the purpose of planting coffee; then an advertisement is published throughout the country to ascertain whether any persons have claims upon that piece of land, and if no claim is made to it in a month, I think, it is put up to auction and the highest bidder gets it.

6382. And he pays a land-tax, of course, for it?—There is no land-tax; there is only an excise duty upon the produce when it is taken away; the cultivation of coffee has increased very much indeed among the natives; it has become very popular with them; they do not mind this kind of tax, inasmuch as where there is no produce there is no tax; if it were a land-tax, which, in some respects, would be far preferable, because it would be very much lighter, the cultivation would not be so popular as it is with natives; when a man takes a coffee plantation he does not produce full crops for seven years; perhaps he does not produce anything for the first three years; and during all the time that it does not produce anything he pays nothing in the way of tax, and when he does pay, he pays only according to the quantity produced; if there is no produce, he pays no tax; but in the case of a land-tax, he has to pay whether his land produces anything or not.

6383. Is not the variation in the amount of tax upon the produce rather irksome to the occupiers of the land?—No, the charge is so much a measure; there is no difficulty in it; it is so many annas on such a quantity; it is not an *ad valorem* duty.

6384. Mr. *Smith.*] If they consume the produce in the country it pays no duty, does it?—Yes; whoever consumes it pays the dut

6385. Whoever takes it off the field?—Yes.

6386. Is it levied on the field?—It is levied on the produce.

6387. On the field?—On the plantation.

6388. Is it on the weight?—Yes.

6389. *Chairman.*] Without reference to the value of the article?—Yes; four annas a maund; there is no difficulty in the collection.

6390. And the people do not complain of it?—No one complains of it; it is very popular.

6391. Is it the case that, with the exception of that sort of excise tax, there is nothing

nothing generally paid in Mysore?—That applies only to coffee land; the rest of the land is held on a tenure similar to that on which land in other districts is held.

6392. If a man grows cotton, hemp, or other things, he is liable to the land-tax, is he not?—Yes; according to whether the land is dry or wet.

6393. This exemption in favour of coffee is owing, is it not, to the nature of the ground?—Yes; it is a primæval forest, which, if it were not cultivated in that way, would not produce anything at all.

6394. What other taxes are there with reference to production?—There are no other taxes whatever.

6395. In your opinion are the advantages to be derived from coffee planting in Mysore great?—Yes; very great.

6396. What are the difficulties which you have to encounter?—The climate and the uncertainty of the law, for Mysore is not British territory; it is the rajah's territory, governed by a commission of British officers; and, of course, it is liable to great changes. It may possibly be restored to the rajah, and no man would willingly put his property within the grasp of a native rajah.

6397. Do you think it probable that it will be restored?—No, it is to be hoped not; no European would dream of placing himself and his property in a country which might be handed over to the tender mercies of such a man as the Coorg Rajah, or to the mismanagement of the Mysore Rajah.

6398. I understand you to say that a British settler would feel an objection to living under such a government as the government of Coorg?—Not as it is; but as it was, certainly.

6399. What other impediments are there to the settlement of Europeans in Mysore?—What I have stated has been with reference to Coorg, but the same thing may be said to some extent, with a qualification, regarding Mysore; that, also, is a rajah's territory, and if the present rajah were allowed to adopt, as he might be, and the country were restored to native government, I should think that no European settler, knowing what occurred before in Mysore, would go there; the late rajah's government was so mismanaged that I do not consider that any European would be safe in placing himself and his property under such a government.

6400. Will you state what is the nature of the climate of Mysore?—The climate of Mysore is generally, I should say, favourable to Europeans, compared with other parts of the peninsula of India; it is comparatively cool and very clement, and during a part of the season it is a very delightful climate. I do not know a pleasanter climate than that which there is on the hills in the west part of Mysore. The climate of Bangalore, for eight months of the year, beginning with about the middle of June, is most delightful.

6401. What is the height of Bangalore above the level of the sea?—Two thousand eight hundred feet.

6402. And what is the average height of Mysore?—I cannot tell.

6403. It is very high, is it not?—Yes, very high. I should suppose that no part of Mysore is less than 1,500 feet high.

6404. What is the nature of the soil there?—It varies; there is a great deal of black soil and a great deal of red; most of it is very fair soil for the growth of cotton and various other articles of produce.

6405. What do you mean by black soil and red soil?—Black soil is the soil which prevails in Bellary and Darwar and other cotton-growing countries; the red soil I believe to be a red loam; but I have not a sufficient amount of scientific knowledge to enable me to describe it accurately.

6406. What does the red soil produce?—Almost anything, if watered; some of the best cotton is grown on the red soil.

6407. Is not the cotton grown on the black soil generally of inferior quality?—The native cotton is, but not the Mexican cotton; it is not the soil, however, that makes it inferior; the quality of it depends, I believe, very much on the mode of cultivation; the natives never pay any attention to their seed, and are very careless in picking; they commonly cultivate other things along with cotton.

6408. Will you state, if you please, what other articles are produced in Mysore?—Besides the articles I have mentioned, it produces cotton, tobacco, silk, fibres of various kinds, from the cocoa nut, from aloes, from plantains, from hibiscus, and various other plants, the names of which I forget now.

6409. Mr. *Willoughby.*] Creepers?—Yes; there are creepers of various kinds,

Colonel *W. C. Onslow.*

29 June 1858.

but not fibrous that I know of, vegetable oils of various sorts, castor oil in great quantities, till, linseed, and various other kinds of vegetable oils, all of which are valuable, and which may be cultivated to any extent.

6410. Is wheat produced there?—Yes; there is very good bearded wheat, rice, suparee (that is, betel nut), pepper, cardamoms, opium, and grain of various kinds in large quantities.

6411. Mr. *Smith.*] What are the grains you have mentioned used for?—For food, for making oil, and for various other purposes; pulse, ragi, rice, and various other things, the names of which I do not, at this moment, remember; there is also a remarkably fine breed of cattle raised there; they are magnificent beasts, and are used to a great extent for the Madras Artillery.

6412. Mr. *Willoughby.*] They are known by the name of Mysore cattle, are they not?—Yes; they are of very high breed, and are most useful for artillery purposes, and for the purpose of carriage; they have a large Government farm in Mysore, and I have heard of as many as 30,000 head of cattle in one muster; the leaders will grow to from 14 to 15 hands high, or even more, but the general height of them is from about 12 to 13 hands.

6413. Mr. *Kinnard.*] Do you say that the farm belonged to the Government?—Yes; the cattle farm belonged to the Company's Government; there were certain lands assigned all over Mysore for the grazing of these cattle; they were delivered over to the Company's Government by the Mysore Government, for the purpose of breeding these cattle.

6414. *Chairman.*] Has this experimental farm been continued?—It is not an experimental farm; the cattle farm I speak of has been long established.

6415. Does it exist still?—Yes, I believe it does.

6416. And is it encouraged by the Government?—It belongs to the Government.

6417. Mr. *Willoughby.*] Did the 30,000 head of cattle of which you have spoken belong to the Government?—Yes.

6418. And does the Government dispose of them?—Yes.

6419. *Chairman.*] Does the Government derive a profit from the farm?—I suppose it is made to pay its expenses.

6420. Is the breeding of these cattle beneficial to the country, in your opinion?—It is a question whether they do harm or good; there is no doubt that they throw a great deal of valuable land out of cultivation.

6421. Are the cattle used almost entirely for the artillery?—They are used for artillery, and many purposes; for the purpose of carriage of camp equipage, &c.

6422. Will you pursue, if you please, your statement as to the productions of Mysore?—It produces sheep and wool; the growth of wool has been very successful there.

6423. Superior sheep's wool?—Yes; the Merino breed.

6424. Mr. *Willoughby.*] Who introduced the Merino sheep there?—Sir Mark Cubbon; if the Committee will allow me to do so, I will read a short paragraph from a report which I have here, "Every traveller from the Carnatic is struck with the appearance of the Mysore sheep. Its coat is of wool, not of coarse hair, and the article manufactured from it is equally superior. This showed that the pastures and climate of Mysore were well suited to the growth of wool, and with a view to improve it, Merino rams have for some time past been annually procured from Australia. This experiment also may be said to be in its infancy, but the seven-eighths bred rams are already hardly to be distinguished from the imported ones, and they have multiplied so much that drafts have been sent to several of the Madras collectorates, and to the Punjaub; a quantity of wool that was sent home to test the market value attracted the marked attention of the mercantile community. The principal difficulty appears to be the cleansing the fleece from the penetrating speargrasses, with which the pastures of Southern India abound."

6425. How many years ago is it since Merino sheep were first introduced?—About twenty years ago; the number of sheep has very much increased, and the seven-eighths breed is hardly distinguishable from the original; some of the wool from these sheep was sent home to Chamber of Commerce at Manchester, where it was very highly thought of, and reported upon; and I may say the same thing with regard to cotton. I sent home some specimens of cotton from my experimental farm, not only to the Exhibition, but to the Manchester Chamber of Commerce, who reported very favourably of it, and put upon it very high prices.

6426. Has tea been cultivated at all there?—Yes; I have grown tea myself in my

Colonel *W. C. Onslow.*

29 June 1858.

my own garden. It has never been cultivated to any extent, but merely in a garden as an experiment. As far as the experiment went, it was highly encouraging. I had plants in my own garden in Coorg, which my predecessor had put in, and there they grew most readily, and every slip or cutting that was put into the ground struck with the greatest readiness. I cannot vouch, however, for its being genuine tea; it was certainly a kind of tea.

6427. Sir *Erskine Perry.*] Were these farms of yours Government farms, or were they speculations of your own?—They were all Government farms.

6428. They were all Government experiments?—Yes.

6429. In point of fact, men who are in the service cannot take them, can they?—No, they cannot; it was merely an experiment to see what could be done. I was of opinion that fine cotton could be grown in Mysore, and I wished to prove it. That fine cotton could be produced in Mysore was most satisfactorily proved, but the experiment was not carried further than I have stated, and whether cotton could be produced profitably or to any great extent remains to be seen. I am of opinion that it can, from the experiments that were made, as far as they went.

6430. You only produced a small quantity in a garden?—No; that was produced on the experimental farm; the tea was produced only in a garden.

6431. *Chairman.*] Do you think that the natives would consume tea if it were produced in sufficient quantities?—I believe that in course of time they would take to tea, coffee, or anything else of the kind. I can speak as to their taking to coffee. Everybody knows what the smell of a country town in India is in a morning's ride; that gave way in the course of eight years after I went to Shemoga to the smell of burning coffee wherever I went. I remember being very much struck with that in Shemoga. On the Malabar coast it is coming into very general use; but the ryots themselves and the mass of the people are very slow to take up anything of the kind, and they have not yet taken up coffee; but I think that they soon will do so.

6432. Has the consumption of coffee in the interior very much increased?—It is decidedly increasing. The European troops consume a considerable quantity.

6433. And is the export of it increasing also?—That is greatly increasing; I believe I could show the extent of the increase in a return which I have here. When the country was first established, the tax upon coffee was one rupee a maund of 28 lbs.; and in 1834 and 1835 the export duty amounted to 2,567 pagodas, at the rate of a rupee a maund; I got it reduced to a quarter of a rupee when I went to Nuggur; and in 1851, at a quarter of a rupee a maund, it rose to 10,204 pagodas; it rose from 2,500 to 10,000, the one at one rupee, and the other at four annas; that shows an immense increase in the course of 18 years.

6434. Mr. *Gregson.*] That would be from 10,000 to 40,000, multiplying by four, would it not?—Yes.

6435. Sir *Erskine Perry.*] It is an increase of 2,000 per cent. then?—One thousand six hundred; that was owing to the encouragement given by facilitating the granting of land, and by the reduction of the duty from one rupee to a quarter of a rupee; and I am fully persuaded that if the duty were still more reduced, the increase would be still greater.

6436. *Chairman.*] Do you think that the power of holding land in fee-simple acts as a great inducement to European settlers?—It ought to be a great inducement, and I think it only requires to be known to make it so.

6437. Will you proceed, if you please, with your statement of the produce?—Wool, cumlies, that is a sort of blanket that is manufactured there; it is an excellent sort of camlet, and is very warm; there is a good deal of cold wet weather in the Mysore country, and the cumlies throw off the rain, and promote warmth; you see the natives with a little clothing round their waists, and their cumlies on, and that is all the clothing they require; carpets of the first quality are also made at Bangalore, equal to Turkey carpets.

6438. And of what sort of patterns?—Any pattern you choose; the colours are very beautiful, and the assortment of patterns shows great taste.

6439. Are carpets an article of export at all?—No; they have never exported them; the European officers in cantonments use them. Mysore is a cold damp climate, and requires much warm clothing and furniture; nearly all the year round I wore woollen clothing when I was there. Rheumatism is a very common complaint in that country, and it is necessary to wear warm clothing.

Colonel *W. C. Onslow.*

29 June 1858.

You do not in the Mysore, as you do in the Carnatic, invariably wear a white jacket and trousers.

6440. Can you state what the average rainfall is in Bangalore?—I suppose it is about 50 inches; but on the ghauts it is enormous.

6441. Mr. *Gregson.*] What is the average range of the thermometer?—In Shemoga, which is the principal town in my division, during the monsoon it hardly varied, I think, from 75 degrees the whole 24 hours; it would stand at from 73 to 75 for months together. It ranges lower at Bangalore and in the hill country.

6442. Would that be for eight months in the year?—No; for about four months. In the hot weather I have known it at 95, but it seldom was as high as that; that was only for a few days in the year; from 75 to 80 might be taken as about the average range at Shemoga; it is lower at Bangalore and in the hill country.

6443. Sir *Erskine Perry.*] Is there no cold season there?—Yes, there is a cold season.

6444. *Chairman.*] Go on, if you please, with your account of the productions?—Cocoa nuts, hemp, flax; a great variety of timber, sandal wood, the finest teak, ebony; there is a considerable revenue derived from sandal wood; I have sold above 10,000*l.* worth of sandal wood in the season.

6445. Where is the sandal wood sent to?—It is all bought by merchants, and taken to Bombay; it also produces dyes, indigo, booknee, and other things; gamboge has been discovered lately; we used to observe it in the jungles, and we sent some of it home to Dr. Royle, who pronounced it to be identical with the gamboge of Siam; there are large forests of it; it would be quite as valuable as the gamboge of Siam if it were put into marketable shape; but we could not manage the manipulation of it; it had air bubbles in it, and we never made it saleable.

6446. Sir *Erskine Perry*] These cocoa nuts that you speak of grow near to the coast, do they not?—No; they grow all over the plateau of Mysore and Hyderabad.

6447. Do they grow freely?—Yes; they are very valuable; they grow all over the plateau of Mysore.

6448. *Chairman.*] Now go on mentioning the produce, if you please?—Fruits, oranges, mangoes, plantains, guavas, custard apples, remarkably fine limes, many kinds of vegetables; European fruits, apples, strawberries, peaches; European vegetables, peas, cabbage, lettuce, remarkably fine potatoes, fine spinach, celery, turnips, and a very fine breed of horses, from which a great part of the Madras army has been remounted.

6449. Are they of the Arab breed?—Yes. There is also game in great variety.

6450. Will you state, if you please, what are the mineral products of that country?—Iron, earth-salt, and saltpetre. I think that is all the mineral produce. Gold-dust is found at a place in the Bangalore division in small quantities.

6451. What is the quality of the iron?—It is remarkably fine iron.

6452. What kind of iron is it?—That I am not capable of saying.

6453. Has the manufacture of iron much increased there?—It has very much increased.

6454. What kind of fuel do they use?—Only charcoal; fuel is the great want there; the whole surface of the country is in many parts a mass of iron, and the only difficulty in producing iron to a great extent is the want of fuel. They are obliged to use charcoal, which must come to an end at some time.

6455. There is no coal south of the Narbudder, is there?—No, it has not been found.

6456. Mr. *Willoughby.*] Is there plenty of lime?—Yes, there is plenty of lime.

6457. Mr. *Gregson.*] Do you know what quantity of iron they produce from a ton of ironstone?—No; smelting is not carried on to any extent there. The smelting apparatus is very rude.

6458. *Chairman.*] Will the railway enable them to smelt more by introducing fuel?—The introduction of coal by means of the railway would, no doubt, facilitate the making of iron.

6459. Or the ironstone might be sent to the coast?—Yes.

6460. Mr. *Willoughby.*] Where would coal be introduced from?—From Madras.

6461. Do you mean coal coming from England?—No, from Burmah or Calcutta. They find coal in Burmah.

6462. *Chairman.*] I think that in enumerating the vegetable produce you have not mentioned hay?—No, that was an omission; they make very excellent hay from the Hurrialee grass at Bangalore.

6463. Lucern?—Yes, that grows very well.

6464. Have you ever turned your attention to the facilities that exist for irrigation, and to the probable effects that would result from it?—The effects of irrigation in Mysore are absolutely prodigious. If you want to renovate India, the proper means of doing so is irrigation.

6465. What means of irrigation are there now in Mysore?—There are an immense number of tanks, about which there has been a good deal of misapprehension in England. I remember, a good many years ago, a Member of the Upper House stating that there were no tanks in India; and in describing what a tank was, he said that it was a valley with a dam thrown across it; and he complained that these things had been allowed to fall to pieces, and that there was not such a thing then to be seen. At that moment we had no less than 22,000 tanks in Mysore, all of them with cultivation under them. I have a return here showing the number of tanks in my division, and their increase. The number of tanks in good repair in the open country (only half of the division being a tank country) was 4,699 used for cultivation, and, not so used, 1,713, making a total of 6,412; out of order, used for cultivation, 3,908; not used, 1,604; making a total of 4,602; and the total number in cultivation use, 8,607. That was in 1854.

6466. Sir *Erskine Perry.*] A tank is only an artificial pound, is it not?—Yes; the description which was given of it was correct; but there was a mistake in saying that there were no tanks there.

6467. May it not be the case that they exist still, but that, like other great works, they have been allowed to go to ruin?—Yes; but when did they go to ruin? The anicuts from which these tanks were fed were very much gone to ruin, but the anicut system is a very partial system.

6468. Mr. *Gregson.*] What quantity of water do these tanks generally hold?—That it is impossible to say; one tank in my division is nearly forty miles round, when quite full.

6469. Mr. *Willoughby.*] When did they go to ruin?—That is more than any one can tell; I know one of the most magnificent works in India which has been in ruins for thousands of years, according to traditions.

6470. Have they been allowed to go to ruin under British administration?—No, they were found in ruins; what I complain of is, that at the time when tanks were said not to exist, we had no less than 22,000 tanks in one district; the largest tank in my division was called the Soolikerry Tank; that was 30 feet deep at the bank, and when full, it is nearly 40 miles round it; my division was not a tank division, but in other divisions, in Cluttledroog and Ashtagram, two divisions of Mysore, there were several tanks from 12 to 16 miles round.

6471. Sir *Erskine Perry.*] Is the ordinary tank of a village about the size of this room?—No, very much larger; such a pond would not be called a tank.

6472. Mr. *Gregson.*] These tanks of which you have been speaking vary from the size you have told us down to what size?—There are various kinds of tanks; a small tank, such as that which was referred to just now, would not appear on the returns; they are mere pounds of water. Those of which I have been speaking are all large tanks.

6473. What is the smallest of those?—It is impossible to say; a mile round is a good sized tank; there are many not more than half that.

6474. In some cases less, and in others more?—Yes.

6475. *Chairman.*] What kind of irrigation do you use in Mysore besides tanks?—Wells, and anicuts, and channels. The best system of irrigation in Mysore is by means of a large tank which supplies other tanks. I may instance one under the Baba Booden hills, where the rain is never known to fall; it is an immense tank, and very deep: from that tank channels are taken, and across those channels anicuts are put, which throw the water into nine other large tanks; that is one system. Another system is to dam a river. You throw an anicut across a river, and by means of channels you feed as many tanks as the country will admit of. There is an excellent system of tanks throughout Mysore; these were all found in the rajah's time out of repair; large sums of money have been

Colonel *W. C. Onslow.*

29 June 1858.

been laid out upon them, and I have a return here showing the result to be a large increase in the number of serviceable tanks. In 12 years the total number of tanks in the Nugger division rose from 7,499 to 8,607. Making and repairing a tank costs a great deal of money; it is a very difficult operation, and you must choose your time; breaches are so very common, that if you do not do it with the greatest care, and have not plenty of hands, you are in danger of losing the whole of your labour.

6476. Have you any irrigation by means of canals in Mysore?—Yes; I call them channels; it is a kind of canal, but not navigable.

6477. Mr. *Mangles.* Those are channels, in fact, from these large tanks?—Yes.

6478. *Chairman.*] Do you charge people so much per cubic foot for the water?—No; the charge is according to the custom of the district or village. One village will have a different custom from that of its neighbouring village. According to the custom you put an additional tax upon the land. Irrigation is so valuable to the ryots, that although in many cases the tax is raised to six and even eight times the amount of the dry tax, they are glad to get it. When a superintendent goes to a village, the first thing that is asked for is water and a tank, and they will take up any amount of land, however high may be the tax you put upon it within reason, provided there is water, irrigation being so extremely valuable.

6479. Is the population very dense in Mysore?—No, but it is rapidly increasing. I would observe that the increase of tanks of which I have spoken applied only to my own division, and not to Mysore generally.

6480. Mr. *Willoughby.*] Has the increase been proportionate in other divisions?—Much larger; because, being tank divisions, the revenue and cultivation depending so much upon them, much more attention has been paid to them.

6481. Sir *Erskine Perry.*] Do you know what the population there is per square mile?—In my own division the increase of population has been 22 per cent. in 16 years. Its population in 1854 was 660,306; its extent about 6,000 square miles, or something more.

6482. *Chairman.*] What is the cause, in your opinion, of that increase of the population?—A steady Government, the increased prosperity of the people, and increased means of cultivation.

6483. Is the population increased by multiplication of the people, or by immigration?—Chiefly by the multiplication of the people; where you have an abundance of food, you have a proportionate increase of population; but there has also been an increase by immigration.

6484. From what parts do the immigrants come?—Principally from Hyderabad; they come from different territories, but most of them from the Hyderabad territory.

6485. Is that in consequence of the greater security of the Government?—Yes. To show the encouragement that there was for immigration and for the increase of the population, I may state that we abolished 600 different taxes that oppressed the people under the rajah's government; taxes of the most vexatious nature; a man could not marry a wife without being taxed for it, nor could he have a son without being taxed for that.

6486. Mention a few of these taxes, if you please?—They vary in different places; one place has one kind of tax, and another another; but I may mention, in order to show the oppressive nature of the taxation, that in one place if a man passed the cuttah, that is, the custom-house, swinging his hands, he was taxed; but a person who knew of the tax, and who kept his hands, to his side would; pass without tax; that is one instance to show the capricious mode of taxing the country. We abolished 600 different taxes, amounting to upwards of 10 lacs of rupees.

6487. Was the effect of this reduction to increase the revenue?—It did immensely.

6488. Were these taxes on articles of production?—A great many of them were on articles of production; in order to encourage the growth of cotton, a large tax was taken off; there was also a system of transit duties that was most oppressive, producing a large amount of revenue.

6489. By whom was the tax on cotton taken off?—By Sir Mark Cubbon. The most oppressive tax on articles of production was the transit duty, which amounted to many lacs of rupees; it was so oppressive, that people could not cultivate the land

land which was subject to it; they could not carry their goods; that tax was entirely taken off, and the effect was an immediate rise in the revenue.

6490. Sir *Erskine Perry.*] Were those duties taken off at the same time that the transit duties were removed in Upper India under Lord William Bentinck? —This was the first thing that was taken off on the assumption of the country in 1831.

6491. Mr. *Willoughby.*] Then you set the example to the Madras Government?—Yes. If I remember right, the Mysore transit duty was first taken off.

6492. Mr. *Smith.*] What was the effect of this reduction in the number of taxes; did it affect the revenue?—It did for the moment; but ultimately it had the effect of raising the revenue immensely. I have a return here which shows the revenue of Mysore for each year since the assumption of the country; before the abolition of these taxes, it was 15 lacs 11,400 pagodas; that was in 1831-1832; in 1852-1853, it was 27 lacs 4,308 pagodas.

6493. *Chairman.*] What is the character of the population?—It is very similar to the population of any other part of the peninsula of India; they are chiefly cultivators.

6494. What is their disposition generally?—Their disposition generally is decidedly good; they are rather an independent-minded people, as was shown by their resistance to the oppression of the rajah, which led to the assumption of the country.

6495. Are they well disposed towards European settlers?—I should say so decidedly; I can instance the case of my own partner in my coffee plantation, who is now in India.

6496. What, in your opinion, would be the effect of European example upon the natives?—European example is very advantageous indeed. My own partner, Mr. Cannon, settled himself on a coffee plantation at the head of one of the most beautiful valleys I ever saw. At the time he settled himself, although it was one of the finest valleys for cultivation in Mysore, it was only very partially cultivated; in less than 10 years his expenditure of money in this valley was such that the people were enabled to take up all the ground that there was to be cultivated, and now there is not an inch to be got. When he first settled himself there, although there was so small an amount of cultivation, the people used to export what they cultivated; there was not a population sufficient to consume the produce; but now they not only cultivate the land to the utmost extent they can, but they actually have to import for their own consumption, which shows not only an increase of population, but of the means of the people to consume.

6497. What is the chief article of production there?—Coffee and rice, but rice they have to import for their own consumption. Rice there depends on the rains, not on irrigation from tunks.

6498. Do you find that the natives are ready to adopt improvements?—Yes, they are very ready to do so; the effect of the example of the gentleman I spoke of was very great in regard to the cultivation of coffee; they at once saw the improvements he made, and many adopted his system.

6499. They have some prejudices, have they not, against the introduction of any improvements?—Yes, they have many prejudices, but when they really see that a thing is useful, they are willing enough to adopt it; I may mention, as an instance of their prejudice, that one of my predecessors wanted to introduce Mexican cotton, and the Brahmins, whose system it is to oppose everything in the way of improvement, or anything that brings enlightenment to the country, persuaded the cultivators that this Mexican cotton was a dodge of some sort to injure them; my predecessor had a very successful field of cotton in the place where I had my experimental farm; it was growing very favourably; he went to see it one day, and found the plants all withered; he could not account for it; the Brahmin functionary said: "You see the effect of this; it will not grow; the country will not suit it; it is all gone." The gentleman to whom this was said thought it was very odd, and, on examination, he found that the roots of the plants had been all cut; the Brahmins had persuaded the ryots to go a day or two before his coming and cut the roots, in order to make the people believe that the plant would not succeed there; it was mere prejudice on their part, and they are now as delighted to get Mexican cotton as you could be; they have learnt the value of it, and they used to come to my experimental farm for seed, and were delighted when they could get it.

6500-1. Do they respect Europeans when they find them well conducted?—Very much

Colonel *W. C. Onslow.*

29 June 1858.

much so; there are no people more discriminating than the people of India; they will tell a gentleman from one who is not a gentleman in a moment; they have the highest respect for a well-conducted man; in fact, a gentleman will succeed among them. What you want with the natives of India is firmness and justice in dealing with them; my partner is a remarkable instance of that; and I know another successful coffee planter, who, by showing good temper, justice, and firmness with them, has completely gained their confidence, and they treat him as a potal, or head man of a village, and consult him about their affairs.

6502. Have they equal discrimination in finding out persons who are of equivocal character?—Yes; they find them out readily enough; and they soon make the country too hot for them. The difficulty of introducing settlers is to prevent improper persons from going there; such persons would do mischief. Gentlemen, and men of education, settling there, and conducting themselves properly, would, I am persuaded, do infinite good by their example, and by the introduction of their capital, energy, and science; but, on the other hand, ignorant men going there, who would abuse and ill treat the natives, would do infinite mischief.

6503. Has there been, in your opinion, any improvement in the character of the settlers?—There are so few settlers in the country, that I cannot say.

6504. We have had evidence before us that the character of settlers is much improved from what it was in former times?—I cannot well judge of that, for I have seen so few; I believe, however, that it is improving. What I have said with regard to the natives making the country too hot to hold men of bad character, and very comfortable for men of good character, is founded upon what I know of my own knowledge, because I have witnessed it.

6505. Have you any information to give to the Committee with regard to roads, bridges, and other means of communication?—There is no part of India I believe in which so much has been done, and where things are in so favourable a condition for the convenience of settlers as regards roads, as has been done in Mysore. When I left, the mileage of made road that you might drive a tandem along, was nearly 2,000 miles, and Mysore is a comparatively small district.

6506. Were those 2,000 miles of road in your district, or does your answer apply to the whole of Mysore?—It applies to the whole of Mysore; in my district I made, or re-made, about 400 miles of road, and built about 400 bridges and drains; I have a roll here which will show what can be done, and what has been done in Mysore in the way of bridge-making—(*the Witness produced a roll of drawings of bridges, which he explained to the Committee*). All over Mysore from one end to the other you find some of the finest bridges in India; the capital of my division is situate on the left bank of the Toonga, and 10 miles above the junction of the Buddra; these two rivers, the Toonga and the Buddra, have now been bridged by bridges 1,200 feet in length, and the crown of the arch is, I think, 35 feet high; that shows what has been done; those rivers that formerly obstructed the trade of the country for seven or eight months in the year are now bridged over, and the trade is free for the whole year; similar works have been done all over Mysore; there are some of the finest bridges in the world in Mysore, over the Toonga, the Bhudra, the Cauvery, and several other large rivers.

6507. Has not Mysore been very successful with reference to its English governors, Colonel Wilks for instance?—He was resident with the Rajah, not Governor; he was a very successful man; his history of Mysore is a very beautiful work.

6508. Would you include the present Resident, Sir Mark Cubbon, also?—Yes: Commissioner, not Resident.

6509. Do you suffer from want of harbours on the western coast?—Certainly; what Mysore has suffered from very much, has been the want not only of internal communication, but the means of conveying away its produce; it has no coast of its own; it has to go to the western or eastern coast, through British territory; we formed a good many ghauts; I was concerned in making some myself through the western country at a great expense; the Munzerabad ghaut, a magnificent work, cost many lacs of rupees; several other ghauts have been made through these hills, but there is a great want of harbours; the produce of Mysore must go to one coast or the other, the western coast is the principal emporium, and that is only open during a part of the year; it might, however, I am convinced, be made available for purposes of trade during the whole year if harbours were made.

Captain

Colonel *W. C. Onslow.*

29 June 1858.

Captain Ouchterlony spoke upon the subject of harbours, and described what might be done there. I do not know whether I may be permitted to correct the evidence which he gave before the Committee, but I think he made a mistake in stating that nothing had been done in the way of ports. I think he stated that nothing had been done in Cochin; if I remember rightly Cochin has been very much improved, and Captain Walker, a Madras engineer, has been engaged for some years upon it; he lately surveyed an opening on the western coast, which he told me he thought was likely to make a fine harbour.

6510. Would that be available for Mysore?—Yes.

6511. Which are the most convenient harbours for Mysore?—The harbour of Cundypoor and Mangalore.

6512. Are they good harbours?—They are natural harbours, and would be very good harbours, but for the bar which Captain Ouchterlony described, and which forms at the mouth of all rivers, and prevents any large ship from entering. Cochin is much the same, and so are all the harbours on that coast; but I believe there is no reason why that inconvenience should not be remedied, and I am convinced that the existence of harbours on the coast would immensely increase the value of Mysore productions, and would be one of the greatest inducements to European settlers to go there.

6513. Mr. *Willoughby.*] What is the distance from Mysore to the coast?—Some of my coffee plantations are about 70 miles from the coast, others about 100.

6514. Is there a tolerable road over those 70 miles?—A very good road indeed from the coast at Mangalore to the foot of the new ghaut, called the Boond Ghaut, now in course of construction. It has been said that no roads have been made in India. I was in close communication with my neighbouring collector, Mr. Maltby, concerning roads and ghauts, who is now in the Hyderabad country as a commissioner; he was a great road-maker, and I am told he made about 1,000 miles of road in Canara.

6515. *Chairman.*] Do you think there are sufficient roads at present?—No, not yet; there were nearly 2,000 miles of road in Mysore when I left, there were 400 miles in my own district; there has, however, been great increase since I left; but still, although a great deal has been done, much remains to be done.

6516. Do you think that the further extension of roads would be a great encouragement to settlement by Europeans?—Yes.

6517. Do you consider it, in fact, indispensable?—Yes; but I am of opinion that tramways or canals are perhaps more essential; if you make canals, which you well can do, in all that country (for there is nothing to prevent you), you will not only produce, but the thing which assists in producing will carry the produce; it will irrigate the land and carry the produce at the same time.

6518. Mr. *Campbell.*] And in that way it would be doubly productive?—Yes.

6519. Therefore you think that canals are preferable to roads?—Both are indispensable; one will help the other.

6520. They are not subject to deterioration?—Not from the monsoon, which breaks up a road, or which makes it difficult to keep it in order. The rains destroy roads, but would fill canals. I should observe, by way of correction, that in the observations which I have made with reference to obtaining land in Mysore, they do not all apply to Coorg; they are two different countries; although lying on the same line of ghaut and very similar in character, the two countries are different; Coorg is Company's territory, and the other is not.

6521. Sir *Erskine Perry.*] General Cubbon has had great power in the Mysore, has he not?—Yes; great power.

6522. He has held directly from the Governor-general, has he not?—From the Governor-general in Council. The Commissioner is the Governor of the country; he has full power, and the Government is "non regulation."

6523. Although the country is rajah's territory, the Government is not, in fact, under the rajah?—No.

6524. Nominally, he is the Rajah of Mysore?—The territory is his; but his government is entirely set aside.

6525. And all real political power is in General Cubbon's hands?—Yes; the political power was always in the hands of the Resident, when the Rajah ruled.

6526. General Cubbon had nothing to do with the Madras Government, had he?—No.

6527. The Madras regulations do not in any way apply there?—No, we adopted such as suited our purpose.

Colonel *W. C. Onslow.*

29 June 1858.

6528. Therefore General Cubbon has had almost despotic power there?—Yes.

6529. Therefore Mysore is altogether a peculiar country?—Yes.

6530. Mr. *Mangles.*] His power and authority, in regard to making regulations, is subject to the control of the Supreme Government, is it not?—Yes.

6531. That is, the Governor-general in Council?—Yes.

6532. Sir *Erskine Perry.*] Therefore General Cubbon has had great power in developing the resources of Mysore, which the local authorities elsewhere have not had?—He has had full power.

6533. *Chairman.*] You have mentioned the diseases which are prevalent in the country: is there any great want of medical aid there?—Yes; there is a great want of it, and one great obstacle to settling either there or anywhere else in India is the immense distance you would have to go in order to obtain medical aid; I know that from experience. In a remote plantation you have two or three or four Europeans, who are more subject to the fever of the country than the natives, though the natives find it bad enough, and they have no medical aid at all; these diseases are acute in their character and rapid in their progress, as all the diseases of India are, and without medical aid at hand the danger is very great indeed; it so happens that in Mysore there are two or three men who have outlived all sorts of attacks, while others have succumbed.

6534. Do not coffee plantations in Mysore support private practitioners, as they do in Bengal?—No, there are not enough of them.

6535. Mr. *Willoughby.*] How, in your judgment, could this defect be remedied?—Only by such a large increase in the number of European settlers as would support private practitioners; but even then there would be a difficulty, because the settlers must necessarily be at a great distance from each other.

6536. *Chairman.*] I understand you to say that European capital and industry are greatly wanted in India; what, in your opinion, would be the best mode of bringing them to bear upon the resources of the country?—Capital laid out in irrigation; that is the great desideratum, and is the necessary means of cultivation, the *sine qua non* of Indian farming and progress, together with internal communication.

6537. In what way would you suggest that those works of irrigation should be established; would you do it by private enterprise?—I would do it by means of companies; they only could command the necessary capital; no private individuals could possibly do it, it would require millions. I may mention that there is now an attempt to get up a company, with which I am myself connected. A few parties, whose first idea was to benefit Madras, combined together for the purpose; none among us are monied men; we have struck out a plan, which the Court of Directors are aware of; and I have a pamphlet here, a few paragraphs from which the Committee will allow me to read, as they are highly interesting. I am sure that the means of renovating India is irrigation. You irrigate; you produce; and you carry the thing you produce. As I have said before, what destroys the roads fills the canals. It may be very easily done by the company I speak of; we have taken up such plans only as have been already approved of and sanctioned by Government. The country has been surveyed and investigated thoroughly by competent engineers, and the plans have been approved of by Government; we have not, therefore, taken up any speculative notion that might succeed or might not. We have had the best possible assurance that the plan will succeed, because it has been thoroughly investigated by competent men. What Mysore wants, and what is wanted in other parts of India (though it may, perhaps, be considered that it is putting the cart before the horse) is to prepare the country for the settlement of Europeans. It is not there as it is in other colonised countries. In India you require the country to be prepared before Europeans can go there. Generally speaking, colonisers go and prepare the country for themselves; but that can hardly be necessary in India, because you have the means of preparing it at hand; you have a resident population and abundance of labour; and that reminds me, with this abundance of labour and this want of material improvement in India, coolies have been taken away to the Mauritius and elsewhere, when on the spot there is abundance of work for them. All that is wanted is capital and energy; if you introduce energy and capital into India, you will find that there is abundance of labour, and an abundance of water. There are millions and millions of cubic feet of water running to waste, while drought is destroying all vegetation. I have here a plan showing a proposed canal

Colonel W. C. Onslow. 29 June 1858.

canal across the peninsula of India, from Ponany, on the western coast to Negapatan, on the eastern coast through Coimbatore country. I will read, with the permission of the Committee, an extract from Colonel Cotton's work on public works in India; he says, "The saving in the cost of transit on the western road from Madras is fully cent. per cent. on the capital expended, and the average return on all the new irrigation works in the Madras Presidency for the last 14 years is 70 per cent. per annum."

6538. Have you full faith in those calculations?—Yes, I have perfect faith in them; their accuracy can be tested by reference to documents in the India House. "Taking the whole of the years since their execution, the present annual profit is at least cent. per cent., and that without counting the improvement of private property. The district of Tanjore is taken care of, irrigated, protected from floods, drained, and provided with common roads, and the revenue steadily rises till from 30 it becomes 50 lacs a year; the population increases from seven or eight lacs to 15 lacs, and the land reaches a saleable value of at least four million sterling, equal to 24 million in England. In the district of Guntoor all such works are utterly neglected, and in one year a famine occurs that sweeps away 250,000 people out of 500,000, and causes a loss of revenue in the next 10 or 12 years of 80 lacs, while not an acre of land is saleable. The sole cause that has made the difference between these two districts is the different degree of attention given to public works. The Paumbun Pass, between Ceylon and the Peninsula, has been deepened from five to ten and a half feet, and it has reduced the freight between Tanjore and Ceylon six rupees a ton, which, on the 70,000 tons of grain alone, is more than four lacs, while it has cost two and a half lacs. It has also led to a complete change of the system of navigation, substituting good keeled vessels that can work to windward for the old native tub that could only sail before the wind. The Northern Canal, which probably cost about 30,000 rupees, yields a revenue of 30,000 rupees, besides the saving to the community. A set of works for the improvement of Rajah Mundry are well advanced; they consist of a weir across the Godavery, with navigable and irrigating channels, &c. They have been in hand seven years; 20 lacs have been spent up to this time, including repairs, and the revenue has increased steadily from an average of 20 lacs to 25, giving a total increase of 30 lacs against 20 expended, and this besides an enormous gain to the people; so that this vast system of works, which when completed, will have cost 25 lacs, has been carried on not only without demanding a rupee from the general treasury, but with a clear surplus of 10 lacs of revenue, and this besides the vast benefits to near a million of people, and promising to yield within a few years a permanent increase of revenue of 10 or 20 lacs a year, for not a quarter of the land is yet fully watered."

6539. Mr. *Mangles.*] Has not that question been referred by the Court of Directors to India, and have they not stated their willingness to give encouragement to companies?—Yes; they have expressed their willingness to give encouragement to the company I spoke of.

6540. With a guarantee of interest in case schemes are recommended by the local Government?—Yes; the company I speak of has received every encouragement from the Court of Directors.

6541. Is it not the fact that the commencement of their operations only awaits a report from the Government of India and the Government of Madras?—That is so.

Jovis, 1° die Julii, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Mr. J. B. Smith.
Mr. Gregson.	Mr. William Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Mangles.	Mr. Willoughby.
Sir Erskine Perry.	Mr. De Vere.
Mr. Danby Seymour.	

WILLIAM EWART, Esq., IN THE CHAIR.

Colonel William Campbell Onslow, called in; and further Examined.

Colonel *W. C. Onslow.*

1 July 1858.

6542. *Chairman.*] I GATHER from the evidence you have given that the condition of Mysore has been peculiarly prosperous?—Yes, peculiarly so.

6543. Has it been more prosperous than other parts of India?—It has made more advance.

6544. To what cause do you think that is to be attributed?—To the nature of the government, the character of the country, its peculiarly fine climate, and its great natural capabilities, which had been for a long time totally neglected, but which have been of late very much developed.

6545. In what way have those capabilities been encouraged?—By means of a Government which was free to act, plenary power was given to the Commissioner, and large powers were given to the local officers.

6546. By what means did the Commissioner elicit the capabilities of Mysore?—By road making, by the abolition of taxes, by liberal measures, and by every kind of encouragement given to planters.

6547. Do you consider that the facilities of communication which have been afforded by the construction of roads has been one great source of the prosperity of the country?—Yes; that has been one of the greatest sources of its prosperity; I can show, I believe, from my own returns, a rise in the course of a few years, of 30 per cent. in the revenue of my own division (I can only speak of that), which I attribute principally to road making, in a part of the country where formerly a wheel track was never heard of; I made roads, and built bridges, and just before I left the country, I took a very interesting tour in a very mountainous, rugged forest country, and found it filled with carts which were carrying away the produce which formerly used to be carried, and that only during part of the year, on the backs of bullocks. The consequence of the construction of these roads was, that a fillip was given to trade. The trade doubled, I should suppose, at least; there were the greatest facilities afforded, enlightenment came upon the people; people who for centuries had never left their own villages, or who had never gone a distance of more than 10 miles from them, were in the habit of rambling about the country; their minds became enlightened; they took to trade, trade was easy, and of course the country flourished; with regard to that part of the country particularly, it used to be shut up entirely during the monsoon months, from the beginning of June to the end of August, or the middle of September; there was during those months no possibility of getting along; the formation of roads of course put an end to that state of things, and enabled people to carry on their trade during the whole of the year; then besides that, we had formerly heavy duties on various articles of produce, on pepper, cardamoms, and other things which were reduced.

6548. Sir *Erskine Perry.*] Do you mean transit duties?—No; excise duties.

6549. *Chairman.*] You allude particularly to taxes on produce, do you not?—Yes; the harlut or excise duties that remained on different articles of produce were very greatly reduced, and traders were encouraged to come from the Malabar Coast and Bombay, to take away those articles; I may attribute also the rapid rise of the country to good government, to peace and quiet, to the police regulations, and to the order that was established in the country; I may also attribute it in some measure to the cheapness of the government; in short, that part of India

was

was raised from a state of anarchy, confusion, wretchedness and poverty, to a state of peace, order, comfort and prosperity.

6550. When did this change take place?—It took place on the establishment of the Government by Lord William Bentinck in 1831 and 1832.

6551. Mr. *Villiers.*] Were you at that time one of the commissioners?—I was not so called; the Government consisted of a commissioner, with four superintendents of divisions, and a number of assistants; I was one of the superintendents, and I joined the Commission in 1840.

6552. *Chairman.*] What is the state of the police in Mysore?—The state of the police is sufficient for ordinary times, and, judging from the reduction that has taken place in the amount of crime, and the peace and quiet of the country, the almost total repression of gang robberies and crimes of that serious nature, I may say that the police of the country is sufficient for ordinary times; but at the same time, I should say, of course, that, compared with any idea that we have of police here, it is very defective, as, in my opinion, native police always must be.

6553. In what respect do you think it is defective?—There is no system of detective police; the natives do not seem to understand it.

6554. Mr. *Mangles.*] Have you any thuggee in Mysore?—No; there was a thuggee officer stationed at Bangalore, who was under the control of the Commissioner, and cases were brought to him very seldom, if ever, of late from the Mysore territory; during the whole time I was in Mysore I do not recollect a single case of thuggee: certainly there was none in my division; I may mention, with regard to crime generally, that in 1834, the number of cases apprehended was 392; the number of cases not apprehended was 189; the total number being 581; that is in my division.

6555. What do you mean by "cases apprehended"?—Cases that were known as cases of crime; that was during a period of anarchy, but when the country was beginning to settle down.

6556. What kinds of crime do you refer to?—Cases of murder, robbery, and other offences.

6557. *Chairman.*] Do you mean that those were cases reported, and not pursued?—Yes; in 1852 the number of cases apprehended was 2,913, the cases not apprehended 74; showing the improvement in the efficiency of the police compared with 1834.

6558. Mr. *Campbell.*] That shows that crime had increased, does it not?—No; it does not show that crime had increased, but that the regulations which were in force detected it. In time of misrule crime was rife, but unchecked.

6559. *Chairman.*] To what cause do you attribute that improvement in the police with regard to the detection of crime?—To proper superintendence.

6560. Is the police now, in your opinion, in a perfectly satisfactory state?—No; I do not go so far as to say that it is in a perfectly satisfactory state; it is defective, as, in my opinion, native police always must be.

6561. What, in your opinion, is necessary to improve it?—Energy and trustworthiness; the police is not at present to be trusted.

6562. In what way would you secure their greater energy and trustworthiness?—By having a larger number of European superintendents of police.

6563. Then, in that respect, you coincide with the other witnesses who have given an opinion upon that subject?—I have no doubt that the introduction of a larger number of European superintendents would greatly improve the police; but it must be done with great caution. The superintendents must be linguists, and active.

6564. You agree with the other witnesses in stating that the natives do not understand the English system of detection?—Yes; they do not understand it.

6565. Can they get together circumstantial evidence?—Yes; but the great difficulty with regard to the police is to prevent their making up evidence; a police officer, with a view to give satisfaction to a magistrate, will make up false evidence in order to convict a man charged with the commission of an offence, and the difficulty which the magistrate has is to discriminate between true and false evidence.

6566. Mr. *Willoughby.*] You say they are not adepts at detection; is there not throughout almost every part of India a class of men employed to track thieves, who are celebrated for the extremely adroit manner in which they find out persons who have committed robberies, even at a distance of many miles; I am referring now to what are called in the western part of India puggies?—I know

Colonel *W. C. Onslow.*

7 July 1858.

a tribe of that kind in Trinchinopoly who were employed by the European residents to guard their houses; they paid a man a pagoda a month as a sort of black mail to prevent robbery; if you did not pay him you were sure to be robbed; those men were great trackers of thieves, but they were thieves themselves; I know no such tribe in Mysore.

6567. *Chairman.*] With regard to the courts of law, in what state are they in Mysore?—They are very well suited to the people; justice is done to the people in them, and very speedy justice too; but with regard to the question of colonization, I doubt whether Europeans would like them.

6568. Sir *Erskine Perry.*] You were chief justice there, were you not?—I was chief judicial officer in my division; it may be considered a rough kind of justice, but it suited the people admirably. We used the people themselves in administrating justice. We never tried a case without a punchayet or native jury; a jury consisting of five persons. Our great resource was the system of arbitration. When a case was put into court, the parties were recommended to appoint a punchayet among themselves. One party would choose two, and another party would choose two, and those four would choose a fifth. They are very clever at settling their own disputes, and they settle them very satisfactorily. In the local court an appeal would lie from the amildar or moonsif, to the superintendent, from the superintendent to the Commissioner, and from the Commissioner, if need be, to the Governor-general in Council.

6569. Do you think that the appeals were too numerous?—No, I do not think so.

6570. Do you think it desirable that there should be only one appeal, or many?—That is a very delicate question; I should be very disinclined to close the door of justice at all to natives; but, on the other hand, it is to be borne in mind that they are very litigious, and therefore, perhaps, it would be as well to place a judicious limit to the right to appeal, but what that limit should be it is very difficult to determine.

6571. Does the punchayet resemble more a court of arbitration, or a jury?—The punchayet are the Superintendent's assessor more than anything else.

6572. Do they confine themselves exclusively to the finding of facts, or do they go beyond that; do they arbitrate?—A punchyat chosen by the parties would arbitrate, but a punchayet in a superintendent's or a moonsiff's or amildar's court would only find the facts, and then the superintendent would give his decree; the punchayet give an opinion.

6573. Do you think it would be advisable to extend gradually the use of the English language in the courts of law?—You could not use the English language at all in a mofussil native court.

6574. Are there no courts in Mysore in which, in your opinion, it would be desirable to attempt to introduce the English language?—Not where natives are concerned; if two settlers were to dispute a case in the superintendent's court, he would choose either Eurasians or natives who could understand English, or other Europeans, as his jury, and then the whole of the proceedings would be conducted in the English language. My practice always was to write my decrees and to have everything I could done in English; all my own notes and all my decrees were in English, and although the decree was given in the native language, I always appended to it, for the assistance of the appeal court above me, the decree in English.

6575. Sir *Erskine Perry.*] Are you of opinion that if Mysore were filled with European settlers, as Ceylon is, the present system of judicature would do?—No; I think you would require a system of judicature more suitable to English notions of law. I think that settlers would not readily be satisfied with the existing system.

6576. And do you think that such a system would be necessary alsowith reference to natives and capitalists?—I think the natives are perfectly satisfied with it as it is. They like summary justice rather than delay.

6577. But delay is not necessarily the co-relative of a good system of judicature, is it?—No, it need not be.

6578. There is no more delay in the Supreme Court, is there, than there is in one of your courts?—No; but in speaking of Mysore, you are speaking of a country which is exceptional.

6579. Is not this the case that, although in a state like Mysore, where the peopie are engaged almost exclusively in the cultivation of land, the summary system

system of justice which you describe, is very applicable and beneficial, yet when the state of society becomes more complicated, and when more difficult questions arise, and have to be decided upon, a more scientific system of judicature becomes necessary?—I think so; but it is a mistake to suppose that the people of Mysore are almost exclusively engaged in the cultivation of land. There is a very large trade carried on in Mysore.

6580. Mr. *Willoughby.*] Do you consider that the population of Mysore are in a more or less forward state as compared to the population in other parts of the Madras Presidency?—I think that the native people are as far advanced in Mysore as they are in any other part of India.

6581. Sir *Erskine Perry.*] Are there any large capitalists in Mysore?—Certainly, there are.

6582. *Chairman.*] Natives?—Natives.

6583. Mr. *Villiers.*] In what language were the proceedings before you conducted?—In Canarese.

6584. Did you understand the language yourself?—Yes; I understood it sufficiently to check the proceedings.

6585. Did you ever speak in court in that language?—No; the language of the court was a sort of patois, a corrupt Hindostanee; it was the language of the court and of all the Government officers; it was the language of the former Mussulman government of Hyder and Tippoo.

6586. *Chairman.*] Was it a language which was understood by the people?—It would not be understood by a person coming from a remote part of the country; it is not the vernacular of the country.

6587. Sir *Erskine Perry.*] In fact Hindostanee is wholly unintelligible to a Canarese, is it not?—Yes; but this is a local Hindostanee, used in the Government offices, but not by the people generally.

6588. There is no affinity, is there, between Hindostanee and the languages of the south, as there is between Hindostanee and the languages of the north?—No; I believe that Hindostanee is the vernacular of the North-west Provinces, but it is not the vernacular of the Madras provinces.

6589. Mr. *Villiers.*] Had you always an interpreter in the court?—No; not always; it depended on circumstances.

6590. Sir *Erskine Perry.*] Had you generally an interpreter?—No; but the moonshee or sheristadar was always such an adept at reading any Canarese documents that might be put in (and all documents were in Canarese), that he would read it off without the smallest hesitation or difficulty, and you would suppose that the documents were written in the patois Hindostanee, which was the language of the court. It is a dialect called Dukkunee, from being the Hindostani of the Dekan.

6591. They are great linguists, are they not?—Yes.

6592. Therefore your officer was always able to supply you with any information you might require, or to give you any explanation that might be necessary, in the patois Hindostanee that was spoken?—Yes.

6593. Mr. *Campbell.*] Had you no check upon his correct translation of the documents that required to be translated?—Yes; because it was an open court, and all parties concerned had people on the watch, so that any inaccuracy could be at once corrected; but the judge himself would understand the language sufficiently to check the translation; the punchayet is an effectual check, so are the parties present.

6594. If the natives did not understand the language, how could they check the translation?—They always had people about the court who understood it; vakeels, and others; there is no want of check of that kind.

6595. But the people of the district themselves did not understand this patois Hindostanee?—No, not generally.

6596. *Chairman.*] Supposing the European population to be largely increased, should you be in favour of the introduction of the English language into the courts of law as much as possible?—In cases in which Europeans were themselves concerned I think it would be very desirable to introduce the English language, but I would not introduce it to the extent of making it the language of the court, and thereby sacrifice the interests or the prejudices of millions for the sake of a few hundreds.

6597. It would be a question of circumstances?—Yes.

*6597. Mr. *Campbell.*] You say it would be sacrificing the interests and prejudices

Colonel *W. C. Onslow.*

1 July 1858.

dices of millions if you adopted the English language; is it not the fact that it would be only sacrificing the interests of the Vakeels, who speak the language of Hindostanee?—It must be remembered that although the language I speak of is not the vernacular of the country, still it is so well understood by tens of thousands, if not by millions, that it is next door to the vernacular, and it is the language of the country which has been in use in the courts and among all classes of the people to such an extent as to be next to the vernacular.

6598. Sir *Erskine Perry.*] Is it not the fact that you may go through the whole of Mysore and not find a single person who can speak Hindostanee unless it be a Mussulman?—In some remote parts that is the case. Dukkunee is by no means confined to Mussulmans; almost all the better classes, and the educated, and public servants use it.

6599. On the Great Trunk Road between Madras and Bombay, for example?—No; I think you would hardly find any village in which you could not get along very well with Hindostanee.

6600. Is it not the case, that, as a rule, Hindostanee is not an intelligible language to the natives of the Peninsula?—As a rule, that is the case certainly, but I think that a traveller would get through the country very well if he spoke Hindostanee. In almost every village he went to, except very small and remote villages, he would find that the potail, or some one, was able to speak Hindostanee.

6601. *Chairman.*] You have already stated that there are native as well as European colonists there: do the Europeans successfully compete with the natives in agriculture?—No; a European, where science is required, will bring his science to bear, and make improvements which a native will not, but no European can work on an estate as a native can; a native brings all his family to work, and he has means which a European could not have; a European cannot labour nor live as a native can.

6602. That merely means that European labour could not compete with native labour, does it not?—Yes; a European labourer would not have a chance with a native labourer: indeed I think it impossible for Europeans to labour.

6603. But a European capitalist would, in your opinion, be successful against a native capitalist, would he not?—Yes, if he were to bring science to bear in some kinds of agriculture.

6604. How does that apply with regard to trade?—A European is a better trader than a native, although not a better agriculturist, because he has wider information; he has price currents and information with regard to trade from all parts of the world, which a native trader generally has not; but at the same time there are native traders of very high intelligence, who can compete with any class of men in the world, men who are highly intellectual, intelligent, and well-informed, and who carry on trade extensively with all parts of India; those, however, are exceptions.

6605. Have they become better agriculturists and better traders since the admixture of European agriculturists and traders with them?—Certainly; I have shown already one instance of that in the case of my own partner's example, in a coffee plantation.

6606. Has their capital increased since the admixture of Europeans?—That is a difficult question to answer; their capital has increased since we got possession of the country.

6607. Sir *Erskine Perry.*] Are you of opinion that the English in Mysore have taught the natives anything in the way of agriculture?—Yes; as I showed the other day in the evidence I gave with reference to coffee planting.

6608. You would hardly call that agriculture?—In cotton growing they have, certainly.

6609. Do you know Mr. Finney's opinion of American planters, that the natives have nothing to be taught in the way of agriculture, or in the way of growing cotton?—I think they have; I think they have not tried irrigation, and I am confident that irrigation would improve the growth of cotton.

6610. You only speak of its cultivation in a garden?—If a quarter of an acre of land will produce the finest cotton of an improved fibre, as compared with cotton cultivated without irrigation, that is a proof that fine cotton may be grown there.

6611. Have you not heard the opinion of many practical men, such as Dr. Gibson, the conservator of forests, that the natives, by the application of such capital

capital as is within their competency, are able to cultivate the soil in the best method possible suitable to the climate?—I think that they have great skill in their own way, but I think there is great room for improvement nevertheless, and I cannot but believe that European science will improve cultivation there, as it has improved cultivation generally in England.

6612. *Chairman.*] Is not irrigation a matter of science?—Yes.

6613. And would it not, in your opinion, be greatly promoted by the settlement of Europeans?—Of course it would; irrigation is the one thing that is wanted.

6614. Is there much waste land in Mysore?—Yes; there is a great deal of waste land.

6615. Could that waste land, in your opinion, be converted successfully into cultivated land?—Certainly it could.

6616. What are the impediments that at present exist with regard to that?—The want of irrigation in some parts, the want of capital, and the want of population, for, although Mysore contains about four millions of people, the population is not adequate to the extent of the country.

6617. Is the land sufficiently manured?—No; there is great want of manure.

6618. Do the natives appreciate the value of manure?—Yes; but they do not appreciate it fully; they do not take sufficient care of it.

6619. Mr. *Gregson.*] They trust a good deal to the sun and rain, do they not?—Yes.

6620. *Chairman.*] In whose hands is the best land?—In the hands of the natives.

6621. Do they use manure for fuel in that country?—Yes; they use dried cow-dung for fuel almost exclusively in the dry parts of the country.

6622. Would not an easier means of communication with other parts of the country enable them to obtain fuel, and to devote that which they now burn to the cultivation of the land?—If it would not be too expensive. If they could get other fuel at the same cost, they would use their cow-dung for manure, instead of using it for fuel, as they do now.

6623. Do you think it advisable that Government should undertake works of irrigation as great public works, or do you think it best that they should be left to private enterprise?—In my opinion, they should be left to private enterprise, because private enterprise will bring more money to bear upon them at once; but private enterprise must go hand in hand with Government, and must not be wholly independent of it; it cannot be made use of without the assistance of Government; it must not be anything like an *imperium in imperio.*

6624. Do you think that Government has been in fault in interfering with matters of enterprise of this sort?—I do not speak of Government interference as a fault; what I say is, it cannot be done without the interference of Government, because in India we are very peculiarly situated; the natives have been in the habit from time immemorial of looking to the Government for everything, and they cannot conceive that anything of this sort can be good in its nature, or can be stable, unless it is done under the sanction or under the control of the Government.

6625. In what way would you connect these undertakings with the Government?—That is a matter which requires a great deal of adjustment; it is a delicate thing, and requires a good deal of consideration; but I conceive that canals and irrigation works generally may be introduced by means of private capital going hand in hand with the Government, the Government perhaps making the collections, and handing over a due share of the profits to the company, or making some such arrangements, or having a separate establishment, and buying the water from the company to distribute it to the ryots. I do not think it would answer for the ryots to come into immediate contact with any private company, because the private company would be so apt to lose. Suppose a private company had claims on a ryot for water, and the Government had claims upon him for revenue, the Government would then have the power at once of attaching his property, and the private company would be thrown over.

6626. Therefore, where it is practicable, you would prefer that these works should be carried on by means of private enterprise?—I would prefer their being carried on by means of private enterprise as a relief to Government, and as a means of introducing energy and capital, aided by Government.

6627. Do you think that the result of leaving such works to be carried on by

Colonel *W. C. Onslow.*

1 July 1858.

means of private enterprise would be to make them more continuous, and less subject to fits and starts?—Yes; that is another great advantage of private enterprise.

6628. Do you mean to say that the Government is apt occasionally to undertake a thing, and then to drop it, and then resume it again?—Yes; of necessity that is the case, as when a war takes place, and there is no money.

6629. Can you mention any instance in which that has occurred?—Yes? I remember during the wars in Affghanistan, a circular coming round from Lord Ellenborough, putting a stop to almost all public expenditure on public works; that operated as a great check.

6630. You think that the execution of these important works would be more certain if they were carried on by private companies?—Yes; because they would not be interfered with by any such casualties as those to which I have referred; it would, I think, be a great relief to Government to have these things done by private enterprise, because companies can raise millions of money, when Government cannot afford to give anything.

6631. The rain which falls in the western ghauts is a great source of supply, is it not, for purposes of irrigation?—Yes; it is an inexhaustible source of supply.

6632. Do you think that up to this time it has been sufficiently taken advantage of?—No, I do not think it has; the Toonga, the Buddra, and other large rivers, carry away millions of tons of water, that is not stopped or used at all, while, on the banks of those rivers there is famine; all these rivers may be dammed, and a system of irrigation may be introduced; by private enterprise, and private capital, canals might be formed, by means of which a most abundant supply of water could be spread over the country, and thereby famine would be prevented, and the greatest benefit would be conferred on the people of India. I believe, as I stated the other day, that irrigation is the thing to renovate India.

6633. And the liability to famine would be further greatly lessened, if not altogether prevented, would it not, by the introduction of an easier means of communication?—Yes; if a famine occurred in one part of the country, the produce of another could be carried to it.

6634. And another advantage would be, would it not, that each district would have the means of pursuing its own peculiar cultivation?—Yes; and one district would be supplied with what it wanted from another district, which it now can hardly be; it would do for India what commerce has done in every part of the world, improve the condition of the people.

6635. Can you give us any information with regard to the cultivation of sugar in Mysore?—Sugar is very extensively cultivated, and with great profit.

6636. Mr. *Villiers.*] Sugar made from the cane?—Yes.

6637. *Chairman.*] Since when has that been?—That has been done for centuries.

6638. But since what time has the cultivation of sugar greatly increased?—Since the reduction of duties in Mysore; Mysore was formerly considered a foreign country, but when it was allowed to pass under the same regulations as British territory, a great fillip was given to the cultivation of sugar; the country is peculiarly favourable to the growth of sugar, the whole of it is undulating, the dips have streams in them, and all the thousands of tanks I spoke of the other day, are formed by damming these rivers.

6639. Anicuts?—Yes; and that forms a tank of itself; at the end of the dam you have a sufficient opening for the surplus water to run down; the water then runs into its original stream, and goes on again, and then there is another tank. In this way you see for miles chains of tanks, and under all these tanks you now see sugar-cane growing in almost all directions.

6640. Has the cultivation of sugar much increased?—Yes; and it is a source of wealth to the people. There is a very prosperous sugar-making company in Seringapatam; when I left Mysore it was very flourishing, and made excellent sugar; it belonged to an English company, which was succeeding very well.

6641. Has much more English capital been employed in the cultivation of sugar than was so employed formerly?—Yes; that which I have just mentioned is one instance of it.

6642. And do you think that the cultivation of it is likely to increase?—Yes; if planters go there.

6643. Mr.

6643. Mr. *Villiers.*] Were the tanks of which you have spoken placed there by Europeans?—No; but they had very much gone to pieces when we took up the Government of Mysore.

6644. Sir *Erskine Perry.*] Can you give us any idea of the number of European settlers in the Madras mofussil?—No; I know that there are very few European settlers there.

6645. *Chairman.*] I think you say that the system of irrigation at present in use is by means of tanks and anicuts, and not by canals?—Yes, and a system of channels.

6646. Is there any cultivation of date sugar in that part of the country?—No; but date trees grow wild in many parts of the country very extensively.

6647. Do you mean the date sugar trees?—I believe so; I know that some of the gentlemen connected with the company I have spoken of established at Mysore were making inquiries about them. The sap of the date tree when drawn off produces a sweet liquid called toddy, which when the sun rises, effervesces and produces a spirituous liquor from which, I believe, sugar might be made; it is a kind of bastard date that we have all over Mysore. I have no doubt that by introducing a proper system of irrigation by means of canals, sugar might be cultivated with very great advantage, and that a great amount might be produced all over that part of the country.

6648. You would recommend, would you not, that with a view to the cultivation of sugar and other produce, there should be a more extensive adoption of the tank system and the anicut system, and of irrigation generally?—I do not think that in Mysore you can very greatly extend the tank system, because almost all the sites fit for tanks are already occupied; all you have to do is to renovate and improve them when they fall into decay.

6649. Mr. *Campbell.*] But the canal system is susceptible of increase, is it not?—Yes; what you want is to produce and to carry your produce, by means of canals you would produce, and those canals, as I have before observed, would carry the produce, and that too at a time of the year at which you cannot carry by roads; that is, during the monsoon. In the cotton growing country to which I have before referred, during the dry weather, the whole country may be used as a road; but in wet weather it is impassable, if you had a canal you would have a road at all times of the year of the best kind, and that which destroys your road would improve your canal.

6650. You would desire that they should be both irrigating and navigable canals?—Yes.

6651. And of course the great sources of supply which you have in the ghauts would enable you to feed them?—Yes; and I may mention that we have positive information, on the highest authority, that ten millions of acres may be irrigated by means of the canal of which I have spoken, through the Bellary district.

6652. Are those ten millions of acres entirely waste at the present moment?—I cannot speak positively as to that; but if they are not entirely waste, a very large proportion of them must be so, and all of them must require great improvement; they would be converted from dry cultivation into wet.

6653. Of what crops would those ten millions of acres be susceptible?—Cotton, sugar, grains of various kinds, rice, wheat, and other things; very excellent wheat is grown in that part of the country where there are the means of irrigation.

6654. You have said, I think, that a great deal of food is imported into Mysore at present?—No; I was speaking of a particular spot where they formerly were obliged to export, having no consumption; and I said that latterly, in consequence of the great improvements effected, and the money expended by my partner in coffee planting, they not only had not sufficient for their own consumption, but that they also imported, owing to increase of population and means of consumption, although cultivation was carried to the utmost extent of the land available.

6655. *Chairman.*] Has the cultivation of wheat increased much of late years?—No; but I have no doubt that a better means of irrigation in these cotton soils would tend to increase it very greatly; and with regard to the cotton ground soil, I would suggest another very strong reason why canals should be adopted; I look upon them as being superior to tanks, inasmuch as the soil is of a nature that will not hold water very well. Now, it may be supposed that if tanks will not hold water, a canal will not; but a confined space, such as you have in a

Colonel *W. C. Onslow.*

1 July 1858.

canal, can be much more easily puddled than a tank; you cannot puddle a large tank, but you can easily puddle a canal.

6656. Mr. *Villiers.*] What do you mean by not holding water?—The water soaks through; the black soil is excessively porous, I believe it is volcanic; underneath there is a substratum of large pebbly gravel, and the water soaks through and disappears.

6657.] *Chairman.*] Can you give us any idea of the relative productions of irrigated and unirrigated land?—You cannot cultivate sugar, or rice, or wheat, without irrigation, nor the mulberry for silk, an important valuable product.

6658. Mr. *Willoughby.*] Not in Mysore?—No.

6659. Mr. *Campbell.*] But what would be the difference between those crops which are cultivated without irrigation and those which are cultivated with irrigation?—The difference is immense; a field which would produce a very small crop by dry cultivation would produce a very large one if the land were properly irrigated. The produce of wet cultivation is very much more valuable than that of dry.

6660. Would canals bring any alluvial deposit with them?—Certainly, and that alluvial deposit would answer the purpose of manure. The great virtue of irrigation I believe to be the deposit it leaves on the land.

6661. And that advantage you would secure by the making of canals?—Yes, because the canals would be filled by the rivers which bring down large quantities of alluvial deposit.

6662. Sir *Erskine Perry.*] We have no experience of this kind, have we, in Southern India?—Yes, we have.

6663. Where?—I do not know that you have canals, but all over Mysore you have channels for the purpose of irrigation, and it is with reference to those that I have been speaking.

6664. But we have no experience of such canals as you contemplate?—No; I do not think we have any experience of such canals as those of which I have spoken; that is, of canals for carriage as well as irrigation. There is much irrigation by channels in the south of India.

6665. *Chairman.*] Are there sufficient means of communication by sea along the western coast below the ghauts near Mysore?—No; I said in the evidence I gave on Tuesday last that there is a want of communication by sea on the western coast. There are no means of communication by sea during a considerable part of the year in consequence of the monsoon, there being no harbours of refuge on that coast; the monsoon is terrific there, no ship can live in it; everything goes under shelter; you do not see a living thing upon the sea during the monsoon; it is a most dangerous coast. I conceive that a harbour at the place where the terminus of the Madras Railway is to be, would enable our steamers from the Red Sea to run directly across and go at once in, instead of going round the peninsula to Madras.

6666. Do you think that steam communication along that coast, if practicable, would be a great advantage to European settlers?—Undoubtedly it would, for it would open an easy means of communication with Bombay and with Europe; you have now during a great part of the year the most magnificent coast in India entirely shut up.

6667. Mr. *Danby Seymour.*] For how many months in the year is it shut up?—It is unsafe from the middle of May to the middle of September.

6668. Mr. *Willoughby.*] What sort of steamers do you think should be employed?—A steamer can approach the coast when a sailing vessel cannot; all you have to do is to establish harbours; at present not even a steamer can approach the coast owing to the want of harbours.

6669. Was it not in the contract of the Peninsular and Oriental Company that their ships should stop at ————?—I do not know; all I can speak to is the want of harbours on the coast, and I believe that they could be formed. We have opened some very extensive ghauts; I opened a most valuable one myself; but those ghauts are comparatively of no use during the greater part of the year, because there are no harbours. Harbours would immensely enhance the value of these roads and ghauts, and the whole system of roads in Mysore, enabling traffic to go on the whole year round.

6670. And they would greatly increase the facilities for traffic along the whole coast?—Yes; that is what is very much needed.

6671. Mr. *Villiers.*] You have given us this information about the extent of territory now available for the employment of capital; I presume that it is also known

known to many other people in India, and that our capitalists and merchants, are aware of these resources in Mysore?—That I cannot say; I suppose that it is more or less known, but at the same time I believe there is a great deal of ignorance about Mysore; it is a country not much known; I believe that the real resources of Mysore are not generally known to merchants; it may be known to a few individual merchants in Madras and other parts of India.

6672. What would be the obstacles in the way of some enterprising man of capital aware that there are these ten millions of acres readily available for the increased production of sugar, cotton, and the other articles you have mentioned, if he were desirous of going there?—The ten millions of acres that I speak of are in the Bellary district; that is in the Company's country, not in Mysore; but there are still large resources available in Mysore also. I have stated some of the obstacles, and I would here include Coorg also, where the climate is so favourable to the European settler; there are some very serious obstacles; one is the liability of the country to be restored to its former Government. I think that no man would like to venture on settling in such a case as that.

6673. Do you think yourself that the Company is at all likely to restore it to its original rulers?—The question has been mooted, and I know that at one time it was questioned by the Governor-general of India whether the Rajah of Coorg should not have his country restored to him; the answer (I speak under correction) was to this effect: that a man who wants to blow up a magazine had better walk into it with a firebrand in his hand; that shows what the opinion of persons in authority was regarding the danger of restoring the country to the rajah; and to some extent the same thing may be said with regard to Mysore; it is still foreign territory; the territory belongs to the Mysore Rajah; his authority is set aside, and the Government is administered by a European Commission; but the door is not closed against the rajah, I believe, and it is not at all an impossible thing that the country may be restored to him. The question of the right of adoption by natives has been very much spoken of of late. If the rajah of Mysore, who has now no natural descendant, were to be allowed to adopt, and if the country were to be given over to his adopted son (supposing it not to be given to this rajah, which it probably will not, he being an old man now), then what is to become of a European settler who would go there under the impression that he was under the British Government? He would find himself transferred to the tender mercies of a native government.

6674. You suppose that that alone would be sufficient to deter any European or English settlers from going into that territory?—I think it would deter any prudent man from going there; but enterprise is so reckless, that, doubtless, you would find some who would even venture that.

6675. You have spoken of other parts of the country that are directly under the Company's rule, and which are still available for the employment of capital?—Yes; in the whole of the Bellary district, there are an immense number of acres available.

6676. What is there to prevent an English capitalist from going there now?—Nothing that I am aware of.

6677. The Company's Government would not offer any opposition?—No; and in reply to that question, I would say with respect to Mysore, that every encouragement has been held out to European settlers; so long as it is under the present Government, there is certainly no kind of obstruction offered by the Government to the settlement of Europeans.

6678. Supposing any company or any settlers wanted to acquire land there, from whom would they derive their title?—The land belongs to the Government, both in Mysore and in the Company's country.

6679. It belongs to the Company?—To the Government, whether Company or native Government.

6680. You have distinguished different tracts of country as belonging respectively to the Company and to the rajah still, but administered by a commission?—Yes.

6681. As to that which belongs to the Company, and where there is this large tract of territory to which you have referred, consisting of 10 millions of acres, could they give a title to any persons wishing to buy the land?—It would depend upon the locality, I should think. I do not know why a title could not be given.

6682. Do you hold property yourself?—Yes, but not in the Company's country; but the land of which I speak is in all probability land that has formerly been

Colonel *W. C. Onslow.*

1 July 1858.

been held by ryots; it may belong to ryots, or they may have rights over it. The only obstacle that I can see would be the rights of the people over that land; the Government could not set aside their rights in favour of a company or anybody else.

6683. Have you any objection to tell us under what title you hold your land?—My land is of a different nature; it was forest land belonging to the Government, upon which there could be no possibility of a claim by anybody else; the Government have made that over to me for the purpose of cultivating coffee, and I hold it on what is called a puttah, that is, a title-deed, from the local authority, which gives me the privilege of holding land, of using it, of selling it, or of transferring it in any way I please, as long as I cultivate coffee upon it; but if I cease to cultivate coffee upon it, it then reverts to the Government; if I cultivate anything else upon it, it is liable to assessment.

6684. Have you been satisfied with the title under which you hold that land?—Perfectly; I rely perfectly upon the Government; I take my chance, with confidence.

6685. Why should not other people then rely upon the Government?—That is a question for them to decide. I perhaps may have been a little venturesome in doing so, and I think it is very desirable, if not absolutely necessary, in order to induce any number of settlers to venture there with any large amount of capital, to have some title more secure; that is, that they should have something to assure them that the country will not be handed back to the native Government.

6686. You do not hold yours from the English Government, do you?—Yes; as long as the Government is English, I hold it from the English Government; the rajah's authority there is set aside.

6687. The apprehension, as I understand you, is, that this territory may be restored to its ancient rulers?—Yes.

6688. But you have no real apprehension of anything of the kind happening?—No; I have no real apprehension of it.

6689. Do you think there is any solid objection to any other person engaging, as you have done, in the cultivation of other produce, holding their land as you hold yours?—Speaking from my own experience, I should say that there is not; perhaps the uncertain state of the law may be such as to prevent any large number of Europeans from settling there; it depends upon circumstances. It must be remembered, that when I went there, I went with a very small amount of capital, and the gentleman who is my partner commenced with the merest trifle.

6690. But you had a good deal of authority, had you not?—I had authority there while in the service, but none whatever when I became a planter.

6691. You would not distinguish yourself from any other capitalist going there?—No; I had no authority, as a servant of the Government, by which I could obtain land; as a servant of the Government I could not hold land; it was prohibited.

6692. I understand you to say you have not experienced any inconvenience from the state of the law?—Certainly not; very far from it. I have received every kind of protection and every kind of encouragement from the authorities.

6693. Then the information you have given us to-day has only to be known to encourage other people to settle there?—If the resources of Mysore, the excellence of its climate and of its Government (supposing it to be permanent), were known, I do not see the slightest obstacle to any number of Europeans going there as long as there is land enough for them to take. The only obstacle, I think, is the difficulty of getting land, because the natives have got it.

6694. The natives have acquired it recently, have not they?—Yes; coffee land has been very much taken up lately by natives; I speak of coffee land only.

6695. But they are as ready to sell their land as other people are to sell theirs, are they not?—I cannot induce them to sell it; they are very unwilling to sell it, except at an enormous price; they know the value of coffee planting; but, I think, there is still room for enterprise in Mysore. I think that a great deal may be done in the way of cultivating coffee, silk, or cotton even, by means of the natives. You might go there and invest your capital in pretty much the same way as the natives do, by letting the natives cultivate the land, and take the produce from them; that is the way the sugar makers in Seringapatam do.

6696. On what market do you rely for disposing of the produce of your property?—The London market.

6697. Is all your produce exported?—Yes.

6698. What is the course that is taken with respect to produce; where is it sent

Colonel *W. C. Onslow.*

1 July 1858.

sent to?—Owing to the want of a port of export nearer, they have to send it to Bombay; it goes down through the ghauts to Mangalore, where it is shipped in patimars and taken to Bombay, from whence it is exported to Europe.

6699. Are there increased facilities contemplated for communicating with the coast?—Yes; the facilities for communicating with the coast are pretty good, though they may be improved; what is now a bad road may be made a good one; what is now a ghaut for bullocks may be made a ghaut for wheeled carriages; but if you have on the Malabar coast export ports, ships will come into port there; it is now a dangerous coast for ships; ships come there but seldom; it would be so expensive to get them to come there under present circumstances, that we prefer sending our produce up to Bombay.

6700. All the improvements you mention would probably be made, would they not, if there were an extended settlement there by English capitalists?—Undoubtedly the energy, enterprise and capital of Englishmen would bring about all these improvements; I very strongly advocate the introduction of improvements in that way.

6701. Do you think you could rely on anything but coffee as a profitable production?—Yes; I think that a great deal may be done in sugar; and I think, that if a careful system of cotton growing were adopted, it would be very profitable. I should be inclined to take native cotton even as it is, and use machinery on the spot for cleaning and pressing it. Perhaps it may be useful to say that in the course of my experiments in cotton growing on a small farm which I had, I introduced American gins, and showed the people an improved method of cultivation; I gave them seed, and induced them to cultivate cotton round about the places where I put gins; they brought their produce to my gins, and we cleaned it for them; and that system has been adopted in Darwhar with great effect; you place gins here and there in cotton-growing countries, and the people bring their produce to you and you clean it; and then you press it at once and carry it with ease; you now have to carry it in an immense bulk unpressed; it is liable to all sorts of damage, and the carriage is ten times as difficult as it is when pressed.

6702. That cotton does not come to England now, does it?—Yes; it comes to England in large quantities; it accumulates on the way a vast amount of dirt, and the natives are cunning enough to know, as you buy it by weight, that a handful of dirt thrown into a bale will increase the money-value of it; they do that, and they also water it, and play all manner of tricks with it; but suppose a cotton-buying company or an individual buys it on the spot, and cleans it with his gins, and presses it and carries it away, you would have good cotton.

6703. Is it equal in quality with that which comes from America?—No, it is not; but I believe the quality of the cotton may be improved; the Mexican cotton has been now introduced into the Dharwar country, and a merchant told me (whether his information was reliable or not I cannot say) that shortly before he left India, there were 60,000 acres of ground under Mexican cotton cultivation, and that the Mexican cotton was entirely cutting out the native cotton.

6704. Does the seed degenerate?—The seed degenerates; but that arises very much from carelessness; the difficulty is to get the natives to take care of their seed, and to separate it. They will mix it with a quantity of native seed, and in that way the seed will degenerate, of course; but even if it were to degenerate, I do not see that that would be an obstacle to continuing the cultivation of Mexican cotton, because you can get as much seed as you please from Europe or America.

6705. We have had evidence given before us that all foreign seeds degenerate; what is your opinion upon that subject?—I would ask, has a proper system of irrigation been applied in those cases?

6706. You do not agree with the witness who has told us that vegetation where the plant is not indigenous, in consequence of the seed degenerating, is inferior?—I have not had sufficient experience to enable me to give an answer to that question. I cannot say whether seed generally degenerates, or not.

6707. Are we to understand that you have made any calculation as to the possibility of competing with cotton introduced from America?—No; I cannot say that I have made any calculation upon that subject; but still I think there may be some competition, there is abundant space for it; and even if the seed does degenerate, I cannot see why fine cotton should not be grown there; and judging from the specimens I sent home myself, I do not see why the very finest cotton should not be grown in Mysore.

6708. Do you know whether the natives have any idea of the prices of produce in

Colonel *W. C. Onslow.*

1 July 1858.

in other parts of the world?—Some of them are highly intelligent; what merchant can beat a Bombay parsee?

6709. Or a Hindoo merchant?—He is highly intelligent, and has information from all parts of the world.

6710. Has not the export of sugar from the East diminished rather than increased of late?—I cannot say; in Mysore it has increased; whether that is the case throughout India or not I cannot say.

6711. When did you return to England?—In 1854.

6712. Are you aware that there has been a great scarcity of sugar for the last three or four years?—I think it may be well exported from India; I do not know why it should not be.

6713. Mr. *Willoughby.*] Do you export sugar from Mysore?—Much is exported in the shape of Jaggeree, unrefined.

6714. Mr. *Villiers.*] The sugar which is taken away, extracted from the cane?—Yes; it is all extracted from the cane.

6715. Is not that superior to the sugar which is extracted from other vegetables?—Yes, I suppose it is; but I never saw any sugar in Mysore except that extracted from the cane.

6716. You have not seen any sugar extracted from beetroot?—No.

6717. Or dates?—I have seen dates there, but I never saw any sugar that had been extracted from them; I do not know that sugar has been extracted from the date in Mysore.

6718. You have referred a good deal to insecurity arising from a bad state of police, and you have also referred to some defects in the administration of justice, do you think that those evils exist to such an extent as to deter capitalists from going to that country?—If India were more quiet than it is at present, I do not think it would deter Europeans from going there. Those who are in Mysore now have never found any obstacle in their way; but when I speak of Europeans who are there now, it must be remembered that there are very few of them, and that they have gone there under peculiar circumstances; most of them are men who have some connexions in Mysore. My partner went there because he had a brother in commission there; other persons have been induced to go there by people who were acquainted with Mysore, or who were living there; but whether the public generally would take to settling in Mysore or not is a different question.

6719. But the fact is, that as an independent speculation there have been very few instances of settlement?—Yes, very few.

6720. And the police is as bad there as in any other part of India?—No, I do not say that.

6721. But they are wholly untrustworthy?—They are not sufficiently trustworthy; there are some defects in the police, but still they are efficient for present purposes, in quiet times.

6722. Do they swear falsely, and get up false evidence?—That is one great difficulty, they do get up false evidence.

6723. In point of fact, many of those cases which you have described as "apprehended" cases, might have been founded on false testimony?—Yes, possibly; but I do not know that it would be carried to such an extent as that.

6724. Do you think that that would be remedied by good English superintendence?—Yes, in a great measure.

6725. And by nothing short of that?—No.

6726. Mr. *Mangles.*] We have had it given in evidence by several gentlemen that the Government and the servants of the Government show a marked hostility to and a jealousy of the English settlers, and that they show them, in fact, the cold shoulder; that they treat them with hauteur, and as inferiors, and that they otherwise discourage them; is that consistent with your experience?—Certainly not; very far from it; I should say most emphatically that such is not the case in any part of India in which I have been. I have not seen much of merchants in other parts of India, but I have seen something of them. I have seen merchants in different parts of the Madras Presidency, and on the Malabar coast, in the Northern Sirkars, at Madras, and various other parts; they have always appeared to me to be on the same footing as that on which they are in other countries. I have seen them in the houses of collectors, magistrates, and judges; in fact, a man who would be a gentleman in England is a gentleman there; they are received there quite on the same footing as they are elsewhere; and as regards the

Colonel *W. C. Onslow.*

1 July 1858.

the encouragement given to them, I can only speak from what I have myself seen; from my own observation I can say, that in Mysore they have certainly received every encouragement; and more than that, I should say that a point has been rather strained sometimes; I have myself, for instance, given encouragement to and had in my own house men that I should rather have fought shy of; but knowing that they were isolated Europeans, and that they could hardly get on without the countenance of Government, I have stretched a point, and I believe that that is very commonly done; so far, therefore, from their receiving the cold shoulder, I should say that the fact is quite the contrary.

6727. Mr. *Villiers.*] That was when you were in authority?—Yes.

6728. Sir *Erskine Perry.*] Can you state how many independent settlers there are in the Madras Presidency?—I am speaking of the kind of reception given to merchants in society.

6729. I want to know the number of independent settlers?—As far as I can remember, I can bear in mind a dozen of my own acquaintance, but my acquaintance with them has been very small.

6730. Are there more than 20 in the whole, that you know of?—Yes; I should think there are certainly 20.

6731. Mr. *Mangles.*] We have had it stated by English gentlemen who have given evidence before us, that European life and property is unsafe in Bengal, is that consistent with your experience?—Certainly not, speaking of Mysore; for my own part I never slept with closed doors; I never tied down the door of my tent, and I know that the coffee planters there lived very much in the same loose sort of style; a man has no more fear of robbery or murder there than he has in London.

6732. Did you ever hear of a European settler or planter being murdered there?—No.

6733. Then you do not agree with the witnesses who say that in their opinion life and property is insecure?—I think it is a great deal safer there than it is in many parts of London; that is my experience, wherever I have been in the Madras Presidency; I never heard of that as a complaint certainly; I have had very little experience in other parts of the Madras Presidency except in Mysore, of which I speak with great confidence.

6734. You have used the expression that perhaps you were a little venturesome in settling in Mysore; did you refer at all to your fear of any breach of faith on the part of the British Government, or to the danger of a native government being re-established?—I referred only to the re-establishment of a native government; as long as there is a British Government I have no fear whatever; I have perfect faith in that.

6735. Are there any peculiar obstacles in the way of the cultivation of cotton as sugar and coffee is cultivated; might not any person who chose to take to that line of business get any quantity of cotton he wanted?—The heavy land tax would be the only obstacle, and the difficulty, perhaps, of getting sufficient land from the ryots; most of the cotton ground is held by ryots, and they must be displaced before any large amount of ground could be taken up.

6736. You have mistaken my question; I did not mean that it was at all necessary that a European engaging in the cotton business should cultivate it himself, I was supposing that he should buy it from the ryots?—Certainly; there is no obstacle to that whatever.

6737. A man might easily engage in that line of business?—Yes; as easily as he could in any other.

6738. Are there any obstacles in the way of natives cultivating cotton?—None whatever, more than in the way of cultivating anything else.

6739. If they cultivate sugar or other articles in preference to cotton, is it not because they find those articles more profitable to themselves?—They are quite alive to their own interest, and no doubt they do that which they believe will be best for themselves.

6740. You have spoken of great quantities of sugar being cultivated in Mysore in consequence of the existence of tanks there, and improved means of irrigation; if cotton were more profitable than sugar, would not cotton be cultivated on that land which is irrigated, as well as sugar?—I suppose so; but to irrigate cotton you must have a different system of irrigation; cotton will not grow in the low-lands where rice, sugar, and wheat are cultivated; it will grow on the uplands, and if you are to irrigate cotton, you must irrigate those uplands by some system of

Colonel *W. C. Onslow.*

1 July 1858.

canals or some different system to that which we have in use, but it is open to question whether it would be profitable to do so or not; it must first be determined whether cotton will improve by cultivation, because you would have to introduce an altogether different system of irrigation from that which you have now, or, at least, extend it considerably.

6740.* Suppose manufacturers and others who require cotton from India were to send agents to India to settle in the central towns of the cotton-growing districts, with money to make advances to the ryots, or to purchase from them, and with gins and presses to clean and press the cotton, would there be any difficulty in their getting any quantity of cotton they might require, and preparing it for the home market?—None whatever; the system I have before referred to of establishing gins and presses in the midst of cotton cultivation, would enable a merchant to trade with very great effect I should think. There is no reason why he should not buy up that as well as any other article; there is no obstacle in the way of a European going to any part of India, and buying whatever he pleases.

6741. Mr. *Gregson.*] You have spoken of the want of harbours of refuge along the coast; do you allude both to the Coromandel and the Malabar coast?—The more harbours you have the better; but there are one or two good harbours on the Eastern or Coromandel coast; at Coringa, I believe, there is a pretty good harbour, but I believe that is the only really good one.

6742. Are there any on the Malabar coast?—There are no harbours for large ships on the western coast at all, except Bombay.

6742.* Sir *Erskine Perry.*] And Cochin and Goa?—But they are not available for large ships, I believe.

6743. Mr. *Gregson.*] You say there are localities on both coasts where harbours could be established?—On the western coast there are two or three places there may be more, but there are certainly two or three that I know of.

6744. Can you name them?—Sedeshwaghur, Cundapoor, Mangalore, Ponany, and Cochin.

6745. Are they all on the Malabar coast?—Yes; and a place called Mirjan.

6746. That is close to Sedeshwaghur is it not?—Yes.

6747. Do you know the name of any on the Coromandel coast?—No.

6748. Is the monsoon on both coasts equally dangerous to navigation?—No; the south-west monsoon on the Malabar coast is very dangerous, and though the north-east monsoon is dangerous on the eastern coast, it lasts only a very short time. Formerly ships used to leave the port altogether, on the hoisting of the monsoon flag at Madras, but now they lie there the whole year round, and take no notice of it.

6749. They lie the whole season now on the Coromandel coast?—Yes; but they cannot do that on the western coast.

6750. Is the western coast not navigated during the monsoon?—Not at all; the coasting vessels of the country fly into any river they can get into.

6751. Are there any steamers now running on the coast in the favourable monsoon?—There was a steam company at Bombay that used to navigate on the western coast, but I am unable to speak with certainty as to that.

6752. You have been engaged in agricultural pursuits; have you grown coffee and other productions in large quantities?—I grew coffee in large quantities, but no other production.

6753. What is the cost of the production of coffee per hundredweight?—It would be difficult for me to say.

6754. About how much do you think?—I should suppose that the cost is about a rupee a maund; that would be about four or five rupees per hundredweight.

6755. About 10 *s.* per hundredweight?—Yes; that would be the cost of production on the spot.

6756. And delivered at Madras?—I never delivered it at Madras; only at Bombay.

6757. What would be about the expense of transport to Bombay?—That would depend upon circumstances; you can only carry it at one season.

6758. Would it be two or three rupees?—Carriage to the coast varies; it may be taken at 4 *s.* a cwt.; and freight from Mangalore to Bombay may be taken at 6 *d.* a cwt. Total of transport to Bombay, 4 *s.* 6 *d.* a cwt.

6759. Do you cultivate chiefly by day labour in Mysore?—Yes, by day labour.

6760. Have you labourers in abundance?—We have always found a sufficient number

number of labourers; they are not always in abundance, and at times they are difficult to be got.

6761. What is the rate of wages paid to agriculturists generally?—We pay two rupees a month; sometimes 2 *d.* or 3 *d.* a day.

6762. Have you labour in abundance at 2 *d.* or 3 *d.* a day?—At 3 *d.*, I should say we have.

6763. Have any coolies been sent from that coast?—Not from the western coast, that I know of.

6764. Is the principal want in that country the want of capital?—There is a great want of capital; but not only is there a great want of capital, but there is a great want also of security for capital. Capitalists have no means of investing their money which they consider satisfactory, and that bears upon the subject of improvements in India by means of irrigation. I have said to many native capitalists, "Why do you not invest your money in the funds or in Company's paper?" and they have said "That will only give us 5 per cent., and we can get 12." They will not invest their money at five per cent., but keep it by them, and the consequence of that is that they squander it. Our great bane of India is the large amount of money squandered in marriages, and such like frivolities. They squander the money because they have got it, I believe; but if a man having a little money had a safe place to put it where he could get what he considered an adequate income from it, something like 10 or 12 per cent., which an irrigation company would give him, he would save his money and not squander it.

6765. All the money which you say is squandered is disbursed among the labourers, is it not?—No, among the brahmins, and fellows of that sort; it goes into unproductive pockets.

6766. What is the rate of interest which the natives obtain from capitalists who advance money to agriculturists?—The native sowcars advance money at enormous rates; they charge 36 and 50 per cent. very commonly, but until lately in Mysore the legal per centage was 12 per cent. I know of instances of European settlers advancing money at that rate; I know one gentleman who advanced considerable sums to natives on mortgage at 12 per cent.

6767. That was on satisfactory security?—Yes, the mortgage of real property.

6768. The security when the interest is charged as high as 30 per cent. is, I suppose, very insufficient?—There is great risk, of course; but what gives a European a great advantage in that country, and what gave to the gentleman I have spoken of great power and great influence, is that he gives the money without screwing the people, without constantly dunning and bothering them, on a fair security at 12 per cent., with which they are very well content; they are not able to get it from native sowcars under three times that rate, and therefore he has great influence with them.

6769. Is the money generally recovered again?—Yes; he has an easy method of recovery; his system is to lend the money on the mortgage of coffee plantations; and the property is sold if the money is not repaid, so that he is pretty safe.

6770. Speaking generally of Mysore, you consider it a most attractive district, do you not?—I think that Mysore and Coorg are the two most attractive districts in the whole peninsula of India.

6771. And there is no peculiar obstacle in the way of Europeans settling there?—None, except those I state: the fear of the instability of the government, and the possibility of their being restored to native government.

6772. Has the number of Europeans increased much since you first commenced cultivating coffee, cotton, and other things?—It has not increased in consequence of coffee planting and things of that sort, but there has been a large increase of European population in Mysore. At Bangalore, which has the finest climate in all Mysore, and which is 2,800 feet above the sea, there is quite a town rising entirely of a European character, which is populated by pensioners from European regiments and their descendants; and you see in that town chapels, churches, and other buildings, which give it quite a European character; that town has risen up within the last 20 years.

6773. What has been the cause of that?—The salubrity of the climate. The soldiers marry and settle there, and live a thousand times better than they could live in Europe.

6774. Do they marry native women?—Yes, and Eurasians.

6775. Do Europeans generally enjoy good health there?—Comparatively; but I do not think that any European can stay for any great length of time in the

Colonel *W. C. Onslow.*

1 July 1858.

Mysore country without change; that I think is the only obstacle to a permanent residence there. The gentleman with whom I am connected in the coffee planting, and whom I expect home every day, has been living in this jungle with perfect impunity as regards health for 17 years; but within the last two or three years his health has failed, and that is almost invariably the case; a man may live there very well for 15 or 20 years, but eventually down he goes.

6776. As you extend the coffee plantation, the jungle disappears, does it not?—No, it does not disappear; the whole country is surrounded by jungle; many parts are excessively feverish, but my partner has known the feverish parts, and avoided them. I tried at one time to measure the position of his house with the thermometer, and I made it out to be 3,500 feet above the level of the sea; it is a very delightful climate. He has lived there for 17 years in perfectly good health, but of late his health has failed, and he has got fever, and that as far as my observation goes, seems to be the case generally, although people may live there for many years they require change eventually. I lived there myself for 14 years without my health suffering at all.

6777. Mr. *Villiers.*] Is it necessary to quit a tropical climate altogether, in order to restore health?—That depends on the extent of disease; a man may resort to the Neilgherries Hills with very good effect, but it is better for him to leave the tropics altogether; there are the Baba Booden hills also, where the climate is the most perfect I ever knew. New South Wales itself is not to be compared with it.

6778. Have you been visited with any epidemic in Mysore?—There is always cholera there; I never knew a year without it.

6779. Have many Europeans suffered from cholera?—When you consider that there are very few Europeans there, and an immense number of natives, I suppose we lose a fair proportion of Europeans.

6780. You have known instances of their suffering from cholera?—Yes.

6781. How far is Bangalore from the sea?—Two hundred and eight miles from Madras, and about the same from the west coast.

6782. Mr. *De Vere.*] Have you known any cases of the children of Europeans born in Mysore attaining the age of maturity?—Do you mean of pure European parentage?

6783. Yes?—I have.

6784. Enjoying good health during that time?—Yes; I know a remarkable instance of a man who has lived all his life in Mysore; he is now nearly 40; he was born in the Isle of Wight, and was taken out to India an infant and brought up entirely in Mysore; he was in my employment, and is now in the employment of the Government in Mysore; he is a highly intelligent man; he is of as pure European birth as any of us, and he has lived all his life in Mysore, and is remarkably healthy.

6785. Is it your opinion, from your knowledge of the climate, that, supposing the country to be largely colonised by Europeans, they could bring up their children in good health to the period of maturity?—As a rule, I should say no; I do not think it would be a safe thing to venture; there are some cases of the kind I speak of, but I look upon it that they are exceptional; I do not think, however, that there has been sufficient experience to enable me to give a decided opinion upon the point.

6786. Mr. *Vansittart.*] You say that in 1831, on the establishment of the Mysore Commission by Lord William Bentinck, a favourable improvement took place in Mysore; I conclude, therefore, that you take rather a favourable view of our system of administration of justice?—I take a favourable view of the administration of justice as regards Mysore; that is, for that particular country.

6787. This punchayat system, which you say prevails in the courts, has reference only to revenue and civil suits, has it not?—No, there are no revenue suits there.

6788. Not suits for arrears of rent?—No.

6789. Then it has only reference to civil suits?—It has only reference to civil suits and criminal cases; the subject is mentioned in a report which I have here of the Commissioners to the Governor-general.

6790. Has it reference to Mysore?—Yes.

6791. With regard to that interesting tabular statement which you have given us regarding the police, namely, that in 1834, out of 581 cases there were only 392 apprehended; whereas, in 1852, out of 2,987 cases, there were 2,913 apprehended,

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Colonel *W. C. Onslow.*

1 July 1858.

would not this prove that the police in the Madras Presidency is not so very bad, and that acting on your suggestion of European superintendence we should have a very good police?—There is a mistake there; the Mysore police cannot be said to be in the Madras Presidency; it has nothing whatever to do with Madras; it is a totally distinct question. When you are speaking of the police of Mysore, that cannot have any reference to the police at Madras.

6792. What is your opinion of the police generally of Madras, if you acted on your impression of European superintendence?—I speak with great diffidence about a country which I do not know much of. I have not paid much attention to Madras. I have had some little to do with neighbouring places in police matters, but not much.

6793. What proportion of Europeans would you suggest, namely, how many to each thannah?—I should be inclined to divide the country into police districts, and place Europeans, according to population or circumstances, over each district.

6794. Are not some of the thannahs very unhealthy, too much so for a European to be stationed at them?—Yes; you must be cautious how you choose your location for Europeans.

6795. What is your opinion generally of the Madras civilians as regards their administrative abilities and their knowledge of the languages of the country?—That is rather an invidious question, and, therefore a difficult one to answer; but as far as my experience and intercourse with the civilians of Madras goes, I cannot but say that they are men of the highest ability, of the highest intellectual faculties, and of the highest moral character. There is no service in the world that bears or deserves a higher character than the civil service of India; they are a most efficient body, and so far as I have ever seen, nothing could exceed the zeal of the officers that I have had to deal with. I have had a great deal to do with neighbouring magistrates, collectors, and judges, and I never saw in them anything but the highest intelligence, honour, and conscientiousness.

6796. What do you say as to their knowledge of the languages of the country?—That I am unable to speak of.

6797. Do you not think that the districts to which they are appointed are rather too extensive?—Yes; I think that a great deal too much labour is put upon them.

6798–99. Would it not be desirable, in your opinion, to halve and quarter the districts?—It would be very desirable to reduce them in some way, certainly.

6800. That would give us a stronger hold on the natives, and add to our own security in case of a rebellion, would it not?—Undoubtedly.

6801. To carry out this new system (for a new system it will be) we must do away with the exclusive nature of the civil service, as it would be too extensive and costly?—I think that the introduction of other than covenanted servants to the administration of the country would be highly beneficial, and that it might be done with great economy and effect.

6802. If you take a district which has now a magistrate and a judge, and divide it into four, you must do away with the exclusive nature of the civil service, must you not?—That is a matter for the Government to consider; I am hardly competent to give an opinion upon the subject.

6803. Is justice pretty cheaply administered in our Mofussil courts in the Madras Presidency?—I am not competent to say.

6804. The Committee have been told by several gentlemen that the civilians in Bengal are entirely in the hands of their omlah; is that the case with regard to the Madras civilians?—I am unable to say.

6805. Have you traversed and explored any of the hill ranges in the Madras Presidency?—I have been over several hill ranges in Mysore, but not in the Madras Presidency.

6806. Is there any locality that you would prefer to any other for the settlement of Europeans?—What I have said of Mysore answers that question. Mysore and Coorg are the countries that I would prefer, certainly; I think it stands to reason, from their situation, climate, and all other circumstances, that those are the preferable countries; there the climate is good; it is mild and genial compared with other countries, and, considering the height of the country, it is a fine plateau, well raised above the sea, and lying between the two coasts, and catching both the monsoons, it has every advantage.

6807. Are you acquainted with the Carnatic?—Very little; I have been over parts of it, but not much.

Colonel *W. C. Onslow.*

1 July 1858

6808. That vast tract of country offers peculiar facilities, does it not, for purposes of irrigation?—Yes; the facilities are very peculiar.

6809. I think there is a company of enterprising gentlemen formed to irrigate the Carnatic?—Yes.

6810. To carry out the scheme this company will come frequently in contact with the ryots, will it not?—That would depend upon the arrangements which might be made between the company and the Government. A company of that kind must go hand in hand, and have the support, in my opinion, of the Government. It could hardly act independently of the Government, and it would be dangerous to the irrigation company in my opinion to attempt it; it cannot act without a guarantee. One great advantage of an irrigation company, besides the material benefit it would be of, as regards the improvement of the country, is, that it would be a means of investment; the guarantee would induce natives to contribute towards such a company; it would give them confidence and would secure the peace of the country.

6811. This company, I think, is soliciting a 5 per cent. interest from the East India Company, on the money they invest in this undertaking?—Yes.

6812. Why should not this company conduct its operations without guaranteed interest from the East India Company?—Because capitalists in England will not invest their money in any such projects without a guarantee, as experience has proved; and if railway companies, the inland navigation company, and other companies, have guarantees, why should not this company have a guarantee? This is a much more material improvement of the country than any that you can arrive at by railway, or by any other species of improvement; and therefore it is much better entitled to a guarantee than any of them.

6813. If the Madras Government instructed the local authorities to afford this company every assistance they could consistently with their duty, short of a guarantee, would not that give them a fair return for their money?—When the company was once established they would in all probability be better without the guarantee than with it, but you cannot establish the company without the guarantee; and, with regard to native capitalists, I think the guarantee would be necessary. They would see that railways and other companies had a guarantee, and they would ask why this company has not a guarantee also. If there were no guarantee, they would suppose that it was something inferior, and they would have nothing to do with it. One great object in the formation of a company of this sort is to get the natives to join it. It would be a source of profit to them, and of security to the Government, by involving their interest; we have that, to some extent, already in loans, and this would be far better; they would see that it was a material improvement to their own country. A loan they do not like, and will not so readily enter into; but if they saw in their own country an irrigation canal running from one side of India to the other, they would be ready to invest their money in it; they would know where the profits came from; there would be something tangible and visible, but a loan they do not like; there is nothing visible. I think, therefore, there should be every kind of encouragement held out to a project of this sort, inasmuch as it would not only be a vast improvement to the country, but it would bring the natives over to the Government.

6814. With regard to this Madras Irrigation Company, if the directors of that company were to raise the capital they require, say half a million, in this country, and to send it out there, if the Government were to desire their collectors to give every assistance they could, consistently with the due performance of their official duties, and if the cultivators were well paid, do you not think the concern would flourish, and that the natives might be induced to embark in it, although there was no guarantee?—No, I think not; I do not think that any company of this kind would have the respect and confidence of the natives, unless they were in connexion with the Government; Government interest must be included as well as the company's interest, and why should it not be so?

6815. What you mean to say is, that they must start with guaranteed interest?—Yes; I feel confident that no company of the kind can start, or can stand without it.

6816. After a certain number of years, do you not think the concern would flourish?—Who can say? It would be a matter of experience and a matter for future adjustment; but as for starting without a guarantee, I look upon that as impossible.

6817. Mr. *Willoughby.*] You mean that the money would not be raised in England?—Yes.

6818. Mr. *Danby Seymour.*] I understand you to be of opinion, that if roads and canals were made, it would then be a profitable thing to grow cotton, although it is not profitable at present?—Yes.

6819. One difficulty in the way of growing cotton is its great bulk?—Yes; and the difficulty of transporting it.

6820. Did not the importance of the port of Coompta date from the time when the road was made from the ghauts?—Yes; and the rise and importance of that port is one of the most wonderful things in India.

6821. Might not other roads be opened with equal advantage all down the coast?—Undoubtedly.

6822. Coompta is at a great distance from the cotton country, is it not?—Yes.

6823. The Dharwar cotton comes down to Coompta?—Yes.

6824. That is a considerable distance, is it not?—Yes.

6825. And roads are wanted higher up than Coompta to the coast?—That would depend on where the shipping port is; I opened roads in the ghauts myself, and commenced at the north-west corner of the Nuggur division. Dharwar comes in between North Canara and Mysore; we opened ghauts there that would take away all the cotton in the south of Dharwar.

6826. Have you visited the port of Mirjan?—Yes, I did many years ago.

6827. Are you aware that the water is very deep there?—Yes.

6828. So deep that ships of almost any draught might ride there?—Yes.

6829. The only difficulty being the bar at the entrance?—Yes.

6830. Are you aware that the Government now have a plan before them for the improvement of Coompta?—Yes, I have heard of a meeting of the Governors of Bombay and Madras in order to investigate the matter.

6831. Are you aware that the whole of the inhabitants of Coompta propose to migrate to Mirjan, on account of its being a better port?—I have not heard of it.

6832. There is a navigable river 30 or 40 miles above it, is there not?—You are questioning me about a part of the country with which I am not familiarly acquainted, and which I have not visited for many years.

6833. How long is it since you left India?—Four years.

6834. Are you not aware that canals several hundred miles long are forming by means of backwaters along the coast?—I am not aware of it.

6835. Do you not think that as there are no means of communication now, or as land transit is extremely difficult from Malabar up to the South Mahratta country, it would be a good plan if the Government of India were to subsidise a steam navigation company, we will say the Bombay Navigation Company, to call at the various ports along the coast?—I look upon it that it would be highly beneficial, and I look upon it to be the bounden duty of the Government to do anything that will surround the whole coast with steamers.

6836. Might you not, without any very great expense, have a line of steam communication all the way round the peninsula of India from Kurachee to Rangoon?—I think that if the money which was expended in the Cabul war had been expended in works of that kind, India would have been in a very different position from that in which it now is.

6837. Have you got steam communication subsidied by the Government from Kurachee to Bombay, and from Bombay upwards?—I believe so; but I am not able to speak to that.

6838. Are you not aware that the charts of all that western coast of India are defective, and that correct charts are unaccountably delayed?—I am not aware of that.

6839. In Mysore, the whole administration of justice is military, is it not?—No; not military. It so happens that they are chiefly military men who administer there, but not in their military character.

6840. That has always been the case, has it not?—No; there have been civilians there; there have been Bengal and Bombay civilians; it is open to anybody.

6841. But it has not got those complicated modes of procedure which are in use in the regulation provinces?—No; the proceedings are perfectly simple, and what enables the Government to carry on the administration so easily is the simplicity of the regulations. It would be quite impossible, with the system of regu-

Colonel *W. C. Onslow.*

1 July 1858.

lations that you have in regulation countries, to carry on the Government with so small a number of officers as we have in Mysore.

6842. But it is thoroughly arbitrary, is it not?—It is arbitrary, but liberal.

6843. It is what you would call a paternal Government?—It is paternal.

6844. Do you think that English settlers would be deterred, by the knowledge that it was an arbitrary and paternal Government, from settling there?—I think it highly probable that men who are not acquainted with the system, and the manner in which it works, would look upon it as a matter of uncertainty, and would therefore be deterred from going there.

6845. You are aware that the system has been greatly practised?—Yes, and I believe that the system in use in the Punjab was taken from Mysore.

6846. But no account of the way in which the Government of Mysore was administered has ever been published, I believe?—There is a printed report.

6847. Does the gentleman to whom you have referred, who you say lends out money, live in Mysore, and lend his money there?—Yes.

6848. Could that gentleman lend his money with equal security in the Regulation provinces, and in the Madras Presidency?—Yes; he could lend it with equal security, but it would be more difficult of recovery; eventually he would be safe, but the process of recovery would be tedious.

6849. He would have more difficulty in a Regulation country in recovering his debts?—Yes.

6850. Is not the extreme difficulty of recovering debts that prevails in that part of the country a great obstacle to European settlement on that coast by independent mercantile men?—I never heard mercantile men speak on the subject, but I think it fair to all parties to say that some years ago it was contemplated to establish a branch of the Agra Bank in Mysore, but they were deterred from doing so because it was not British territory; they said there was no British law there, but I believe that that arose from ignorance of the way in which the system works.

6851. Do you think that the banking system might be extended with advantage in India?—Yes; I think that the monetary arrangements as regards mercantile men are very bad; we want monetary assistance. I have experienced the greatest difficulty myself, and if it were not that I have a private friend in the present superintendent, I should be rather posed to know how to manage my money affairs; but that the Government is not to be blamed for.

6852. Are you aware that the Company object to the rules as to banking establishments in India which are sanctioned by the Treasury in English colonies?—No, I am not able to speak to that.

6853. You are not aware that they have opposed the system of limited liability in banks, which system is permitted in Ceylon, in Australia, and other English colonies?—I always understood that the banks were on the limited liability system; I rather think that the Chartered Agra Bank is limited.

6854. Are you aware that the Treasury has wished to extend that system to India, but that it has been opposed by the East India Company repeatedly?—No; I think that the extension of banking is wanted in India, and that commerce is very much trammelled by the want of it.

6855. In what way would you propose to extend it; would you recommend that the notes of the Bank should be allowed to be taken, under certain restrictions, in payment of revenue?—That is certainly the plan which I should advocate; you have to convey money now in immense bulk; a merchant carries with him a large bag of rupees in his palanquin, and he may be robbed of it.

6856. Are you aware that the Russian Government allows its revenue to be taken in bank notes all through the Asiatic possessions?—No; I never was in Russia.

6857. But if they do it in Russia, we might also do it in India, might we not?—I do not see why it should not be done.

6858. Are you aware that several civil servants of the Company, and among others Mr. Freer, have strongly advocated the extension of banking in India?—I am aware that many people have strongly advocated the extension of banking in India, and I advocate it myself; I think it is one of the things that India wants.

6859. If a planter is not on good terms with the collector and the judge, do you think he is likely to make a good thing of his speculation?—I think that a collector or a judge might stand very much in his way, if they chose to do such a thing, with reference to a planter; but I cannot conceive, from what I know of the civil

civil service, that any man would dream of acting in that way; I never heard of such a thing being done.

6860. There are very few independent Europeans in the interior of the Madras Presidency, are there not?—Very few.

6861. How do you account for there being so large an emigration of the Madras population from their own country, when that rich country of which you have been speaking is lying uncultivated?—It arises from the want of capital. The population and the capital are out of proportion. I think that if you had works going on such as those to which I have alluded, works of irrigation, canals, and so on, you would at once put a stop to that emigration; you would want coolies, and coolies would not go to the Mauritius when they could get food on the spot. Railroads do not create food; irrigation works do.

6862. Has it ever happened to you to visit a village in the Madras Presidency, in which, although there are an immense number of people, there are large quantities of land lying uncultivated, and being told that the land is so high that it would not pay the expense of cultivation?—Yes, where it is very dry land; but if you give people water they will be ready to pay almost any amount of assessment that you put upon them.

6863. Sir *Erskine Perry.*] I gather from your evidence that your opinion as to the availability of Mysore, for the purpose of colonization, is very favourable?—Yes; that is, colonization in a qualified sense.

6864. Is it not the case that the soil of Mysore generally is not a fertile soil? The uplands are not fertile, but all the lands below tanks are exceedingly fertile.

6865. But those spots you speak of are isolated spots, are they not?—No, by no means; there are chains of tanks extending for miles down the vallies.

6866. Is it not the case that General Cubbon states in his report that "the soil of Mysore generally is not fertile?"—Yes, I am aware of that; a great extent of country there is very unproductive certainly; that applies particularly to the upland, but there is still a vast quantity of land that is under tanks very fertile.

6867. The population is very thin there is it not?—Yes, comparatively.

6868. Is it about four millions?—About that.

6869. That is less than 150 to the square mile?—Yes.

6870. The food of the population generally is ragi?—Yes; the main part of it is, but there is a great deal of rice grown.

6871. Ragi is inferior as food to the wheat of the north of India, or the rice of the coast, is it not?—Yes; but it is as sustaining a food as rice is, and it does not require as much salt.

6872. By a Parliamentary return, it appears that the free settlers in Madras, in 1853, were 37 in number. Do you think that that number has increased since that time?—I am unable to say; they are not greatly increasing in Mysore.

6873. With regard to the language of Madras you cannot speak as to the competency of civilians to administer justice in different languages?—No.

6874. The languages of Southern India are very difficult of acquisition, are they not?—Yes; I think that the Madras army is liable to go into about 20 different languages.

6875. And Hindoostanee is so little known, that in the European families a kind of bastard English is generally spoken, is it not?—Yes, broken English; they seldom speak in Hindoostanee to servants.

9876. The Hindoo natives of Madras not being conversant with Hindoostanee?—Yes.

6877. Mr. *Willoughby.*] You have alluded to your experiment in the cultivation of cotton, of which samples were sent to the Exhibition; did that experiment pay its expenses, or did you keep any account of your expenditure?—It did not pay its expenses, because it was on a very small scale, and everything was new; the whole thing had to be established; there was a superintendent who was on pay; it was never intended, in fact, to pay its expenses; the object was to ascertain what kind of cotton we could produce; expenses was not the question.

6878. Your experiment then only proved that such cotton can be grown, but it did not prove whether it could be grown profitably as a commercial speculation?—No: it only proved of what the soil and climate are capable.

6879. You say there are several coffee planters in Mysore, and that they have prospered; are there any obstacles that you are aware of, besides those you have mentioned already in your evidence, in the way of other persons settling there?—No; I know of no obstacles whatever.

Colonel *W. C. Onslow.*

1 July 1858.

6880. There is no hostility shown to them on the part of the authorities, is there?—No; none whatever, certainly.

6881. The chief obstacle you allude to is, that they probably would find some difficulty in obtaining holdings?—Yes; the want of medical aid is also a serious obstacle.

6882. Is there not a company formed at Seringapatam, partly European and partly native, for the manufacture of sugar?—Yes.

6883. Is that company prosperous?—Very much so, I have heard.

6884. Has the Government given to Europeans every possible facility for carrying on that speculation?—Yes, every facility.

6885. What is the value of the Canteroy pagoda?—Nearly three rupees.

6886. Is it the fact that seeds generally degenerate in India?—Yes.

6887. You have alluded to the want of harbours on the western coast, and you have named some places where you think they might be formed with advantage; I presume that the expense of forming such harbours would be very large?—Yes, the expense would be undoubtedly great.

6888. You might almost say enormous, might you not?—That is an engineering question; but I certainly think that the expense would be enormous.

6889. Both the western coast and the Coromandel coast at certain seasons of the year are very dangerous for shipping, are they not?—Yes.

6890. At certain seasons of the year the insurance is higher also than it is at other periods?—Yes; they would not insure at all, I think, on the western coast.

6891. If a ship bound to England had to stop at one of these ports, an extra premium would be required by the insurance office, would it not?—I do not know; but there used to be an increased rate of insurance on the eastern coast after a certain date, the beginning of October, I think, when the north-east monsoon set in. I think that then the insurance either ceased altogether, or was considerably increased; but I do not know whether that is so now.

6892. You have stated that, in your opinion, the place might be improved if there were a greater amount of European superintendents?—Yes.

6893. If the European element were more largely introduced?—Yes.

6894. In what way would you introduce it?—I think there should be a power of investigation on the spot before a case goes to the magistrate, by a man in whom you could repose confidence, in order that he might ascertain whether the charge was a real or fictitious one, and for better general management.

6895. He would be in fact a sort of magistrate?—Yes; he must have some kind of magisterial authority.

6896. You do not mean to say, that in your opinion the police should be formed of Europeans?—No; the climate is against that, and I look upon it that one great object with the Government should be bringing forward the natives to act for themselves.

6897. You have alluded to the system of justice administered in Mysore as being suitable to the people. What would you think of a proposal to introduce English law, to be administered by English lawyers, through the medium of the English language, as a substitute for the present system?—I should simply say that it was absurd.

6898. You would not think it practicable?—Certainly not.

6899. And do you not think it would be extremely distasteful to the people?—I do; it must be remembered that the natives of India look upon all changes with distrust, I do not think they would submit to it; they would not come into the courts. I do not believe that the natives would come into court where they could not understand what was going on. I do not believe that they would have anything to do with it.

6900. You have alluded to large quantities of waste lands; to whom do those waste lands belong?—To the Government.

6901. Could the Government give them away to any one who chose to go and settle upon them?—There might be in some cases a right of occupancy belonging to other parties, but a great deal of land belonging to the Government is without occupation at all; it would be a question of revenue. I think it could only be done by a considerable sacrifice of revenue. I do not think that Europeans would go and take up uncultivated land with the heavy assessment that there is

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upon it now; and if you were to give it at a reduced rate you would then damage the natives, and immediately the revenue if you reduced assessment generally.

6902. Of how many acres does your estate consist?—It never has been measured, but I take it to be from about 800 to 1,000 acres.

6903. You say you are obliged to send your produce to Bombay, because ships do not touch upon the coast; that arises, does it not, partly from the want of harbours for large sailing ships, and partly from the danger of the coast at particular seasons?—Yes.

6904. Are not large ships built at Cochin?—Yes; and ships do touch at and come direct to Mangalore, but that is very seldom, and it is very expensive.

6905. In regard to cotton, is not the uncertainty of the price to be realised in England, that uncertainty depending on whether there is a large or scanty crop in America, one of the great causes why cotton is not grown like sugar, coffee, and other articles?—I believe the uncertainty of the market is one great obstacle to the growth of cotton in India, but you might make that market more certain by an improved system of cultivation, and by producing better cotton.

6906. What is your opinion with respect to the condition of the lower orders in India as compared with the mass of the population in other countries?—Decidedly good. The wants of the lower class of people in India (I am speaking of Mysore, I cannot speak of other countries) are very few; a man has his thatched hut, his mat to sleep on, and his rice, and if he has a piece of betel-nut to chew he is perfectly content; and even at Calcutta and Madras, where they are surrounded by all sorts of luxuries, and where there are plates and dishes and silver forks in abundance, you will find that a Brahmin does not use those things, but perhaps a merchant who sells them will sit down on his mat half-naked, and will eat with his fingers off a leaf. The people of India do not want these things which we luxuriate in; they are no luxuries to them, and many of them they hold to be utter abominations. I believe that the condition of the people of Mysore is far superior to that of the poorer classes of Europe, because their wants are so few. The climate is genial; they do not want much clothing; their food is easily got, and they lead altogether a much happier life than is led by the poor of Europe.

6907. *Chairman.*] Have they made no advances in civilisation?—Very little.

6908. Mr. *Willoughby.*] You do not consider that there is a great amount of destitution among the lower classes of Mysore?—Certainly not, except in times of famine.

6909. You have no poor laws there?—No; and beggars are very uncommon throughout Mysore; they congregate of course more or less; wherever there are many Europeans, you will always find some beggars.

6910. I find this stated in the report from which you have quoted, "It has for the last few years yielded upwards of 27 lacs, and this notwithstanding the taxes have been struck off, of the annual value of no less than 10 lacs 73,000 rupees." That is from Sir Mark Cubbon's Report?—That is the case; I had occasion to report upon the subject myself.

6911. That is a proof of successful administration, which you yourself can confirm?—Yes; I can speak positively to it.

6912. The revenue system in Mysore is the Ryottwarree system?—Yes.

6913. You have alluded to the numerous taxes that were abolished; are you aware of this passage in the report from which you have quoted: "No less than 769 items of taxation have been swept away, of the generally vexatious nature of which an idea may be formed by the selection of a few specimens. In certain places and in particular castes, taxes were levied on marriage, on taking the concubine, and on incontinency; on a female attaining puberty; on a child being born; on its being given a name, and on its head being shaved; on the death of a member of a family, and on the subsequent purification ceremonies. Umbrellas were taxed, and any one passing a particular spot in Nugger without keeping his arms close to his side, had to pay a fee for swinging his hands. There was one village whose inhabitants had to pay a tax because their ancestors had failed to find the stray horse of an ancient poligar. There was a caste of sudras who were mulcted for the privilege of cutting off the first joint of one of their fingers in sacrifice; fees were levyable from Panlanyet Government contractors, for permission to beg, and taxes were demanded from individuals who occupied new houses and listened to the reading of the new year's calendar. Each of these items had its own particular name, under which it was formally entered in the records of the Government as among the resources of the state"?—Yes.

Colonel *W. C. Onslow.*

1 July 1858.

6914. The 769 taxes that were abolished were independent of the transit duties, were they not?—Yes; they were independent of the transit duties.

6915. The abolition of those taxes, especially the transit duties, was a great boon to the country, was it not?—Yes; it was an immense boon to the country.

6916. And that is a boon which has been conferred upon the whole of India?—Yes, speaking of transit duties.

6917. In British territory?—Yes, in British territory.

6918. With regard to transit duties, the report says, "The abolition of the transit duties and the remission of 769 items of taxation, above alluded to, have covered these roads with traffic, and long lines of carts are now seen where, fifteen years ago, wheeled carriages were all but unknown." Is that within your knowledge?—Yes.

6919. Then about hospitals, it is said, "There are Government hospitals, with dispensaries for out-patients, at Bangalore, and at Shemogah, and another supported at Mysore from the private funds of the rajah?" Do you confirm that?—Yes I know that to be the case.

6920. Anybody may obtain medicine and advice gratis, may he not?—Yes, anybody. At Shemogah we had two hospitals; it was found that the Brahmins did not come to the Suddra hospital, and I therefore built another especially for the Brahmins, and both those hospitals have produced the best results; they are aways full; the out-patients come there most readily, and they have conferred the greatest benefit upon the country.

6921-2. We have it in evidence that the puttah system prevailing in Madras is very vexatious, as being annually renewed. I find this statement in the report from which I have already quoted. "This system of distributing puttahs is a very salutary one; it brings every taxpayer, however trifling his amount may be, in personal contact, at stated periods, with the superintendent, and as all are obliged to be present to receive their puttahs, an opportunity is thus offered to every one to seek redress for any grievance which he might not otherwise have had inclination or courage to bring forward. This circumstance in itself must be a check to oppression, and constitutes, perhaps, the chief advantage of the ryott-warree system, which strictly prevails in Mysore." Does that correspond with your experience?—Certainly; I quite agree in that; but the whole system of revenue in Mysore, I look upon it, forms an admirable check to oppression; the system of superintendence which brings the revenue officer in close contact with every ryot in the district, if he pleases, is a very great check.

6923. I find also this statement: "When it is considered that there was hardly a luxury, certainly not a necessary of life, which was not subject to pay duty to the authorities of these 761 sayer chowkees, and that some of these duties were payable daily, some monthly, and some annually, while there were other items which involved the necessity of a prying scrutiny into the most private and delicate domestic occurrences, it may be imagined that the system was calculated to interfere constantly with the comfort and the interests of every portion of the population. It is possible, indeed, that it may have been framed originally with some such idea, for a legend current in Mysore assigns the palm of wisdom among monarchs to a prince who invented 365 taxes, each leviable on its own particular day, so that no twenty-four hours could pass without the idea of the prince's power having been brought home to each of his subjects in the most unmistakeable way." Was that the system which prevailed in the Mysore government formerly?—Yes, that was the principle of government. I would suggest, if I may be allowed to do so, something which is overlooked in that part of my evidence which related to the best method of introducing the colonisation of Europeans. In all the Crown colonies great encouragement is given to retired officers by means of a remission of the price of land, or something of that kind; now, nothing of that sort obtains in India. I would suggest that some such system should be introduced for the encouragement of officers in the different Indian services to locate themselves there. On the Neilgherries Hills and the Himalayas several such persons have located themselves; I think it would be an advantage if encouragement were held out to such persons, many of whom are unable to return to Europe, by allowing them the same privileges as those which are allowed in the Crown colonies.

6924. Do you mean in India generally?—Yes, generally, but especially in Mysore.

6925. Mr. *Campbell.*] You held a position under the East India Company?—Yes.

6926. With

6926. With reference to the suggestion you have just now made for the benefit of resident officers, will you state upon what terms you secured from the East India Company the land upon which you have grown your coffee?—On the same terms as any one else, or as a native gets land.

6927. What may those terms be?—I have stated them. I hold my land precisely on the same tenure as any ryot holds his; I am a ryot, in fact. I obtain no advantage by having been in the Company's service.

6928. Is yours a perpetual title?—Yes.

6929. Then how could the resumption of the Mysore territory by the rajah affect that title?—Because he has arbitrary power, and might disturb it.

6930. Would it not be competent to the Company, or is it not competent to them now, while these improvements are going on for the benefit of the rajah's territory, to arrange with him upon such terms as would protect the settler?—Certainly it would; but it never has been done, so far as I know.

6931. It is admitted that settlement in the Mysore territory is for the benefit of that territory?—Undoubtedly.

6932. Then would it not be competent to the East India Company, before any settlement commenced in those territories, to arrange with the rajah terms on which titles to property could be granted in those settlements?—Certainly.

6933. And you do not think there would be any difficulty in that?—The rajah would be too ready to agree to it.

6934. He being the party chiefly benefited?—Yes.

6935. And the doubt and uncertainty attaching to the titles of settlers at present would be by that means entirely removed?—In a great measure. The speculative danger of it would be in a great measure remedied, but for my own part, I am satisfied with the thing as it is, and should feel myself most unsafe under a native Government.

6936. How do you account for the increased progress and advancement of the Mysore territory, compared with other territories of the East India Company?—I attribute it, as I have before said, to the nature of the government, the climate, the soil, the roads, and so on. The government is under a single Commissioner, who has plenary power, which he holds subject only to the control of the Governor-general in Council, who seldom interferes with him, the principle being to leave him as much as possible to himself; and he having this plenary power, there is no obstruction in the way of red tapeism.

6937. Do you imagine that the fact of these improvements being carried on at the cost of the rajah, may have something to do with the increased facilities afforded by roads, and so on?—They are not carried on at the cost of the rajah.

6938. The improvements that are effected are not at the cost of the East India Company's exchequer, are they?—No, they are not.

6939. But they are at the cost of the exchequer of the rajah?—Yes; they come out of the general revenue of the country.

6940. Do you not think that that may be one of the reasons for the expenditure being more free there than it is in other parts of the Company's territories where the expenses come out of the Company's exchequer?—It is possible that it may be so; but I do not know that that is a matter that is contemplated at all.

6941. Did the fact of your having been in the Company's service, do you think, at all facilitate the quiet tenure, and the other facilities you have had afforded to you in settling in the Mysore territory?—None whatever; it could not have had that effect, because I joined a gentleman who had been settled there for 17 years. He became possessed of land before I joined him.

6942. But may not your position as an officer in the Company's service have facilitated your peaceful and profitable settlement in Mysore?—It led to it, but it did not facilitate it; that is to say, it did not give me any privileges. I joined a gentleman who had been settled there for 17 years, and all that I had to do was to buy a part of the concern, and join him.

6943. Do you not think that he derived some advantage from your local position and influence in the country?—Not at all; because before I joined him I left the service, and left the country.

6944. You have stated, I think, that to the increase of roads and other facilities in Mysore is to be chiefly attributed the great prosperity that Mysore possesses over other parts of India?—Yes.

6945. You have mentioned the absence of population, but I think you have

Colonel *W. C. Onslow.*

1 July 1858.

stated that where roads and other facilities have existed, and where settlers have located themselves, the population has increased?—Yes.

6946. And I believe you have stated that the condition of the population has improved in the vicinity of settlers, and where roads and other facilities have been afforded?—Yes, certainly.

6947. And are you of opinion that it is still susceptible of great increase?—Yes.

6948. I suppose that the population chiefly are found where facilities of communication exist, either by road or water, in the Mysore country?—Yes; you find the villages always close to tanks.

6949. And are there places which at present have not those advantages, and which are not cultivated at all?—Yes.

6950. And do you think that, by the increase of these facilities, you would have all this waste land cultivated?—It would be cultivated, to a great extent, and as far as the population will admit of it. The great difficulty in the way of getting more land cultivated is the want of population.

6951. I understand you to say that, in your opinion, private enterprise is more likely to advance irrigation than Government interference?—Not than Government interference, but by Government directly.

6952. Would you place canals on the same footing in relation to the Government as that on which railway enterprises stand at present, that is, with a guaranteed rate of interest, and a division of profit after that rate of interest is paid?—Yes; that is the basis of the plan.

6953. Have you formed any estimate of what the profits resulting from these canals might be?—Yes; I have a statement here taken from returns to the East India House, by which it appears that, taking good and bad together, including failures from a bad choice of site and accidents of that sort, there was a net profit of 69½ per cent. upon the outlay.

6954. Mr. *Gregson.*] Within what period was the 69½ per cent. returned?—That was the per centage per annum.

6955. Mr. *Campbell.*] By whom have these results been realised?—The Government.

6956. You say the average profit derived from the construction of these canals was 69½ per cent.?—By the construction of works of irrigation.

6957. Anicuts?—Anicuts, and other works.

6958. Do you think that the Government might have pushed these canals to a greater extent than they have done, without interfering with their own financial arrangements?—No; I do not believe that the Government, seeing these facts before them, would have failed to carry their improvements to any extent, if they had had the means; but how was it possible for them to do so with such enormous expenses as they have had? The only obstacle, I am convinced, in the way of improvements of this kind, has been the want of money.

6959. Is it not the fact that before the occurrence of the late mutinies, money was easily obtainable by the East India Company at 4 per cent. per annum at Calcutta, and all over India?—I think they might have got a good deal of money at 4 per cent., and a public works loan was raised at 5.

6960. If that be the case, and if 69 per cent. was the result of irrigation in the way of profit, how can you account for the East India Company not borrowing the money at 5 per cent.?—That is a question which I feel it difficult to answer in the presence of gentlemen connected with the East India Company; but it must be remembered that a hundred years in the life of a nation is nothing at all, it is a mere day, and it must take years and years to make such progress as India requires.

6961. You think that what is wanted is the establishment of private companies to carry out these works?—Yes; I am convinced that had India been handed over years ago to the energy of private companies it would not be as it now is.

6962. Mr. *Willoughby.*] Are you aware that the correctness of the returns which have been made with reference to the irrigation works has been very much challenged in a little work lately published by Mr. Smollett, of the Madras Civil Service?—Yes; but I do not think that Mr. Smollett is right.

6963. Mr. *Campbell.*] How were those returns to which you have referred obtained?—From the revenue returns of the different collectorates, through Government officials.

6964. Putting those returns and those sources of information in comparison with

with Mr. Smollett, to which would you attribute the greatest weight?—I should prefer the returns.

6965. *Chairman.*] You say that the people are contented and well off in Mysore, but that famines are frequent?—No, I do not say they are frequent; but famines do occur there; and I have seen some frightful effects of famine. I have seen people dying from famine by the road-side, and I have taken children under my own care. But no famine would occur in India if there were a proper system of canals.

6966. You have spoken of the good administration of Mysore; it is under the non-regulation system, is it not?—Yes.

6967. Is not that partly the reason of its satisfactory condition, do you think?—Yes; that is exactly what I have said.

6968. Mr. *Willoughby.*] You approve of the non-regulation system as being less complex?—I do, as a non-regulation man. As a military man placed in a civil situation I am much pleased with it; but civilians call it cheap and nasty.

6969. Are not Mysore and the Punjaub remarkable instances of the success of the non-regulation system?—Undoubtedly.

6970. *Chairman.*] Does not the experience there point to a similar system with reference to the administration of the law?—Unquestionably; in my division, which is about 7,000 square miles in extent, there are 660,000 inhabitants. I and my assistant were the only two Europeans there; we collected the revenue, administered the whole of what pertains to Government, and we had perfect peace and quiet in our country and no gang robberies. In a neighbouring country there were 11 or 13 civilians, I forget which. I have a Return here which shows that the cost of collection with us was 13½ per cent., while in the neighbouring district, I believe it was 50 per cent. I may mention that we were called on in the Bangalore Division once to make a Return showing the number of gang robberies for the quarter, in order that it might be compared with the state of things in the neighbouring districts; our Return was blank, while the neighbouring district was 90.

6971. Mr. *Campbell.*] Had you the power of hanging people?—The Commissioner had summary power.

6972. Had you that power?—The Commissioner at that time had the power of life and death.

6973. Mr. *Willoughby.*] Was not the Commissioner obliged to refer capital sentences for confirmation to the Government of India?—Not at the time I speak of; afterwards the power of life and death was taken from all local officers.

6974. *Chairman.*] Did you often exercise the power you had of inflicting capital punishment?—Whenever it was necessary the Commissioner inflicted it.

6975. Was it often necessary?—Not often; it was rarely exercised. The Commissioner is a most conciliatory and moderate man.

THIRD

REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1858.

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—(3.—Part II.)—

COLONIZATION AND SETTLEMENT (INDIA).

Session

3 *December* 1857——2 *August* 1858.

VOL. VII.—Part II.

1857-58.

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1857-58.

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COLONIZATION AND SETTLEMENT (INDIA):

461. FOURTH REPORT from the Select Committee appointed to inquire into the Progress and Prospects, and the best means to be adopted for the Promotion of European Colonization and Settlement in India; especially in the Hill Districts and healthier Climates of that Country; as well as for the Extension of our Commerce with Central Asia; together with the Proceedings of the Committee, Minutes of Evidence, and Appendix - p. 1

461—I. INDEX to the Four Reports - - - - - 459

COLONIZATION AND SETTLEMENT (INDIA):

FOURTH REPORT - - - - - - - - - p. 3

PROCEEDINGS - - - - - - - - - - 4

MINUTES OF EVIDENCE - - - - - - - - 13

APPENDIX - - - - - - - - - - - 241

INDEX - - - - - - - - - - - 459

FOURTH

REPORT

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1858.

Martis, 16° *die Martii*, 1858.

Ordered, That a Select Committee be appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of European Colonization and Settlement in India, especially in the Hill Districts and Healthier Climates of that Country; as well as for the Extension of our Commerce with Central Asia.

Lunæ, 22° *die Martii*, 1858.

Committee nominated of—

Mr. William Ewart.
Mr. Baillie.
Mr. Campbell.
Mr. Gregson.
Mr. Kinnaird.
Mr. Knight.
Mr. Lowe.
Mr. Lygon.
Mr. Mangles.
Sir Erskine Perry.
Mr. Seymour.
Mr. John Benjamin Smith.
Mr. William Vansittart.
Mr. Villiers.
Mr. Willoughby.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 25° *die Martii*, 1858.

Ordered, That the Committee do consist of Sixteen Members.

Ordered, That Mr. De Vere be added to the Committee.

Jovis, 6° *die Maii*, 1858.

Ordered, That the following Petitions be referred to the Committee, viz.:—From Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal;—and, Indigo Planters' Association in Bengal;—and, British Subjects resident in Calcutta and the Mofussil Districts of the Residency of Fort William, in Bengal.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv

MINUTES OF EVIDENCE - - - - - - - - - - p. 1

APPENDIX - - - - - - - - - - - - - p. 227

FOURTH REPORT.

THE SELECT COMMITTEE appointed to inquire into the Progress and Prospects, and the best Means to be adopted for the Promotion of EUROPEAN COLONIZATION and SETTLEMENT in *India*, especially in the Hill Districts and Healthier Climates of that Country, as well as for the Extension of our Commerce with Central Asia, and who were empowered to Report the MINUTES of the EVIDENCE taken before them, from time to time, to The House ;——HAVE proceeded with the Examination of the Matters to them referred, and have agreed to the following REPORT :—

YOUR COMMITTEE have agreed to Report to The House the Evidence which they have received. As the Subject referred to them is still unexhausted, they beg leave to recommend that a Select Committee be appointed to resume the inquiry in the ensuing Session of Parliament.

23 *July* 1858.

PROCEEDINGS OF THE COMMITTEE.

Mercurii, 24° *die Martii*, 1858.

The Committee met.

Mr. Ewart.	Mr. Campbell.
Mr. Lowe.	Mr. W. Vansittart.
Mr. Kinnaird.	Mr. Gregson.
Mr. Lygon.	Mr. Willoughby.
Mr. Mangles.	Mr. J. B. Smith.
Mr. Villiers.	Mr. Seymour.
Sir Erskine Perry.	

The Committee deliberated.

[Adjourned to To-morrow, at Three o'clock.

Jovis, 25° *die Martii*, 1858.

MEMBERS PRESENT:

Mr. Ewart.	Mr. J. B. Smith.
Mr. W. Vansittart.	Mr. Gregson.
Sir Erskine Perry.	Mr. Campbell.
Mr. Lowe.	Mr. Baillie.
Mr. Kinnaird.	Mr. Villiers.

Mr. EWART was called to the Chair.

[Adjourned to Thursday, 15th April, at One o'clock.

Jovis, 15° *die Aprilis*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Knight.	Mr. Lowe.
Mr. Campbell.	Mr. Baillie.
Mr. W. Vansittart.	Mr. Mangles.
Mr. Lygon.	Mr. Seymour.
Sir Erskine Perry.	Mr. Villiers.
Mr. Gregson.	Mr. Kinnaird.
Mr. J. B. Smith.	Mr. De Vere.
Mr. Willoughby.	

Major-General *Tremenheere* and Mr. *James Ranald Martin* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 20° *die Aprilis*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Baillie.	Mr. W. Vansittart.
Mr. Lygon.	Mr. Knight.
Mr. De Vere.	Mr. C. Villiers.
Mr. Campbell.	Mr. Kinnaird.
Mr. J. B. Smith.	Mr. Seymour.
Sir Erskine Perry.	Mr. Mangles.
Mr. Lowe.	Mr. Gregson.
Mr. Willoughby.	

Major-General *George Tremenheere* further examined.

Mr. *Hooker* and Mr. *Joseph Dalton Hooker*, M.D., examined.

[Adjourned to Thursday, 22d April.

Jovis, 22° *die Aprilis*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Willoughby.	Mr. Villiers.
Mr. Campbell.	Mr. Gregson.
Mr. W. Vansittart.	Mr. De Vere.
Mr. Lygon.	Mr. Knight.
Mr. J. B. Smith.	Mr. Kinnaird.
Mr. Mangles.	Mr. Seymour.
Mr. Lowe.	Mr. Baillie.

Mr. *Robert Baikie*, M.D., and Mr. *William Theobold* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 27° *die Aprilis*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. W. Vansittart.	Mr. J. B. Smith.
Mr. Gregson.	Mr. Kinnaird.
Mr. Campbell.	Mr. Villiers.
Mr. Willoughby.	Mr. Seymour.
Mr. Mangles.	Mr. Lowe.
Mr. De Vere.	

Mr. *William Theobold* further examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 29° *die Aprilis*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Kinnaird.	Mr. Seymour.
Mr. Campbell.	Mr. Lowe.
Mr. Mangles.	Mr. Gregson.
Mr. J. B. Smith.	Mr. Baillie.
Mr. Willoughby.	Mr. Lygon.
Mr. Villiers.	Mr. Knight.
Mr. W. Vansittart.	

Mr. *Steward Jolly Auld* and Mr. *J. Freeman* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 4° *die Maii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Willoughby.	Mr. Kinnaird.
Mr. J. B. Smith.	Mr. W. Vansittart.
Mr. Villiers.	Mr. Lowe.
Mr. De Vere.	Mr. Campbell.
Mr. Mangles.	

Mr. *John Freeman* further examined.

Motion made, "That the Chairman be directed to ask leave to report the Minutes of the Evidence from time to time" (Mr. *Villiers*). Question put, and agreed to.

Resolved, To report the Minutes of the Evidence to the House.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 6° *die Maii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Campbell.	Mr. J. B. Smith.
Mr. Mangles.	Sir Erskine Perry.
Mr. De Vere.	Mr. W. Vansittart.
Mr. Kinnaird.	Mr. Lygon.
Mr. Willoughby.	Mr. Lowe.
Mr. C. Villiers.	Mr. Seymour.

Mr. *George MacNair* examined.

The following Petitions referred to the Committee by The House, read: from Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal [presented 23d February 1857]; and Indigo Planters' Association in Bengal; and, British Subjects resident in Calcutta and the Mofussil Districts of the Residency of Fort William in Bengal [presented 15th May 1857].

[Adjourned to Tuesday next, at One o'clock.

Martis, 11° *die Maii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Willoughby.	Mr. Campbell.
Mr. J. B. Smith.	Sir Erskine Perry.
Mr. Lygon.	Mr. De Vere.
Mr. Villiers.	Mr. Gregson.
Mr. W. Vansittart.	Mr. Seymour.
Mr. Kinnaird.	Mr. Lowe.

Mr. *George MacNair* further examined.

Mr. *Josiah Patrick Wise* examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 13° *die Maii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. J. B. Smith.	Mr. De Vere.
Mr. W. Vansittart.	Mr. Campbell.
Mr. Gregson.	Mr. Kinnaird.
Mr. Willoughby.	Mr. Lowe.
Mr. Villiers.	Mr. Seymour.
Sir Erskine Perry.	

Mr. *William Theobold* and Mr. *Josiah Patrick Wise* further examined.

Mr. *James Dalrymple* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 18° *die Maii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. J. B. Smith.	Mr. Gregson.
Mr. Willoughby.	Mr. W. Vansittart.
Sir E. Perry.	Mr. De Vere.
Mr. Campbell.	Mr. Kinnaird.
Mr. Villiers.	Mr. Lowe.

Mr. *James Thompson Mackenzie* examined.

[Adjourned to Thursday, One o'clock.

Jovis, 20° *die Maii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Kinnaird.	Mr. Campbell.
Mr. J. B. Smith.	Mr. Knight.
Mr. Lowe.	Mr. De Vere.
Mr. Willoughby.	Mr. Gregson.
Mr. Villiers.	Mr. Seymour.

Mr. *James Thompson Mackenzie* further examined.

Mr. *J. A. F. Hawkins* examined.

[Adjourned to Tuesday next, Twelve o'clock.

Martis, 1° *die Junii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. W. Vansittart.	Mr. Gregson.
Mr. Villiers.	Mr. Campbell.
Mr. Willoughby.	Mr. Kinnaird.
Sir E. Perry.	Mr. Lowe.
Mr. J. B. Smith.	Mr. De Vere.

Mr. *J. A. F. Hawkins* further examined.

Mr. *N. B. E. Baillie* examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 3° die Junii, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Campbell.	Mr. H. Baillie.
Mr. Villiers.	Mr. Gregson.
Mr. Willoughby.	Mr. Kinnaird.
Sir E. Perry.	Mr. De Vere.
Mr. J. B. Smith.	Mr. Knight.

Mr. *N. B. E. Baillie* further examined.

Mr. *Joseph Gabriel Waller* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 8° die Junii, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Campbell.	Mr. D. Seymour.
Mr. J. B. Smith.	Mr. De Vere.
Mr. Willoughby.	Mr. Gregson.
Sir E. Perry.	Mr. Kinnaird.
Mr. W. Vansittart.	Mr. Villiers.
Mr. Lowe.	

Mr. *Joseph Gabriel Waller* further examined.

Ordered, To report the Evidence to The House.

[Adjourned to Thursday next, at One o'clock.

Jovis, 10° die Junii, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Campbell.	Mr. Seymour.
Mr. C. Villiers.	Mr. W. Vansittart.
Mr. J. B. Smith.	Mr. Knight.
Mr. Kinnaird.	Mr. Gregson.
Sir Erskine Perry.	Mr. De Vere.
Mr. Willoughby.	

Captain *Ouchterlony* further examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 15° die Junii, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Lygon.	Mr. J. B. Smith.
Mr. Campbell.	Mr. Lowe.
Mr. Gregson.	Mr. De Vere.
Mr. W. Vansittart.	Mr. Kinnaird.
Mr. Mangles.	Mr. Seymour.
Mr. Willoughby.	Mr. Villiers.

Captain *Ouchterlony* further examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 22° *die Junii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Gregson.	Mr. W. Vansittart.
Mr. Mangles.	Mr. Lowe.
Mr. Willoughby.	Mr. Seymour.
Mr. Kinnaird.	Sir Erskine Perry.
Mr. J. B. Smith.	Mr. Villiers.
Mr. De Vere.	

Mr. *A. G. Fowler* and Mr. *William Balston* examined.

[Adjourned to Thursday, the 24th, at One o'clock.

Jovis, 24° *die Junii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Mangles.	Mr. De Vere.
Sir Erskine Perry.	Mr. Willoughby.
Mr. Vansittart.	Mr. Gregson.
Mr. Villiers.	Mr. Campbell.
Mr. Kinnaird.	Mr. Knight.

Mr. *John Warden* examined.

[Adjourned till Tuesday, at One o'clock.

Martis, 29° *die Junii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Sir Erskine Perry.	Mr. W. Vansittart.
Mr. Willoughby.	Mr. Mangles.
Mr. Kinnaird.	Mr. Gregson.
Mr. J. B. Smith.	Mr. Seymour.
Mr. Villiers.	Mr. Campbell.

Mr. *William Balston* further examined.

Colonel *Campbell Onslow* examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 1° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Campbell.	Mr. Villiers.
Mr. Kinnaird.	Mr. W. Vansittart.
Mr. J. B. Smith.	Mr. Seymour.
Mr. Willoughby.	Mr. Gregson.
Sir Erskine Perry.	Mr. De Vere.
Mr. Mangles.	

Colonel *William Campbell Onslow* further examined.

[Adjourned to Tuesday next, at Twelve o'clock.

Martis, 6° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. J. B. Smith.	Mr. Villiers.
Mr. Gregson.	Sir Erskine Perry.
Mr. De Vere.	Mr. Lowe.
Mr. Willoughby.	Mr. Kinnaird.
Mr. Mangles.	Mr. Campbell.

Mr. *Herman Schlagentweit*, Phil. D. and L.L.D., Mr. *Robert Schlagentweit*, Phil. D., and the Rev. *Joseph Mullens*, examined.

[Adjourned to Thursday, at One o'clock.

Jovis, 8° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Sir Erskine Perry.	Mr. Mangles.
Mr. Willoughby.	Mr. De Vere.
Mr. W. Vansittart.	Mr. Villiers.
Mr. Gregson.	Mr. Lowe.
Mr. J. B. Smith.	Mr. Campbell.
Mr. Kinnaird.	

Rev. *Joseph Mullens* further examined.

Mr. *John Warden* and Major *Wingate* examined.

Ordered, to Report the Evidence to July 1st, inclusive.

[Adjourned to Tuesday next, One o'clock.

Martis, 13° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Willoughby.	Mr. Kinnaird.
Mr. W. Vansittart.	Mr. Villiers.
Mr. Mangles.	Mr. Seymour.
Mr. J. B. Smith.	Mr. Baillie.
Mr. Gregson.	

Major *Wingate* further examined.

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 15° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Mangles.	Mr. W. Vansittart.
Mr. Willoughby.	Mr. J. B. Smith.
Sir Erskine Perry.	Mr. Lowe.
Mr. Kinnaird.	Mr. Villiers.
Mr. Gregson.	Mr. Seymour.
Mr. Campbell.	

Major *Wingate* further examined.

[Adjourned to Friday, at Twelve o'clock.

THE REFORM CLUB PALL MALL

Veneris, 16° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Mangles.	Mr. Campbell.
Mr. Willoughby.	Mr. Lowe.
Mr. Villiers.	Mr. W. Vansittart.
Mr. J. B. Smith.	Mr. Seymour.
Sir Erskine Perry.	Mr. Gregson.
Mr. Kinnaird.	

Mr. *James Lander* examined.

[Adjourned to Tuesday next, at Twelve o'clock.

Martis, 20° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Mangles.	Mr. J. B. Smith.
Sir Erskine Perry.	Mr. Kinnaird.
Mr. W. Vansittart.	Mr. Villiers.

Mr. *J. F. Moffatt Mills* and Mr. *William Henry Martin*, examined.

[Adjourned to Thursday next.

Jovis, 22° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. Mangles.	Mr. Villiers.
Mr. J. B. Smith.	Mr. Kinnaird.
Mr. W. Vansittart.	Mr. Seymour.
Mr. Gregson.	

Mr. *William Theobold* further examined.

Mr. *John Marshman* examined.

[Adjourned till Twelve o'clock To-morrow.

Veneris, 23° *die Julii*, 1858.

MEMBERS PRESENT:

Mr. EWART in the Chair.

Mr. W. Vansittart.	Mr. Villiers.
Mr. J. B. Smith.	Mr. Gregson.
Mr. Lowe.	Mr. Campbell
Mr. Mangles.	Mr. Kinnaird.

Mr. *J. O'Brien Saunders* examined.

Proposed Report read, as follows: "Your Committee have agreed to report to The House the Evidence which they have received. As the subject referred to them is still unexhausted, they beg leave to recommend that a Select Committee be appointed to resume the inquiry in the ensuing Session of Parliament."

Report again read, and agreed to.

Ordered, to Report.

EXPENSES OF WITNESSES.

NAME. of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. John Warden - -	- - - - -	Lymington - - (Twice summoned.)	2	4 4 –	2 2 –	6 6 –
Mr. Moffatt Mills - -	- - - - -	Arundel - -	1	1 5 –	1 1 –	2 6 –
					£.	8 12 –

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Martis, 6° *die Julii*, 1858.

	PAGE
Hermann Schlagintweit, Esq., Phil. Dr., LL.D., and Robert Schlagintweit, Esq., Phil. Dr.	1
The Rev. Joseph Mullens	10

Jovis, 8° *die Julii*, 1858.

The Rev. Joseph Mullens	28
John Warden, Esq.	29
Major George Wingate	46

Martis, 13° *die Julii*, 1858.

Major George Wingate	52

Jovis, 15° *die Julii*, 1858.

Major George Wingate	74
William Thomas Thornton, Esq.	97

Veneris, 16° *die Julii*, 1858.

James Landon, Esq.	103

Martis, 20° *die Julii*, 1858.

Andrew John Moffatt Mills, Esq.	131
William Henry Martin, Esq.	148
Alfred Clarke Bidwell, Esq.	157

Jovis, 22° *die Julii*, 1858.

William Theobald, Esq.	167
John Marsham, Esq.	168

Veneris, 23° *die Julii*, 1858.

John O'Brien Saunders, Esq.	201

MINUTES OF EVIDENCE.

Martis, 6° die Julii, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Mr. Mangles.
Mr. Gregson.	Mr. J. B. Smith.
Mr. Kinnaird.	Mr. Villiers.
Mr. Lowe.	Mr. Willoughby.
Sir Erskine Perry.	Mr. De Vere.

WILLIAM EWART, Esq., IN THE CHAIR.

Hermann Schlagintweit, Esq., Phil. Dr., LL.D., and *Robert Schlagintweit,* Esq., Phil. Dr.; called in, and Examined.

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit,* Esq., Ph. Dr.

6 July 1858.

6976. *Chairman.*] YOU have travelled in India, and particularly in the direction of the Himalaya Mountains, Thibet, and Central Asia?—Yes.

6977. In what capacity did you undertake those journies?—We were sent out by the Court of Directors on a scientific mission, the primary object of which was to continue the magnetic survey which had been formerly in the charge of the late Captain Elliott, who had died; and besides completing this survey, we had to make observations on the physical geography and geology of the country.

6978. Your journey originally was suggested by Baron von Humboldt, I believe?—Yes; it was suggested by him and most graciously supported by the King of Prussia. We are particularly happy to add, that the Court of Directors, as well as the Government of India, gave us every facility to extend and to generalise our observations.

6979. In what part of those regions did you travel; describe your track, if you please?—We have laid down our routes on a map, which is now before the Committee.

6980. Will you state to the Committee the principal places which you visited?—We arrived in Bombay, and went, partly on two and partly on three different routes, to Madras; there we joined again; then we went up by steamer to Calcutta, and separated again for some time. The parts taken at first by myself (Mr. Hermann Schlagintweit) were the more eastern parts, while my two brothers took the more western parts and the central parts of the Himalayas.

6981. Be so good as describe the course of your journey in the Himalayas?—The general outline of our routes are the following: "Hermann Schlagintweit examined in 1854 the Dekkan and Southern India, with his two brothers, *viâ* Poonah to Bellary; from there to Bangalore with Robert; from Bangalore he continued alone his researches down to Madras. In 1855, Bengal, the Himalayas of Sikkim, and the eastern frontier of Nepal, the Naga and Kossia Hills, Assam, a part of Bhootan, the Delta of the Ganges, and Bramapoutra. In 1856 Hindustan, Oude, the Himalayas of Kunawur, Spiti, the Salt Lakes of Tibet; he met his brother Robert in Leh, and continued with him his researches across the chains of Kuenluen to Khotan (Khotan Yarkand). Returned to Ladak, and then travelled *viâ* Sooroo to Kashmir. In 1857, the south-east Punjaub, Central Nepaul and Bengal. He left Calcutta for Europe on the 23d of April, making a stay of 14 days in Egypt.

"Adolphe Schlagintweit examined in 1854 the plateau of Mahabuleshwar, the

H Schlagintweit, Esq., Ph Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

southern parts of the Dekkan, *viâ* Kuladghi to Bellary, with his two brothers; went alone by Cuddapah to Madras, with a visit to the diamond districts. In 1855 he visited Bengal, North Western Provinces, the Himalayas of Kumaon, and Gurwhahl, crossed the Himalayas into Tibet with his brother Robert, and examined the basin of the Sutlej, and the sources of the Indus. Ascended on Ibi Gamin to a height of 22,260 English feet. During the cold season he visited parts of Central India, the Valley of the Godavery (Madras Presidency), the Neilgherries, and the fossiliferous strata between Trichinopoly and Cape Comorin. In 1856, part of Bengal, Sirmor and Zanskar in the Himalayas; Balti and Gilgit, in Tibet, and the Mustak Pass, on the Karakorum range. Returned by Gurys to Kashmir, and the Northern Punjaub. In 1857, Northern Punjaub (Peshawur), the hills between Kohat and Huzarah, and a part of the Solenian range. He was then engaged in examining the Himalayas between Kangra and Kashmir, and intended to return to Europe at the end of November; but since then he was prevented from travelling in India by the mutiny. He went a second time to Turkistan, from whence for 11 months no direct news have reached us; the last intelligence through Sir John Lawrence is that there are constant rumours in Ladak that he has fallen at Yarkand in action against the Chinese.

"Robert Schlagintweit examined in 1854 the Dekkan and Southern India, together with his brothers, on his way from Bombay to Bangalore; he went by the Coimbatoor Ghat down to Madras; in 1855, Bengal, North-Western Provinces, the Himalayas of Kumaon and Gurwhahl; he crossed the Himalayas with his brother Adolphe into Tibet, and examined the basin of the Sutlej, and the sources of the Indus; ascended on Ibi Gamin to a height of 22,260 English feet. During the cold season he examined Central India, Bundelkhund, the environs of Amarkantak, and the sources of the Nerbudda, Tons, Sone, and Johilla. In 1856, North Western Provinces, Sirmore, and Lahoul, in the Himalayas, Central Ladak; met his brother Hermann at Leh, and continued with him his researches across the chains of the Kuenluen in Khotan (Khotan Yarkand); went from Leh, by Dras, to Kashmir, and by the most northern route through Hazarah, into the Punjaub. In 1857, travelled through the Punjaub, Scinde, Kutch, Kattewar, and Guzerat down to Bombay and Ceylon. Left Ceylon 11th May for Europe." Our researches extend from 5° to 37° latitude north, and 68° to 98° longitude east Greenwich. The total length of the lines along which the researches were carried on amounts, by an approximate calculation, to 18,000 English miles.

6982. Which was the lowest and easiest pass which you found across the Himalayas?—There are several passes; the lowest of the passes leading over the Himalayas' range to Tibet is, we think, the Niti Pass, 16,000 feet.

6983. Did you make any observations upon the climate?—Yes; meteorological researches were amongst the special objects of our mission to India.

6984. What was the result of your observations upon the climate of the Himalayas?—The Himalayan range is so extensive that different groups of climate must be distinguished. In the more eastern parts the quantity of rain is very great; at Darjeeling, for instance, exceeding 120 inches. This is a particularly predominant feature, and it is one which has not a favourable influence on European constitutions. In the more central parts of the Himalayas, and still more near its western termination, the climate is considerably less humid. In Tibet and to the north of the Karakorum the climate is distinguished by extreme dryness, which makes it much more healthy.

6985. What portion of the Himalaya range do you consider the most favourable for the settlement of Europeans?—The north-western portion.

6986. Which should you say was the best country for settlement or cultivation by Europeans?—Cashmere; but that is not part of the British possessions.

6987. But if it were, would that be the most favourable part?—By far.

6988. In Sikkim, what sort of climate is it there?—The climate is very mild and temperate, but it is particularly characterised by the great fall of rain; the quantity of rain which falls there has exceeded 120 inches within the last few years, during which very detailed observations have been made, and the consequence is, that there is a great tendency to dyspepsia on the part of Europeans, a disease from which even the natives are not exempt when they come up from the plains.

6989. Are there any valleys of any breadth in the Himalayas proper?—There are only large valleys or valleys of any considerable extent in two parts of the Himalaya range, that is, in Nepaul and in Cashmere; they are former lake beds,

now

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

now drained by progressive erosion; the great developement of the erosion is a very characteristic physical feature for the Himalayan valleys in general.

6990. Where are the best roads at present in the north-western parts?—From Simla the road has been made to the Tibetan frontier by Kooloo and Lahoul, and another road has been along the valley of the Sutlej to Spiti; the former one is in excellent condition, and extensively used.

6991. In these parts of the Himalayas are there anything like dairy farms?—No; we were very much astonished by the entire want of dairy farms; there are in some parts places which would be very suitable indeed to them; the cattle are at present of an inferior description.

6992. They are nothing like what you have in Switzerland?—No; the soil would be perfectly suitable to dairy farms, more particularly in the western parts.

6993. Might the breed of cattle be improved at all in that part?—Yes. Crossings between the Yak or Tibetan ox, as well as with European cattle, have been often and successfully tried. Besides the meat and hides, ghee and cheese might be produced, and would both find a good sale. Only sheep are now reared in large quantities, somewhat comparable to Alpine farming in Europe.

6994. You have mentioned dyspepsia and dysentery as prevailing in some parts of the Himalayas; to what cause do you attribute that?—Not to the elevation, but to the great moisture which prevails there, and to the malarious modifications of the atmosphere which science cannot till now chemically define, but the physical effects of which are most decided.

6995. Do those diseases prevail at all in Tibet?—Not at all in Tibet; on the contrary, people go there to get cured of them.

6996. How do you account for their not prevailing there?—We think it is owing chiefly to the dryness of the atmosphere; we never had the slightest case of the kind, neither ourselves, nor our servants or camp followers.

6997. What are the hightest inhabited villages?—In the Himalayas they reach to a height of from 11,000 to 11,500 feet, but then the houses are generally left unoccupied during the winter; in Tibet the villages are much higher; some are above 14,000 feet.

6998. What are the chief roads over the Himalayas into Tibet?—Over the Himalayas the following are the chief roads to Tibet and Central Asia. Bhutan, through the territory of the Kampo Bhutas, about 40 days' march, one primary, one secondary pass. Through Bhutan Proper trading is at present impossible, on account of the population. Sikkim: the best passes are in the east of Sikkim; road to Lassa is now 30 ordinary marches. The difficulties of the road are greatly exaggerated. One of the best passes is the Pari Pass. Nepal is closed to Indian trade at present, on account of Jung Bahadur's government. The passes 177,000 feet at least. One of the most frequented passes is to the east of Gourisanker (or Mount Everest); it is seen in our water-colour picture of Gourisanker. Kumaon, from the foot of the mountains up to passes to Tibet, 14 to 16 days' marches; very deep valleys. Passes high (Uta Dhura and Kyungar).

6999. Have you made any observations upon the trade with the interior?—Yes, we did, particularly in our last journey to Turkistan.

7000. What would be the chief articles of trade if we opened a trade with Central Asia?—One of the most important articles, I think, would be tea, the quantity of tea consumed in Tibet being very great; and the supply coming from China, being carried over a very great distance. The tea consumed in Tibet is generally a coarse one.

7001. How high up in the Himalayas will the tea plant grow?—To the height of about 5,000 feet, as an approximate upper limit, plantations have been made which have succeeded very well; but the best localities are considerably lower. In Assam the tea plantations are on little hills, from 200 to 300 feet above the level of the valley (*a drawing of the valley of the Brahmaputra, was exhibited by the Witnesses to the Committee*). The present well-known commissioner, Colonel Jenkins, had a particular merit in extending the tea cultivations. The tea in Assam was first discovered wild by Mr. Bruce, magistrate at Tezpore, and carefully traced by Dr. Griffiths.

7002. Do you think it probable that under favourable circumstances tea might be cultivated all along the Himalaya range?—Yes, undoubtedly.

7003. So as to produce an almost unlimited supply of tea?—Yes.

7004. Is tea extensively used by the hill tribes?—It is used by them much

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

more than it is by the people of the plains. It is not generally used now; but we think that the hill tribes also in the Himalayas would be very glad to get tea if they could purchase it at a rate consistent with their means.

7005. Of course the people of Tibet are supplied now from China?—They are.

7006. Do they consume a considerable quantity of tea?—Tea is considered indispensable by them.

7007. Is it expensive?—The price of the cheapest tea brought into Tibet now is, of course, greater than it would be if it were cultivated in India. Dr. Jameson mentions in his report that he believes he might be able to produce tea at 6 *d.* per pound.

7008. Would the Himalaya tea be better or worse, in your opinion, than the Tibet tea?—It would be far better than the tea which they now get in Tibet.

7009. The people get tea in the shape of bricks, do they not?—Yes, the people use the brick tea, and prepare it with water, salt, soda, and butter; in Central Asia they sometimes use it in that way, but very often they prepare it as we do. Tea prepared according to our fashion, being only an infusion of hot water, is called by the Turks, Mongolians, and Tibetans, tsha tshosh, tea-water; and tea prepared with soda, salt, water, and butter, is called tsha, or tea *par excellence.*

7010. At all events, they could have the brick tea from India, if they preferred it?—Yes; this form is produced by the tea being compressed, and brick tea can be made of any tea; and if it suited their taste better, the plantations of the Himalayas could supply them with tea in the form of bricks quite easily.

7011. Would the Himalaya tea be better or worse, in your opinion, than the Chinese tea?—It would be better than the tea they get now, but not better than the best quality of Chinese tea.

7012. What are the imports that could be brought from Central Asia?—Silks, raw and manufactured; bhang, a kind of intoxicating preparation made from hemp, which is produced in very large quantities; shawls, velvets, sugar-candy, ponies, grain of all descriptions (but this latter only from Central Asia to Tibet, where it is exchanged, instead of money, against Indian merchandise); also gold and silver ingots, but those not in quantities to be remunerative.

7013. Salt forms an article of export, does it not, from Tibet?—Yes, salt is brought down from Tibet to India in great quantities. Large masses of salt are found on the road from Tibet to Khoban in a pure state close to the surface; but salt is a heavy article, and if the circumstances in those latter localities are not very favourable to make it here a great object of commerce.

7014. What besides tea would be an article of export?—Cloth.

7015. Do they use much cloth?—They only use woollen cloth of a coarse description.

7016. By whom is that cloth supplied?—Some of it comes from Russia; we have seen quantities of samples with Russian tickets upon them; they have golden letters of a large size, very showy, and two or three inches long, which are pasted on the cloth.

7017. Do you think that British woollens might be introduced with advantage?—Yes.

7018. Is the access which the Russians have towards this part of Central Asia more easy than the access which we should have by the Himalayas?—Yes, they would always have the advantage of easier roads; but they have the disadvantage of a much greater distance, and of having to travel partly through nearly uninhabited countries.

7019. Do you think, therefore, from your experience as travellers in those parts, that we should have a fair chance with the Russians if good roads were constructed?—Yes; we corroborate the view taken by Mr. Moorcroft, who states "it is at our option whether Central Asia shall be supplied with goods from Russia or from England."

7020. They are a very poor population, both in Tibet and in Central Asia, are they not?—In Central Asia they are much more wealthy; they have very little agriculture, but they carry on an extensive trade.

7021. Besides Tibet, there are other regions inhabited by the Mongolian race, to the north-eastward; are they great consumers of tea?—Yes.

7022. They drink tea in large quantities; do they not?—Yes, and prepared as tsha, in the manner we described as above.

7023. Would

7023. Would it be possible for us, do you think, to supply them with tea as well as the people in Tibet?—The distance is so great, that we think Chinese tea would be, so far north-east, much cheaper.

7024. But in Tibet we could fairly compete with the Chinese?—Yes.

7025. Is borax found in Tibet in large quantities?—It is chiefly limited to the valleys in the western parts; it is now an article very much used in trade for technical purposes in India, and it is brought down in as large quantities as the means of communication will permit.

7026. Have you not mentioned a stone called the jade stone which is much used in India?—We went to the place where the mines are, to Goolbagashen, in the Karakash valley, and where the stone is found in quite a soft state, though it hardens very soon; all the jade stone seen in India comes from this locality, and I believe that all of it that goes to China goes from that part. That would be an article of trade, the cost of it being so great, that it can well bear a heavy freight.

7027. Is it used exclusively for ornamental purposes?—Yes.

7028. What is the chemical composition of jade?—It is a silicate of magnesia and alumina, containing small quantities of iron and chrom as colouring matter; its mineralogical name is nephrite.

7029-30. Mr. *Mangles.*] Is it something like agate?—Not exactly mineralogically, but it a little resembles some kinds of agate, and cuts or scratches glass very deeply after it has hardened.

7031. *Chairman.*] Is copper to be found in Tibet or in Central Asia?—In the eastern parts of the Himalayas a not unimportant quantity of copper is found, which is brought down to India; but in general, copper, and also zinc, is brought up in great quantities to the Himalayas, where they want it for founding their basins as well as their idols. I met with a piece of zinc near Katmandoo which had come from one of our German zinc works; I found a German inscription on the piece of metal with the words "Schlesischer Verein Justin hütte N^ro 10." It was imported to Calcutta, and came from there to Nepal by Bengal.

7032. Have you anything to say with regard to general political relations as affecting trade across the Himalayas?—The very eastern part of the Himalayas, near the junction of the Brahmapootra and the Dihong, are inhabited by independent and nearly savage tribes, viz., the Abors, Mishmis, Sinfos; no trade is possible with these tribes. The first regular settlement of buddhists are met with north and north east of Tezpore; the Khampo Chutias (wandering) Bhutias. There is a succession of small estates dependent on Lhassa, small Lama principalities along the road to Lhassa *viâ* Nurigaon and the Tawong (visited by Hermann Schlagintweit, 1855 to 1856). They would allow trade to be carried on indirectly. Bhutan Proper at the present moment, also much subdivided, seems likely to be for some years quite inaccessible to the European trade.

7033. Mr. *Lowe.*] Why is not Bhutan accessible to European trade?—The people are in a quite unsettled state, and there are many robberies going on constantly.

7034. There is no security to life and property there?—No; and besides, also, politically, not the slightest possibility of access for Europeans.

7035. What is the Government in Bhutan?—It is an ecclesiastical Government; it is much subdivided; the different provinces are pretty independent, and jealous of each other.

7036. There are some Buddhists there?—They are Buddhists only.

7037. Are these rajahs ecclesiastical princes as well as secular?—Yes.

7038. Mr. *Willoughby.*] They have no connexion with the East India Company, have they?—No.

7039. *Chairman.*] Therefore Bhutan Proper you think at present is not likely to be accessible to European trade?—No.

7040. What do you say of Sikkim?—That at present is not in very friendly relation with the Indian Government, but later the Sikkim Government may be induced to allow European trade to go through this country; and that, I think, could be done with great advantage.

7041. Is there much smuggling there now?—Yes; and that shows how profitable fair trade, when properly managed, could become.

7042. What is the reason that they have not opened the road there; have any representations been made to the Government upon the subject?—I do not know;

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

know; but the most able and zealous superintendent, Dr. Campbell, could till now never succeed to open a friendly intercourse.

7043. There is no sufficiently good road at present, and there ought to be a better road?—Yes, but it is not in the power of the superintendent to get it made at present.

7044. Is it desirable, in your opinion?—I think it would be a great advantage.

7045. You have mentioned that there is a great deal of smuggling; what articles are smuggled into Tibet?—Salt, and particularly tobacco.

7046. From India into Tibet?—Salt from Tibet into Sikkim, and tobacco from Sikkim into Tibet. Tobacco, particularly, bears a very high price there.

7047. Are there any other articles smuggled besides salt and tobacco?—Silk.

7048. Are any manufactured articles smuggled?—Not many.

7049. Are the impediments to trade to Tibet in general caused by the inhabitants of Tibet or by the Chinese?—Not at all by the inhabitants, but by the Chinese Government, which I am sure would not answer any official addresses for the purpose of opening trade. When Major Cunningham and Captain Strachey were in Tibet, charged with the regulation of the frontier, the efforts that were made to get official relations with the Chinese were absolutely useless.

7050. Do you think it desirable that any attempt to open the trade into Tibet should be made, not through the local Chinese authorities there, but through the Imperial Government of Pekin?—It might be tried, but the success is very doubtful.

7051. If we come to any general arrangement with them on the subject of trade, might not that be the best opportunity?—Yes; but I think it would depend upon its being said that no European is intended to go into Tibet, and that the trade is to remain as it is now, in the hands of the natives only, that the taxes are not to be too high, and that the caravans are more fairly dealt with than they are at present.

7052. You have mentioned the Rajah of Sikkim as not being favourably disposed to Europeans?—Yes.

7053. Are the people of Sikkim favourably disposed to them?—They are a good natured and kind-hearted people, and they are always great friends with Europeans; also Dr. Hooker in his so successful and important travels, found them so; all the hill tribes are favourable to a European government; they are against the Chinese rulers, and in favour of any European government which might present itself.

7054. Are there any obstacles to our trading in Nepal?—Very great obstacles; the chief trade now being in the hands of Jung Bahadoor and his family, who derive so much personal profit from it that they would object to allow any European to trade direct with them. I know an instance when I was in Katmandoo in February 1857, of applications being made by a very respectable merchant in Calcutta, who was well known to the Resident, Major Ramsay; but it was impossible for him to get any concession as to trading; the chief things he wished to receive from Nepal would have been ivory and hides.

7055. Is it a monopoly enjoyed by the family of Jung Bahadoor which prevents the extension of trade there?—Chiefly.

7056. Mr. *Willoughby*.] Does not the monopoly belong rather to the government than to Jung Bahadoor?—At present he is quite to be identified with the government in Nepal.

7057. He administers the government, does he not?—Yes, with great vigour as well as personal risk. Opposition has often been made, but he always succeeded in suppressing it, not unfrequently with bloodshed.

7058. It is foreign territory there, is it not?—It is.

7059. *Chairman*.] Have you anything to state with regard to Kumaon and Gurwahl?—The inhabitants are very quiet people, and everything is going on very well there. Roads have been partially made.

7060. Can Europeans go that way to Tibet?—No, they cannot; there is great vigilance kept up all along the frontiers; no European is allowed to go there. We only succeeded by being disguised to get to Gartok, the chief trading place of the province Gnarikorsum.

7061. Therefore trade can only go through native hands?—It can only go through native hands.

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

7062. What observations have you to make with regard to Cashmere?—I should think that the political relations in Cashmere are now favourable; Europeans can go there, and we know one French merchant who is living actually in Cashmere; his name is Petit, and he deals extensively in shawls, which he sends direct to Paris, to the Compagnie Lyonaise des Indes. I think that the trade of Cashmere could be immensely improved; the inhabitants of Cashmere would probably be the best to be chosen as the intermediate persons to trade with Central Asia; they are very intelligent people, and are well acquainted with trading matters on a large scale; they would also obtain a free passage for European goods, when going through their hands.

7063. Are the Cashmerees favourably disposed to Europeans?—Yes, and also the Government.

7064. With regard to Turkistan and Central Asia, what are the observations that you have to make upon the trade there?—The trade in Central Asia, I should think, could never be carried on by Europeans alone; it must always be from hand to hand, exactly like the Russian trade to Central Asia; that passes from Russia to a large market; different people bring it to the frontiers, and then it is brought down to Tibet and Cashmere. In Tibet goods would probably be exchanged and brought over to their own country; it would be only a continuation of what is done at present. Our celebrated friend Baron Humboldt met with some Cashmerees in his travels in Central Asia as far north as Semipolatinks. The inhabitants of Ladak and Balti, who are subject to the rule of Cashmere are very favourable to the Europeans. The late Gulab Singh, and especially Basti Ram, his chief officer in Tibet, have made great improvements. Basti Ram greatly encouraged trade by building a bazaar and a broad capital street, and by erecting granaries in Nubra for supplying the merchants trading to Yarkand. He also made a good road to Cashmere, and constructed a bridge over the Indus at Kalsche, which is so solid that it can be passed even by camels. He was very successful in introducing fowls, which were formerly quite unknown (as they still are in the higher valleys of Kumaon and Gurwhahl), and are thriving now very well. Basti Ram also increased the revenues, if we are well informed, by making canals for irrigation. The Turkistanis are immediately subject to, but dislike the Chinese rule. At present there is a very severe political war between the Chinese and Turkistanis, where they wish to get rid of the Chinese. The Turkistanis in general are a very fair set of people, free from many vices of the Indian race, and very enterprising, courageous merchants, who travel from Yarkand to Tibet and Cashmere, and to Bokhara, Kotkand and the Russian frontier. They are very uneducated; we met with no merchant who could read or write the Turkish language; some know Persian.

7065. How far do the Turkistan traders proceed southward?—They go occasionally as far as to the plains of India (we met one who had a lawsuit about property at Loodhiana), but that is a very rare exception; they generally go to Tibet and Cashmere.

7066. Can you say how far they proceed towards the Russian frontier?—They go to Tashkend, on the frontiers of Khokand, and to Chiva, through Bokhara. The people say they are not absolutely prohibited from carrying their merchandise through the Russian territory, but they do not like to do so, though very well received and protected there; perhaps on account of the difficulty of getting on where different languages are spoken.

7067. Did you ever meet with any Russians in your travels?—No.

7068-9. You did not go into the town of Yarkand, did you? How far short of it did you go?—No, we were a few marches from it; now our brother Adolphe is there, if he has not been killed, as there is but too much reason to believe.

7070. Did you meet with any Russian goods?—We met with Russian manufactures only besides those made in the country.

7071. Have you any reason to believe that English goods are sold as Russian in any part of Central Asia?—We are no judges as to whether cloth is Russian or English. The labels which we saw were always Russian, it appeared to be Russian merchandise, at all events it was brought through Russia; but we could not tell whether it had been made in Russia, England, Germany or France.

7072. The Russians are the persons through whom the trade comes?—Yes; and the Russians only.

7073. Might goods be brought by a more easy route from the southward?—Yes, by a route to be travelled over with horses, and the Bactrian camels, but not

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

not with carriages; very little improvement might make the road passable for horses, as well as for camels, which are extensively used in Central Asia. The chief road, would probably be through Cashmere. The drawing of the Shayok, near Sultan Chuskul here presented, gives a good example how a little improvement might shorten the road; at present not only all the mountains which are shown in this drawing, must be crossed, but another chain of mountains, the Sasser Glaciers must also be crossed. With little difficulty a road might be made along the borders of the Shayok with little inclination, passable for camels and horses.

7074–75. Mr. *Willoughby.*] Who is to make those roads?—The trading nations themselves, supported indirectly by the Government of India, chiefly by getting secured a great facility of disposing of their merchandise.

7076. I gather, from the evidence you have given regarding this country, that whatever trade now exists is carried on by the native traders?—Yes, by native traders only.

7077. And you are of opinion that it could not be carried on through the direct agency of Europeans?—There might be *entrepôts* under European superintendence; there are *entrepôts* now in Leh, the capital of Ladak, for merchandise, in Nubra for grain and provisions.

7078. To whom do they belong?—To the Rajah of Cashmere.

7079. It would be necessary to obtain his consent, would it not?—It would; but I think that that might be obtained without difficulty.

7080. You have talked about experiments being made in the cultivation of tea at Kumaon?—Yes.

7081. Was that under Dr. Jameson?—Yes.

7082. Have you never seen the Government notification upon the terms under which land is granted?—Yes, I know the paper you mean.

7083. Are these the terms upon which land is officially granted in Kumaon? "Grants of land for tea cultivation on the Kumaon and Gurhwal districts of the Kumaon province will be made on the following conditions, on application to the Senior Assistant Commissioner of the district. 2. Each grant will be of not less than 200 or more than 2,000 acres. More than one grant may be taken by one person or company, on the applicant satisfying the local authorities acting under the usual control in the Revenue Department, of their possessing sufficient means and capital to undertake an extended cultivation and manufacture of tea. 3. One-fourth of the land in the grant will be given, free from assessment, in perpetuity, on fulfilment of the conditions below stated. 4. The term of first lease will be for 20 years. For the first four years the grant will be rent-free; in the fifth year, one anna per acre will be charged on three-fourths of the assessable portion of the grant, two annas per acre in the sixth year, three annas in the seventh year, and so on, one more anna being added in each, till, in the last year, the maximum rate is reached of one rupee per acre. The full assessment on a grant of 2,000 acres will thus not exceed 1,500 rupees per annum. 5. The following are the prescribed conditions of clearance. At the close of the fifth year from the date of grant, a twentieth part of the assessable area; at the close of the tenth year, one-fifth of the assessable area; and at the close of the last year, three-fourths of the assessable area is to be cleared, and well stocked with tea plants. 6. In the 21st year, on the fulfilment of the above conditions, the proprietary right in the grant and the right of engagement with Government, shall vest in the grantee, his heirs, executors, or assigns, under the conditions generally applicable to the owners of estates in Kumaon; and the rate of assessment on the lands in the grant, in whatever manner cultivated, shall never exceed the average rate on grain crop lands in the same locality. 7. On failure of payment of the prescribed assessment in any year, or of any of the above conditions (the fact of which failure shall, after local inquiry conducted by the Senior Assistant Commissioner, be finally determined by the Sudder Board of Revenue), the entire grant shall be liable to resumption, at the discretion of the Government, with exception to the portion of the assessable area, which may be *bonâ fide* under tea cultivation, and to a further portion of land, which shall be allowed in perpetuity free of assessment, to the extent of one-fourth of such cultivated area; the portions so exempted will remain in the possession of the grantee, subject to the usual rates or rules of assessment in the district. 8. Grantees shall be bound to erect boundary pillars at convenient points round the circuit of a grant within six months from its date, failing which, such pillars will be put up by the Government

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

ment officers, and the cost thereof shall be recoverable from the grantee, in the same manner as the regulated rate of assessment. 9. No claim to the right and interest in a grant on any transfer by the original grantee will be recognised as valid, unless on registry of the name of the transferee in the office of the Senior Assistant Commissioner. 10. So long as Government establishments for the experimental growth and manufacture of tea shall be maintained in the provinces, supplies of seeds and plants will be given gratis to grantees, on application to the superintendent, Botanical Gardens, North Western Provinces, as far as may be in his power. By order of the Honourable the Lieutenant-governor of the North Western Provinces"?—Yes.

7084. You say that Europeans can enter into the province of Cashmere; but of course it is necessary to obtain the Rajah's consent, it being a foreign territory?—There is a treaty with the Rajah of Cashmere to allow any European whom the British Government approve, to pass through his country, but not to settle there.

7085. Military and civil officers are obliged to obtain the consent of their Government, are they not?—Yes, they are obliged to obtain the consent of the Chief Commissioner of Lahore.

7086. What is the object of that precaution?—They do not want Europeans to settle there; all Europeans are obliged to come out of Cashmere in the winter. I do know but of one instance of a European, who is a Frenchman, Mr. Petit, as before mentioned, remaining there; but I do not know how he obtained his permission.

7087. Sir *Erskine Perry*.] How long were you in India?—Three years, nearly.

7088. Have you come in contact with the Hindoos and the commercial classes of India?—Yes.

7089. Are you of opinion that they have a great knowledge of commerce and trade, and that they have a great turn for bartering, and for trade of all kinds?—A certain class of them have.

7090. The soldier class, I suppose, does not trade at all?—No.

7091. Are you not of opinion that their knowledge of trade and their talent for commerce is very great?—We never had to do business with them.

7092. But from what you observed of them in India, are you not aware that the Hindoos are excellent traders, that they are very clever as accountants, and that they have full confidence in one another?—I could not say much for their not cheating one another. I believe they have great talent for bookkeeping, and perhaps it may be improved and increased.

7093. You say you have doubts as to their confidence in one another; are you not aware that the confidence reposed in them is so great among traders, that their hoondees go from one part of India to the other without the least difficulty, and that greater commercial confidence is shown by them than is shown by any other class of traders whatever?—Yes; we know their system of hoondees, and their being accepted.

7094. Therefore the mutual confidence of these trading classes is very great, and that it is not surpassed in any part of the world, so far as you are aware?—I do not feel confident as to that.

7095. Mr. *Gregson*.] A hoondee is a bill of exchange, is it not?—Yes.

7096. Sir *Erskine Perry*.] With these talents for trade and commerce which belong to the Hindoo commercial classes, do you not think that they would find out profitable branches of commerce in the countries you speak of?—Of themselves they would not be able to travel the country through, but we have no doubts, their commercial talents would greatly assist the trade, which can never be carried on but by transferring the goods from nation to nation.

7097. Is not the reason of that, that the climate is very inclement and inhospitable, and that the natives of the hot plains of India would not be able to stand the hardships to which they would be exposed in going through these rugged mountains?—They would not.

7098. They form a natural barrier, preventing trade and intercourse between the one country and the other, do they not?—The inhabitants of the plains go as far as Cashmere; there the merchandise passes, as formerly stated, into other hands. We cannot see a positive obstacle in the climate.

7099. You say that the people to the north of the mountains, and the inhabitants of Yarkand and other places, have a great turn for trade and commerce, and the inhabitants of the plains of India have also, have they not?—Yes.

H. Schlagintweit, Esq., Ph. Dr., LL.D., and *R. Schlagintweit*, Esq., Ph. Dr.

6 July 1858.

7100. Would not the obstacles interposed by nature prevent any active trade from being carried on by these two populations?—At present the roads are scarcely in a state as to allow of it; and nevertheless the trade is already now very important.

7101. Do not these mountains present more extraordinary obstacles to free intercourse between one country and the other than any other part of the globe presents?—They present great obstacles, but they are at present already partially overcome, otherwise no trade could be carried on. Besides, there are obstacles on the other side too; not only the obstacle of distance, but there are uninhabited tracts of country, which are unsafe by robbers; and those difficulties are in many parts equally great with the difficulties of these barriers to which you referred, and which might be considerably reduced by means of roads.

7102. As to the danger of robbers, is not that also incident to the rough and rugged country which these mountains present?—No, there is nearly no robbery going on on the Himalaya side, or, at all events, much less than on the northern side.

7103. Do you not think that, as a general principle, that whatever facilities there are for trade and commerce will be found out by the self-interest of these industrious populations existing on both sides?—I see no bad result from it; for, as we said before, trade can only be carried on by them.

7104. I am asking whether self-interest, which, generally speaking, leads men in all parts of the world to find out what is best for them, would not operate in this case to stimulate commerce, if the natural obstacles which exist could be overcome?—Quite so; only it remains an open question whether trade will find a greater encouragement on the northern or on the southern side. Till now the Chinese and the Russians are the only two nations sending to the north of Tibet.

The Reverend *Joseph Mullens*, called in; and Examined.

Rev. *J. Mullens*.

7105. Mr. *Kinnaird*.] YOU have resided in India, for how long?—Fourteen years and three months.

7106. In what parts?—Chiefly in Calcutta.

7107. Have you had opportunities of seeing the country?—I have travelled during my stay in India about 5,000 miles on land, and about 6,000 miles in the Indian seas, apart from the voyages out and home.

7108. What is your occupation?—I am a missionary of the London Missionary Society.

7109. And you have had an opportunity of seeing the country?—I have travelled in the north up the country as far as Delhi; and in South India through Mysore, and the provinces of Tanjore, Tinnevelly, and Travancore.

7110. Have you ever published any works on India?—I have published various articles in periodicals; I have also written some pamphlets, and a book on the Missions of South India.

7111. Have you directed your attention towards the general questions involving the welfare of the country?—I have had many opportunities and much reason to study several of these general questions: such as those connected with the tenure of land, the state of the native peasantry, their special grievances, their relation to the landowners, and questions of that kind. I belong to the Calcutta Missionary Conference, which has taken a great interest in these questions on behalf of missionaries scattered all through the country; and I have shared in the preparation of several Memorials and Petitions which have been presented to the Council of India and to the House of Commons.

7112. Have you got copies of those memorials, or of some of them?—I can get them all, if required; I have not brought any with me to-day, but I have some of them by me.

7113. Is there any one that contains a succinct account of your views which you would like to put in?—The one that perhaps states most fully our views of the condition of the peasantry in the province of Bengal is the Petition presented by yourself to the House of Commons last year, and afterwards discussed by the House.

7114. That has been printed, has it not?—Yes, by order of the House; but I have others presented to the Indian Council, which I can, if you desire it, lay before the Committee at a future day.

7115. Would

7115. Would it, in your opinion, be an advantage if there were an increased influx of Europeans into India?—I think that if we can get just and good men, a great many advantages will result from an increase of Europeans. For instance, Europeans generally exercise on the natives a very powerful influence; the habits of thought and the energy of the European are different from what a native is accustomed to. While the native is full of old prejudices and antiquated notions, I think it does him good to come across some of the more modern notions of active-minded Englishmen. In this way we hope that, apart from religious influences, a great many of their old ideas and customs will be broken down, and that the way will be prepared for a better state of things. Then, again, an increase of English will be beneficial in its influence on the community itself. We derive in India a great deal of benefit from the improved English society that comes out to us. It has been shown during the last 50 years, in many ways, that the more Englishmen we can get fresh from England, so much the more does the whole community benefit. Amongst other things, I think our press will greatly benefit, particularly the daily press, in all the Presidency towns. A larger number of Europeans will demand a better press than we now have; a press with broader views, sounder principles, and more correct information.

7116. Since your residence in India you have seen great improvements in this respect, have you not?—I have not seen much improvement in the daily press in Calcutta; which, I am sorry to say, is very defective in many important respects. I do not know much about the press in other parts of India.

7117. But you say the character of the English has caused an improvement?—Yes, it has had an influence upon the whole, I think, for good; and the community bears a much higher character than it did 20 years ago. Then, again, an increase of Europeans in India, I think, will have a good influence upon the Government generally. An independent community of Europeans is of great benefit in watching the measures of Government, and forming an independent opinion upon them; in looking at the working of the laws, and stirring the Government up to supply new laws that may be required; in examining the proceedings of different officers of Government in various parts of the country, and bringing to notice cases that require examination.

7118. *Chairman.*] The want of a "public," as it is called, is often complained of in India, is it not?—Yes; a large independent community would exercise a great influence in that way, as it does in the Island of Ceylon; the general community there exercises a powerful influence on the Government at large, and through their open Legislative Council they have a means of showing that influence which people in India do not possess.

7119. Mr. *Kinnaird.*] Have you any expectation that colonization or settlement in India would answer on a large scale?—Mere colonization is not, I think, suited to the country, and there are many important reasons I can adduce against it. The greatest reason is, that the climate is against Europeans altogether; it is against the colonization of Europeans who will work with their own hands. On the other hand, the expense of going out to India is so great that the class who go as colonists could never afford it, and in that way the claims of India could not compete with those of the United States and Canada, and other parts that are more easily accessible.

7120. Mr. *Willoughby.*] What do you say as to Australia?—I doubt whether India could compete in this respect with Australia. In health it could not do so. The poorer Europeans in India suffer much more than those who have better means. We see the effect of the climate upon them in the case of railway men, engine-drivers, plate-layers, and men of that stamp, and upon superintendents of smiths' and carpenters' shops; the climate tells most fearfully; numbers die of disease very soon. These men find so little to do in their leisure hours, that in many cases they become drunkards. The climate and other circumstances seem very much against them.

7121. These objections do not extend to the hill country, do they?—The hills are better, but even to the hills there are objections. They are only palliatives at the best; they enjoy a colder climate, and give the people a little relaxation from the heat of the plains; but they have special objections of their own.

7122. Mr. *De Vere.*] Are they subject to special diseases?—I have heard that the people suffer from diarrhœa; more particularly in the wet hills as you go eastward along the Himalaya, especially in Darjeeling and Cherra Poonjee.

Rev. *J. Mullens.*

6 July 1853.

7123. Are these hills difficult of access?—They are very difficult of access; for instance, by the most rapid mode of reaching Darjeeling from Calcutta, it takes six days' travelling, day and night, straight on, and the expense also is very great. We should be very glad in Calcutta if it were not so.

7124. Mr. *Willoughby.*] What is the distance from Calcutta to Darjeeling?—I think it is about 300 miles.

7125. Mr. *Kinnaird.*] Has colonization, to your knowledge, ever been successfully tried in the East?—There have been two or three attempts made, but none of them have been successful. Some years ago in Ceylon, Mr. Baker was anxious to form a colony at Newera Ellia, the great high central plain of Ceylon, and I believe he induced a few farmers to go out there; his object was to raise vegetables and fruit for the English population in the island. But they also got the peculiar disease of the hilly country, and were obliged to return, and the scheme was entirely abandoned. There have also been attempts to establish three missionary settlements. One was tried at Patna, under the auspices of the Reverend W. Start; he brought out a great number of artisans from Germany; the object was, by their own labour to make the mission self-supporting. After about five years' trial it entirely failed, and was abandoned; many of the members of that mission were dispersed; some began to employ themselves as teachers in the country, others went into trade, and a few went to Darjeeling and settled there. A second settlement was formed on the Nerbudda, in Central India, and there, owing to the great amount of malaria, many members of the mission died, and that settlement was also entirely broken up. A third settlement was formed about 12 or 15 years ago at Chhota Nagpore, and there again the scheme, as a self-supporting one, failed. The farmers were unable to farm, the climate was quite against them, and they have been gradually employed as teachers, catechists, and superintendents of the numerous Christian villages formed of late years among the Coles. All these three schemes entirely failed, and the people have returned to the kind of employment we have in India, that of superintendents and managers, in which English settlers are to such a large extent engaged.

7125*. Did you ever hear of a scheme for colonizing Darjeeling?—A scheme of that kind was proposed during the last two or three years; it was not brought prominently before the public, I believe; but, theoretically, one might expect it would meet with the same difficulties that other schemes have met with elsewhere.

7126. Sir *E. Perry.*] And practically also?—Yes.

7127. Mr. *Kinnaird.*] Can nothing be hoped for from the East Indian population?—I do not think that the East Indians in India are people who are likely to colonise; they have not the energy and enterprise which should belong to colonists who begin a new settlement. They are exceedingly fond of the more quiet work that society gives them, such as clerkships, writerships in public offices, and so on, but they have never shown any particular desire for schemes of colonization. The late Captain Biden, in Madras, seeing around him a large number of East Indians, endeavoured to form a scheme of that kind, with the object of sending the people away from India to Melbourne; a public subscription was raised in Madras for the purpose, and a number of East Indian young men were sent out under that subscription; they went to Melbourne, but the scheme entirely failed, and I believe that most of them returned to Madras.

7128. Had not Lord Albemarle some scheme?—I can merely speak to that from the papers; but I think he has expressed a hope that an efficient scheme of colonization may be carried out with reference to that class of people; I do not think, however, that it is likely to succeed, for the reasons that I have stated.

7129. You think that there are grave objections to it?—Yes, I think there are grave objections to it, judging from the character and history of the people themselves. An additional reason is, that the East Indian population, after all, are by no means a large class; I do not think they amount to many thousands, taking them all, young and old. And they are not an increasing class.

7130. What becomes of the old soldiers who have been discharged?—The old soldiers, who are called pensioners, are located in various parts of the Presidencies, but they are all in the plains.

7131. You are speaking of European soldiers?—Yes; I have seen them at Cuddalore and Vizagapatam, on the Madras coast at Chinsurah, Chunar, and other places up the country. It seems to me that these men might have settlements given to them in the hill country, where, instead of wasting their lives in drunken-

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ness, as they now do, they might employ themselves in cultivating gardens, and so on. I think that might be done with great advantage; it would renovate their health; and if ever they should be needed, as they recently were, for some sudden emergency, they might be brought down into the plains once more, possessing some comparative strength. At present they are entirely useless.

7132. Do you think that many of the children of soldiers might, under proper care and management, turn out useful?—I think we might get a few colonists from them; there is a large number of boys and girls at the Laurence Asylum at Kussowlie; and I believe that there are regimental schools for boys and girls on other parts of the hills; they also, when they intermarry, might become settlers, or colonists, to a small extent; but many of them find employment in the army in different places up the country.

7133. Have you ever turned your attention to the subject of the effect of the climate on Europeans, or are there any tables that you are aware of, giving any statistics relative to it?—I cannot speak of Europeans generally; there are numerous tables, which have been calculated by some of the ablest medical officers in the Company's service. But I have turned my attention to one particular case, which illustrates the effect of the climate on Europeans. I have found, on an examination of the lives and services of 250 missionaries, that the average of their service in India was nearly 20 years, including both those who lived the longest and those who died shortly after coming to the country; taking the average, it amounted to very nearly 20 years. Many missionaries in India live longer than 30 years, and others, again, only live 15 or 20 years, and a few of them die young. In the case of the early Tranquebar missionaries, most of whom were healthy Germans, although they came out to India in the last century, we find this remarkable fact, that 47 lived in India an average of 22 years each.

7134. Sir *Erskine Perry.*] What deduction do you draw from that?—The conclusion that I come to from that is, that when men live temperately the climate does not very rapidly injure Europeans; although at the same time it is found that every European who goes out to India, however carefully and temperately he may live, requires to revisit his native land, in order to get his constitution renovated, every 10 or 12 years.

7135. Mr. *Campbell.*] But not if he lives on the hills, does he?—If he lives on the hills the time might perhaps be longer.

7136. Is there anything to prevent him from living on the hills without the necessity of visiting Europe at all?—I have known instances of Europeans living on the hills, who have been obliged to revisit England after all. At the same time it is well known that many retired officers have continued to live in the hills with their families, for many years together, without change.

7137. Have you not known instances of persons who have been born and bred on the hills, and who have died there?—I have never heard of any.

7138. *Chairman.*] Have you been much on the hills?—No; I have merely passed through the Neilgherry Hills.

7139. Sir *Erskine Perry.*] You know as a fact, do you not, that the European races in the tropics of America live and flourish?—I am aware of it; but I believe that the parts where they flourish most are lofty and dry.

7140. Mr. *Campbell.*] For the ordinary complaints which are prevalent in the plains of India, you know that Europeans visit the hills in order to renovate their constitutions?—The experience that I have had is that Europeans merely visit the hills temporarily; nothing more than that. Few Europeans visit the hills from Calcutta, but from the Punjab and Upper India they are readily accessible.

7141. Mr. *Kinnaird.*] What inducements, in your opinion, could be offered to Europeans to settle there?—It is desirable that the obstacles now existing to the settlement of Europeans, and to the prosperity of their various schemes, should be removed.

7142. What do you consider to be the obstacles?—The chief obstacles at present in India appear to be, not obstacles which are directly placed in their way, but indirect obstacles, arising from the state of the country, bearing especially upon the insecurity of property, and of the large capital which Europeans bring to India. We see these obstacles, I think, chiefly in the very bad courts of the country, in the state of the land tenures, and in the want of a tribunal which is fairly open to Europeans, and to their complaints.

7143. Do you think that they show a great superiority over the natives?—I think that Europeans are superior in every way to natives in all the great schemes

Rev. *J. Mullens.*
6 July 1858.

for making money that both parties adopt. Europeans have more energy, more skill, and more enterprise, and they are ready to risk their money in a way in which natives in trade are seldom willing to do; they set a good example of energy to the natives, and I think that in many ways they encourage the natives to follow their example.

7144. Is there any progress being made in this matter of settlement now?—Many more Europeans are investing their capital in the country than had come to the country only a few years ago; for instance, down to 1833 no Europeans had the power of really owning land; they were obliged to take estates in the name of an agent, or something of that kind, or under some subterfuge; but now they are able to become proprietors of estates and to purchase land, and by degrees a large number of planters and landowners have come into the country, and invested large sums of money there. I have understood that at present, in Upper India alone, in the Presidency of Bengal, the European landowners have invested no less than 4,000,000*l.* of money in land, and that one million and a half of that money is invested in indigo factories. The number of Europeans is very much larger than it was only a few years ago. In a Return for 1852 which was presented to the House of Commons, the number of settlers outside the Presidency towns was put down, I think, at 416, but it is now very much larger. A reference to the local Directories will show the exact number to be nearly 2,000 in Bengal and Agra.

7145. Mr. *Willoughby.*] Are you speaking of Bengal when you say that there were 416 settlers?—I think it was for the whole of India, but I am not quite sure; I have not the return here.

7146. Are you quite sure of the figures?—Not quite sure.

7147. Because I believe the number was 317?—That is even lower than I stated it.

7148. Mr. *Kinnaird.*] How do you account for the number of settlers not having increased more rapidly, as they have increased in Ceylon?—The settlers in Ceylon have increased very much of late years, since 1848 particularly, when there was a panic among the holders of coffee estates. I think that there are now more than 500 planters in Ceylon. I know that the coffee estates are 404 in number.

7149. Sir *Erskine Perry.*] To what do you think that is to be attributed?—To the greater security of property in Ceylon, and to the more satisfactory tenures of land there.

7150. Is it not owing entirely to Sir Edward Barnes, the Governor, very wisely selling land out and out at a very low figure?—That is one most influential reason. I have conversed with Ceylon planters on the subject, and that is a point which I should notice as not existing in Bengal.

7151. Mr. *Kinnaird.*] What is the European population in Ceylon?—I will state the figures exactly on Thursday; I have the materials by me, but not here.

7152. Mr. *Campbell.*] You are aware, are you not, that Ceylon presented an annual deficit in its revenues until the introduction of settlers there?—Yes, I am.

7153. Mr. *Kinnaird.*] Are there any hindrances offered by the Government to the settlement of Europeans?—I am not aware that the Government, since 1833, has put any special hindrances in the way of planters and men who wish to invest their capital in the country. In some respects, as in the case of railways, direct encouragement has been given to the investment of money, but that has not been the case in other respects; indirectly a great deal of discouragement has been felt from the long delays which have taken place in remedying many of the defects of which settlers and planters have specially complained.

7154. Have you had any opportunities of seeing the planters, and living on terms of friendship with them?—I have travelled through the district of Krishnaghur, and have seen many planters, and I have also seen the statements made by planters, and statements which others have made against the planters. Two or three years ago a special controversy arose between the missionaries and planters in Bengal as to the mode in which the planters generally treated the ryots on their estates.

7155. Did you draw from that the conclusion that the ryots benefited as much as might have been expected from European planters?—The ryots do derive some kind of benefit from the introduction of the capital of planters among them, but there are special defects, I think, in the mode in which the planters deal with them; the ryots themselves complain that the planters do not treat them justly. I am speaking now of the indigo planters; they say that they

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Rev. *J. Mullens.*

6 July 1858.

do not give them a fair price for their indigo, that rice is a much profitable thing for them to cultivate, but that the planters will not allow them to cultivate rice, but force them to cultivate indigo. I should like to lay before the Committee a statement that was made by the ryots themselves, and which was presented to the Bengal Missionary Conference, as a statement of their particular case. I know the case exactly, because I saw the original document and edited the translation which I have here.

7156. Is that statement to be depended upon, do you think?—I think it is to be depended upon as a statement of their case; of course it is one-sided; it is the case as put forward by them.

7157. Mr. *Campbell.*] Have you generally found that information coming from that source is reliable?—Generally so; but the statement must, of course, be viewed as a statement of their own case.

7158. Ex parte?—Yes, it is ex parte. But inasmuch as the planters, on the other hand, declare that they themselves benefit the country to an immense extent; that they are, in fact, benefactors of the ryots; it is therefore, I think, well that we should hear what the ryots themselves reply to that; possibly the truth lies between the two.

7159. Mr. *Willoughby.*] Will you read the passage, if you please?—It is called the Statement of the Ryots in the Zillah Nuddea, and it says: "We gratefully acknowledge that we enjoy many advantages under the government of the Honourable Company, because in many ways the wicked are checked and the good are protected; but some of the Honourable Company's laws not being adapted to promote our welfare, we are reduced to poverty and depth of misery by the conduct of our oppressors; this we will prove in the following statement:—I. When either native or English gentlemen take a talook or an izárá they cannot get into possession without fighting and oppressing the ryots. When obtained, they are like tigers, and gradually devour the substance of the peasants; and the zemindars sometimes fighting with each other, rob their ryots of all things through their lattials, and desist not until they have killed them. When a zemindar has obtained possession of a village he sends an ameen, who, measuring all the fertile lands of the ryots, writes 20 cottahs for 15, and if no bribe is given he even writes 25 cottahs. Where the Company takes four annas rent (6*d.*), they take five siccas (2*s.* 6*d.*); besides, by indirect taxation for contributions, presents, &c. they take three or four annas more. If any ryot, considering this to be contrary to the Company's established law, refuses to pay the zemindar, he sends piyadas, who forcibly take away his goods, and things worth five rupees are sold for three. For the purpose of keeping order and collecting the rent, the zemindars appoint a naeb to each talook, besides a gomasta and piyada to each village; these, by persecuting, abusing, and intimidating the ryots, obtain a good share of profit. If the ryots be unwilling to pay these forced bribes, they write false arrears in their names, and beating them, force their goods from them. Moreover, in order to pay the yearly salami (douceur) and daily exactions of the naeb, the gomasta, and the piyadas, the women have even to sell their ornaments, otherwise they have, for fear of their wrath, to flee to another place. Owing to all this oppression, the ryots find it hard to enjoy the fruits of their labour, for their oppressors pitilessly deprive them of all they possess, and throw them into fearful distress. If perchance there be a man of property, he is falsely accused, and under the name of 'fines' all is taken from him. The zemindars and their servants force the ryots to labour for them without remuneration, and if they do not go at once upon their order, they take them by the throat and, abusing them, drag them away. Remaining without food the whole day, on coming home in the evening there remains nothing but lamentation with their families; for unless they obtain their daily hire, they cannot manage. Alas, whilst the poor ryots are thus fruitlessly labouring for others, they look one to the other expecting deliverance, but no one has pity on them.—II. Being surrounded by indigo planters in this zillah, the ryots of each village are forced to take advances; if a ryot refuses, lattials are sent, numberless as locusts, and his cattle are impounded and carried to the factory, or the factory's ploughs are sent, and the ryot's recently sown rice is ploughed up, and indigo sown by force; from fear of this, the ryots rather yield to the evil, and take the advances, though with reluctance. When advances are made the ryots receive two rupees per beegah; but from the time of leaving the factory to cutting the crop and carrying it to the vats, there is nothing but giving salamis and bribes, and thus all the money goes away. For to the dewan eight

Rev. *J. Mullens.*

6 July 1858.

annas have to be given for salami; to the ameen and dagiddar, eight annas each; to the ticcah dagiddar, four annas; and at the manufacturing time some eight annas must be given to the various servants. Besides this, if a bullock strays into the indigo, the ryot has with folded hands to pay a fine according to their wishes If the ryot does not submit to all this, he cannot cultivate any land for the support of his family, nor can he remain in his native place, but must flee from village to village. Even when there is a full crop on the land for which the advance was made, the amlahs, at the time of the accounts being made up, manage to pay only a fourth part of what is due; consequently, the advance not being balanced, the ryot has to sow again, each successive year, for the debt carried against him; and he has to sell other crops or produce, in order to pay the rent for this very indigo ground, otherwise he will be beaten to death; besides, all the labour of the ryots for indigo is lost labour. It is owing to this oppression and fruitless labour that the ryots are so very poor. We know for a certainty that for the fertility of the ground, and the industry of the peasantry in Bengal, the latter could rise to opulence, if no one deprived them of the fruit of their labour; and they could with ease pay the Government taxes. Besides this, the planters have also thousands of nijabád (their own cultivation) within the borders of each factory; for cultivating this, they send lattials to each village, and bring the ryots with their ploughs and bullocks there, without paying them; in like manner they force them to house the indigo without due remuneration. If a poor man refuses, either because he has to attend to his own work, or because he has nothing to eat, unless he gets his day's hire, he is shamefully abused, and beaten, and forced to go; coming home at night, nothing remains for him and his starving family but lamentation, because without his daily wages they cannot live. —III. The Honourable Company, being desirous of benefiting their subjects, have established various zillahs, and thannahs, and pharis (inferior police stations), and appointed innumerable Bengalis for the punishment of the wicked and protection of the good; namely, they have established sudder ameens, seristadars, nazirs, peshkars, ukils, darogahs, and other officers, in various places. But if we be permitted to speak the truth, there are many among them who are naturally avaricious; for instead of protecting the subjects, they bestow all their care upon filling their own boxes with money. When a big man injures a poor one, even in their very presence, even to death, these gentlemen neither investigate nor punish the case; or if they investigate, it is merely for obtaining money, and having received this, they declare even the murderer guiltless. If the zillah judges, collectors, and magistrates will kindly look into the daily complaints from the beginning to the end of the year, they will see how many poor people have complained against planters and zemindars. And even if any did complain, what poor man has ever gained a case? We do not know of one, and the cause is this: the poor have no money to bribe the amlahs with; they receive and carry the case of him who gives most money. Alas! Alas! another grievance is this, that if a poor man is falsely accused, the chaprasses bind him and punish him in many ways; but when a big man commits even a heinous crime, they approach gently, stand in a retired corner, and taking money, let him off, and return with a gladdened heart. For these and other causes, the poor cannot complain against the great men. It is owing to the avarice of the aforesaid amlahs, that the oppression of the ryots of this country knows no bounds. Just as a hen while sitting on her young ones, protects them, but the moment she leaves them, the enemy pounces upon and destroys them, so the aforementioned amlahs, if they had any feeling for the ryots, could easily save them, and no one could wrong those helpless people. If the Honourable Company therefore will first discipline their own Bengali amlahs, there will be incalculable benefit; and if a poor man has to lodge a complaint, let his case be investigated by a faithful European. In this manner the guilty will be punished and the poor saved.—IV. We are the Honourable Company's subjects, and we are such gladly. We do not object to their taxation; on the contrary, we give their appointed taxes with willing hearts. However, we scarcely know that the Honourable Company is our ruler, but the zemindars and planters appear to us to be our governors, because they deal with us according to their pleasure, as we have above stated. We prefer, therefore, this request, that we cannot possibly endure the oppression of the zemindars any longer. Our desire is, that we be no longer subject to the zemindars, that none be any longer put over us, and that we have no longer to pay our rent through them; but being the subjects of the Honourable Company, we desire to know them alone, and to be governed by them alone; that we be permitted

permitted to pay our rent to them direct. And we agree to pay double the amount of rent they are now drawing from the zemindars. We also request that the Honourable Company appoint a faithful man, or one whom the ryots recommend out of their own number, to each village, to collect and remit the rent; he would collect the rent gradually, and remit it at the appointed time to the collector. These men should be authorised to settle little disputes, and report more serious cases to the authorities of the Company. Further, we beg that the Honourable Company will appoint faithful Europeans, at the distance of 12 or 14 miles, for administering justice, because we do in nowise obtain it from Bengalis. Further, we request that if the Honourable Company desire to obtain proofs of our statement of the zemindars and planters' oppression, they should secretly appoint some trustworthy Europeans to elicit information from the ryots, but so that the zemindars and planters may not hear of it; otherwise they will, in many ways, intimidate them and close their mouths, for they dread the exposure of their faults. May God incline the hearts of the Company graciously to attend to the prayer of their destitute subjects; may He grant that the day of deliverance come. Finally, we request that the Honourable Company pass a law to check the oppression of the strong, and to compel their amlahs to do justice to the poor."

7160. Mr. *Willoughby.*] By whom was that statement drawn up?—I believe by the people themselves.

7161. Do you not rather think that some missionary has drawn it up as a statement of the view taken by the ryots?—I do not think so; some native schoolmaster or catechist may have had some share in it, but I do not think that the missionary through whose hands it came had anything to do with it.

7162. Mr. *Kinnaird.*] Will you tell us the history of the document you have read, as far as you know?—I think the history of it is this. At the time we held a special conference of all the missionaries in Bengal, in September 1855, I think one question that was brought up by the missionaries from the Mofussil was, how far and in what respect the zemindary system and the system of indigo planting were a hindrance to the progress of missions; and one part of the question as to the influence of indigo planting was treated by the Reverend F. Schurr, one of the missionaries of the Krishnaghur district. In these districts thousands of ryots are employed on indigo factories; and Mr. Schurr presented a statement of what he had found in his own experience, and what he had heard as to the experience of others, with regard to the influence of the system upon his own labours, and upon the labours of others; and connected with that, he brought up, in Bengalee, the statement of the ryots which had been presented to him.

7163. Sir *Erskine Perry.*] Do you not think that the statement which you have just read must have been compiled by some gentleman of education?—I do not think so; I do not think it is better than any of the catechists would be quite competent to compile; many of the notions and suggestions, too, prove that they come only from natives.

7164. Mr. *De Vere.*] Is it not the fact that the very wording of the statement contains forms of expression which are usual among the poor of that country?—I think so, decidedly.

7165. Mr. *Kinnaird.*] From your knowledge and experience, are you inclined to give a certain weight to that statement?—I feel inclined to give considerable weight to it; I think it is an honest statement of their case; it may be overstated, but still it is a statement of what they think, and of the mode in which they put their case, in relation to the zemindars, the planters, and the police.

7166. And you think, therefore, that it is worthy of the consideration of this Committee?—I think there is a great deal of truth in it, from what I have myself heard from the people, and that the Committee may justly take it into consideration.

7167. Mr. *Campbell.*] Do you think that more European magistrates are necessary?—I think so, decidedly.

7168. Mr. *Kinnaird.*] Have you any other testimony from other parties with regard to the matters contained in the statement which you have read?—Many other parties have also testified to the same kind of evils in the indigo-planting system. For instance, the reports of the Superintendents of police have brought to light many cases of oppression on the part of the zemindars and indigo planters. There was a statement made several years ago by one of the most able civilians in the Company's service, in the "Calcutta Review," which gives the same account of the most important and special evils existing in the system. The writer

Rev. *J. Mullens.*

6 July 1858.

shows that the great fault charged upon the indigo planters by the ryots has been that they oppress them greatly, by forcing the cultivation of indigo upon them when they do not wish to have it, and that they will not let them cultivate rice, which would be much more profitable to them. The result is, that the cultivation of indigo is extremely unpopular among the ryots. The letters and statements of the planters themselves show that, as zemindars, they exercise a very considerable power; they have cutcheries of their own, for instance; they summon their ryots to their factories, and can fine them, and deal with many cases connected with their affairs. I think, however, that a great deal of the general evil connected with the system has been forced upon the planters for the want of good tribunals, where they and the ryots could have their cases fairly adjudicated by third parties. There are, no doubt, special evils which are chargeable upon the planters; but I think that the general evils are forced upon them in other ways.

7169. In what other ways?—I think there are these three important obstacles to the security of property and the increase of capital in the country: the bad state of the courts, the state of the land tenures, and the want of a good tribunal, like a free open legislative council, where statements that we may make about defects in the Government may be thoroughly heard and investigated.

7170. What is your opinion as to the police?—The police, also, might be put down as a fourth obstacle; in fact, they should be all put together.

7171. Had you any opportunities of judging of the efficiency of the police?—Only in general; I never personally came across them, but I have heard it from the first day I went into the country until the last. The complaint is the same in all parts of the country; in fact, we need not turn to what we ourselves see on this point; the highest officials of the Government, from Mr. Halliday downward, in Bengal have always complained of it, and have allowed that the police system is rotten to the core. What we complain of is, that while the evil has been known to exist for so many years, so little has been done to correct it.

7172. Has there been any tribunal to which they can appeal?—We have no good tribunal before which we can really bring forward the various evils which we consider to exist in the country. The present Legislative Council is by no means so open as we should like; all the members of the present Legislative Council are officials, appointed by the Government, and they are so far irresponsible, except to the Government itself, and it is very hard to get a case fully taken up in the Legislative Council and discussed on every side. In Ceylon the planters have a Council in which they have the highest confidence, and in which some of their own members are engaged; the Ceylon Council is appointed partly from officials and partly from different sections of the country, one or two planters, one or two merchants, and one or two natives, so that all classes are represented; a council like that in Calcutta would be a great help to having these questions thoroughly discussed.

7173. In spite of all these evils, how do you account for so much capital finding its way into the country?—The only reason which I can give for the increase of capital is that, after all, the price of indigo and of produce generally is so high in the regular market that it pays for all the insecurity and all the risk which attend their growth.

7174. Does India, in your opinion, offer a great field for the employment of European capital?—A very wide field indeed.

7175. And do you think that it would be remunerative?—Very remunerative, particularly in the great plain of the Ganges; from the highest and the lowest part of the country there is a rich fertile soil, which would produce almost anything if proper labour were applied to it, and if proper means were taken to develope its capabilities.

7176. Have you seen great improvement in that respect during the 14 years you have been in India?—I think so; one proof of the increase is this: we see that in Calcutta the number of agents and merchants has very much increased; another which illustrates the increase of capital and shows its value is, that the native wages have steadily risen during the last 10 years, not merely in Calcutta, but in other parts of Bengal.

7177. If the same facilities for obtaining land were given in India as are given in Ceylon, do you think that that would be attended with advantage?—I think that that would tend very much to do away with the insecurity which at present exists. At present, no one has the power of holding in Bengal land as a freehold; all

all land is held subject to a very large Government assessment, and not only is the assessment high, but if that assessment is not paid by sunset on the day on which it becomes due, the collector can sell up, not merely enough to pay what is due, but he can sell up the right and title to the estate: that penalty hangs over every zemindar four times every year; the collector can sell the entire property.

7178. Mr. *Campbell.*] Although it may be 10 times the value of the rent due? —Yes.

7179. Mr. *Willoughby.*] Was there not a Sale Law passed with a view to remedy that evil?—It has not been passed. Mr. Grant proposed a new Sale Law, but I do not think it has yet passed the Legislative Council.

7180. Mr. *Gregson.*] Is the land wholly sold, or is it only sold to the extent of the defalcation?—If the rent is not paid on the quarter-day, the title to the whole is sold; the estate is sold in the market. I believe that now the zemindar has the right to buy it in again; but the money, the produce of the sale, is paid over to the collector, and the balance, after deducting what is due, is paid back to the owner of the property; supposing his estate to be worth 50,000 rupees, and his taxes to amount to 10,000 rupees, then 40,000 rupees are given back to him; but his estate may be sold out of his hands. I asked the planters of Ceylon about this question, and they said that it would have been impossible for them to have had so many coffee plantations brought into cultivation if they had anything of that kind hanging over their heads. In Bengal, even as missionaries, we think that the opportunity of redeeming the land-tax and getting zemindaries in which no land-tax was required to be paid, would furnish a good opportunity of settling men who are not happily situated on ordinary zemindary estates; a proof of that is seen in the high value of the Lakhiraj estates.

7181. Mr. *Smith.*] You state that the Government tax on land in Bengal is very high; are you aware that it is the lowest in India?—No, I am not aware of the exact proportion, but I have always understood that the tax bears a high proportion to the actual or net produce of the land.

7182. Are you speaking of the tax which is paid to the Government, or the rate which the ryot pays to the zemindar?—The tax paid to the Government.

7183. Mr. *Willoughby.*] It has been stated in the evidence to average 1*s.* 6*d.* an acre; should you consider that high?—Out of the whole profit? no.

7184. I am speaking of the Government tax; are you not confounding the two?—I understand that the rent is about 30 per cent. of the whole, and that the Government tax amounts to nearly half the rent. So Mr. Frank Robinson describes it in his little book on the "Land Revenue of India."

7185. That would be 15 per cent. on the gross produce?—Mr. Robinson states it as 17 per cent. of the whole produce.

7186. But you have no personal knowledge upon the subject, have you?—No, I have not.

7187. Mr. *Smith.*] Have the missionaries, as far as you are aware, made many converts?—Do you mean in Bengal?

7188. In any part of India?—The number of converts that we have at present amounts to 112,000.

7189. Sir *Erskine Perry.*] Is that all over India?—All over India and Ceylon.

7190. Mr. *Smith.*] What is the general character of those converts; are they more moral and industrious than the natives?—Certainly; there is no doubt about that, looking at the converts as a whole.

7191. Because we have had witnesses who have said that they would never employ a Christian convert, and that they always prefer giving employment to the natives, on the ground that their morals are superior to those of the converts?—That the morals of the Hindoos are superior?

7192. Yes.—And that on that ground they prefer the Hindoos?

7193. Yes.—I, of course, cannot judge of what other people may prefer; but I do not see any reason for it, and I never heard the fact so stated by those who really understand both the parties. There are all kinds of Christians among the people; there are those who are merely nominal Christians, and there are those who, I hope, are really so. In the Krishnagur district, where so many planters reside, unfortunately a very large number of the people became nominal Christians only; they are only gradually improving, and beginning to appreciate Christianity, and to act upon it. There is no doubt that in the Krishnagur district there are

Rev. *J. Mullens.*

6 July 1858.

very many who are merely nominal Christians; and that opinion may be an exaggerated reference to this case.

7194. Do the numbers you have stated include the nominal Christians as well as those who are communicants?—The number of communicants in all India amounts, I think, to 20,000: the 112,000 include old and young, communicants and nominal Christians.

7195. Do you find any difference in the morals of those who are communicants, and those who are merely nominal Christians?—Yes, the communicants are expected to have a much higher standard of character than the others, and they would not be allowed to be communicants if they were not so.

7196. Do you find that those who are in communion with you are generally more truthful than the natives?—I think so; I never heard any opinion expressed to the contrary; they ought to be, and I think that they are so, in fact.

7197. What is the treatment of the natives by Europeans generally?—Some treat them very severely; some keep them at a great distance; I think that, on the whole, the natives have not been treated as kindly and gently by Europeans as they ought to have been.

7198. Are they not, on the contrary, in many cases treated with great contempt, and are not opprobrious epithets applied to them?—Yes, that is the case.

7199. Is not that conduct very much resented by the natives?—The poorer natives would resent it if they could, and I know that they feel it deeply; but being very often servants and common tradespeople, they are unable to resist it.

7200. Is it not the fact that Christianity has not been presented to the natives in a very inviting aspect, as far as example goes?—In many parts of India that has been the case; but there have been some very fine examples of Christian principles and Christian practice presented by many most excellent officers of Government, and the natives decidedly distinguish between the two, and understand the difference thoroughly. The evil is still great; but was much greater in former days.

7201. In all those cases in which a Christian example is set to the natives, it is appreciated by them, is it not, and they have confidence in those by whom the example is set?—I think so decidedly; I think that they repose very great confidence in good and upright men.

7202. You think, in fact, that in all cases where the natives are treated with respect, and are honestly dealt with, Europeans may acquire great influence over them?—I think they may acquire very great influence over them; the natives no doubt have a great many defects in their character, and amongst others they are very suspicious; that is a thing that has grown up with them during hundreds of years; they do not always understand even those who are striving to do them good; but where they have confidence, Englishmen may do a great deal with them.

7203. You have spoken of the pensioners as a class not being very temperate in their habits?—Yes, I have.

7204. Is it not in your opinion owing to that intemperance that their health is so bad?—I should think it was owing a good deal to intemperance. But they are also exposed to all the evils of the climate; they live in the hot plains in the four or five towns I have mentioned; they have no occupation whatever; and that is why I formed the opinion that it would be a great benefit to them if they were placed in hill stations, where they could look after gardens and rear vegetables and flowers, and turn their time to good account.

7205. Are the pensioners generally brutish in their manner?—Brutish is too strong a term; I think they are frequently very low and degraded.

7206. Do they intermarry with the natives?—Many of them do. I remember seeing a large community of them at Cuddalore, who had chiefly married native women; I know the fact in this way, because I attended the Tamil service at which there was a very large gathering of the wives of these pensioners.

7207. Is there any difficulty in rearing children born in those villages?—I cannot say what practical difficulty there is in it: but the climate is against them.

7208. You do not know whether they depreciate in physical energy?—I do not know for certain; but I should think they did. East Indian children are not so strong as English boys and girls.

7209. You have given us an account of the statement of the ryots with reference to their condition and their complaints; have the missionaries inquired into the truth of those statements?—I know that they have in many cases. I have myself

myself done so on visits to the districts in which these ryots live, and I have never gone into the Krishnaghur district without hearing stories confirmatory of their statement, with particular instances of name, time, and place.

7210. As far as your inquiry has extended, have you reason to think that their statements are in the main founded in truth?—I think so.

7211. Mr. *Campbell.*] Had you any opportunity of testing them, or of comparing them with the statements made by the planters themselves?—I have spoken to planters in the Krishnaghur district upon the subject, and I know that many of them have acknowledged to me that some of these evils do exist; I know that many would very much like to get free of them; but I think that the system is to some extent forced upon them; they are obliged to take the law into their own hands, owing to the want of good tribunals where the complaints of both parties can be fairly and justly settled.

7212. Mr. *Smith.*] What is the condition of the natives in those districts where European planters are settled, and in those districts where there is no settlement of Europeans?—I have not had such opportunities of seeing both kinds with my own eyes as to be able to draw any distinct contrast.

7213. You do not know whether the settlement of European planters improves the condition of the people or not?—I could form an opinion only; but I could not speak from facts.

7214. What is your opinion?—I think that where the planter forces any kind of cultivation upon the people which they are unwilling to adopt, there will be so many difficulties in the way that it will be impossible for a peasant to flourish; but I know that there are planters in some parts of Bengal who treat the ryots with great justice, and that the ryots are getting on exceedingly well there. I have heard cases of that kind described where the rate of wages has been steadily rising, and the people are beginning to lay by a little, to get more comfort in their houses, and to buy for their wives a few silver ornaments, and so on; they do that where they are treated fairly, and are allowed to enjoy their gain.

7215. On the whole, seeing that the rate of wages is increasing in those parts of the country where European settlement has obtained, would you not infer that European settlement has been a great benefit to the population?—It would be so if the peasantry were allowed to enjoy the full benefit of it; but under the zemindary system, where the rates vary so much, and the zemindar has power to increase his rates, the effect, as I hear from evidence from all parts of the country, is to make the zemindar get almost all the benefit. I speak particularly of the native zemindar; but the tendency of the system is to put all the benefit into the hands of the zemindar, and not into the hands of the ryot.

7216. But notwithstanding that, the rate of wages has increased?—Yes.

7217. Sir *Erskine Perry.*] Is it the fact that the rate of wages has increased?—That is my belief: but I do not think that the people get the benefit of it, because it is taken out of them when they come to pay their rents, by abwabs and other illegal exactions.

7218. You say that their condition is improved, and that their wives are able to supply themselves with silver ornaments?—That is the exception, and only happens in the few cases where the ryots are treated fairly; on the whole, the complaint is that the people are not able to enjoy the full benefit.

7219. Mr. *Smith.*] We will suppose that the tenure of land was changed from the zemindary to the ryotwarry system, and that the Government levied a fixed tax instead of leaving it to the zemindars to charge what they pleased; do you think that that would be an advantage to the ryots?—I do not think that it would be an advantage; I don't object to the zemindary system; but we need a check that will prevent all the benefit from going into the hands of the zemindar himself.

7220. What check would you suggest?—The kind of check which Mr. Bird put upon the zemindary system in Upper India seems to have told in favour of the ryots. He provided a regulation that a zemindar should never be allowed to charge as rent for land more than the ordinary pergunna rate to be fixed by the general consent of the people; we have no efficient check of that kind in Bengal.

7221. How would you enforce such a regulation as that to which you refer? Can it not be enforced by law?—There is no law actually in the North Western provinces; I believe it is only a regulation adopted by the collectors.

7222. The custom of the country is, that you should only charge the pergunna rate?—Yes, but the native zemindars constantly set it aside; it ought to be upheld by law.

Rev. *J. Mullens.*

6 July 1858.

7223. Mr. *Campbell.*] You say that the advantages derived by the ryots from increased wages are neutralised by that increase being taken from him in other modes?—Yes, in some cases the zemindar has power to change the rents from time to time; he also adds on abwabs, or illegal cesses of many kinds, that have no limit.

7224. What has the planter to do with that?—The planter himself often is a zemindar; but although it may not be taken by the planter himself, it may be taken by his underlings, as the ryots themselves complain in that statement.

7225. Mr. *Smith.*] Do you think that the public press is indispensable in India for the security of the natives as well as for the security of Europeans?—I think it is indispensable for all classes.

7226. You deprecate any interference with the liberty of the press in India?—Yes, as a general rule.

7227. Do you think that the liberty of the press is quite as beneficial to the natives as it is to the Europeans?—I think it can be made so. The natives have the opportunity of keeping up a press of their own; we have newspapers at Calcutta which advocate the interests of the natives, as their special aim.

7228. When you say you are in favour of liberty of the press, are you in favour of the liberty of the native press?—There may be different opinions upon that point. I think that of late years the native press has been remarkably free; in fact, it has gone beyond the bounds of propriety, and has abused its liberty very much.

7229. Would you propose that there should be some restriction placed upon the native press, while the English press should be left free?—I think that the English press should be left free. How the evil should be corrected in the native press I am not prepared to say; it is a difficult question; it would be difficult to put a restraint upon it, but I think it ought to be restrained.

7230. Mr. *Lowe.*] What are the evils of the native press of which you speak in general terms?—They misrepresent the Government, and sometimes advocate rebellious sentiments; in some of the papers they have preached rebellion.

7231. Does the native press give way to attacks on personal character?—I have heard of instances in which it has done so.

7232. Upon the whole, do you consider that the English press has been well conducted or not?—The English press, no doubt, has many defects.

7233. What are they?—I think, for instance, that in Calcutta the daily papers are poorly written, though very expensive, and that they are very careless as to what they publish as statements of fact or news. I think that they admit a great many attacks on individuals, in the form of letters, which are quite unjustifiable.

7234. A great many personal libels, in fact?—Yes, written in the form of letters.

7235. Do you think that their tone, with regard to the natives, has been objectionable?—I cannot say that, upon the whole, it has been so.

7236. Do you think that their articles are written in a style to alarm the natives in any way?—I do not think so.

7237. Do you not think that they were, during the course of the late rebellion?—I do not think so.

7238. You do not think that the Government was right in putting a check upon the English press?—No; I quite disapprove of it; I think it was very unjust to us all, and quite unnecessary.

7239. You think that the press should be left entirely free?—It is difficult to say what should be done with the native press; but as regards the English press, I think it should be left free.

7240. Did you see any probability of its improving?—I think so; I think that the more numerous the English are in India the more likely we are to have the press improved.

7241. Are actions for libel frequent in India?—They are not frequent; there have been very few of late years, I think.

7242. Sir *Erskine Perry.*] Should you say that the attacks on private character, and observations as to private life, are frequent in the Indian press, taking the best conducted journal in the presidency?—Not as regards private life, but as regards allusions to individuals.

7243. In their official capacity?—Yes.

7244. Which is the proper office for the press?—Yes, if kept within due bounds.

7245. Do you not think it may be said with truth that the Indian press, as a body, is remarkably free from observations against private life and attacks on private character?—I think so.

7246. Remarkably so?—Yes, decidedly.

7247. Do you think that they offer a favourable contrast to some of the newspapers we have known in England within the last 30 years?—Do you mean such as "The Satirist?"

7248. Yes, and "The John Bull."—Yes; we have nothing of that kind in India.

7249. You would say that the Indian press is remarkably free from attacks of that sort, would you not?—I think that is really the case.

7250. They lay about them freely, and attack people without scruple in their official capacity?—Yes, but I think they are very careless in publishing statements as to individuals, and as to public matters, without sufficiently inquiring whether the statements are properly attested.

7251. Is not the defect of the Indian press chiefly that they advocate, nearly exclusively, English interests?—They have done it pretty exclusively. I think that, on the whole, the English press do not sufficiently advocate the rights and interests of the natives.

7252. Their readers and subscribers are nearly all taken from the English population, are they not?—Yes.

7253. And from the official classes?—In Calcutta we have now a very large population that is not official; and, in fact, I think it is the non-official classes who support the papers in Calcutta.

7254. That being so, the proprietors of those papers seek, I suppose, as proprietors of newspapers in all parts of the world do, to please those who are their subscribers?—Yes, no doubt they cater to their taste.

7255. In Bombay, I believe it was the case that attacks in the native press on private character were very frequent; are you aware of that?—I have not heard.

7256. In Calcutta were attacks in the native press on private character frequent?—I cannot say whether they were frequent or not; I have heard of such things, but I only read the Bengali newspapers occasionally.

7257. Do you not know it to be the fact that the native press, which does not come generally into the hands of Europeans, has been made the organ of very seditious and inflammatory attacks on the Government?—Yes, I believe it has.

7258. And it being the case, the public vigilance not being present to put down such writings, do you not think it necessary that the attention of the Government should be drawn to such publications?—Yes; in native society generally there is not such a healthy tone towards the Government as there is among the Europeans.

7259. With respect to the zemindary system of Bengal, your experience would lead you to approve of what they call perpetual settlement, would it not?—Yes, I think that it has been a very great benefit to the country in many respects.

7260. Are the evils attributable to the present system removed from this, that the interests of the cultivator or ryot have not been sufficiently attended to?—Yes, I think that that is the course that the evils have taken. The law has defended the right of the zemindar in many ways; there are special enactments benefiting the zemindars, while there are scarcely any benefiting the ryots.

7261. Is it not the fact that in the time of Lord Cornwallis the rights of the ryot to cultivate the ground were not sufficiently known and understood by Europeans?—No; there were such peculiarities in the mode in which these rights are distributed, that for many years Europeans never came to understand them. I think Mr. Bird says, in the North Western Provinces he studied the system for 15 years before he found that he had got the key to the whole.

7262. But now that the rights of the ryots to cultivate land so long as they pay the assessment are thoroughly understood, it would be competent to Government to frame regulations to recognise those rights, would it not?—Yes; and Mr. Currie recently introduced a Bill into the Legislative Council having such an object in view.

7263. Are you of opinion that the zemindary system is better for the improvement of India than the legal system introduced in the north-west?—I think so, on the whole; I think that the natives themselves seem to prefer it; and I think that the tendency of things in the village system has been downwards with respect

Rev. *J. Mullens.* to the people themselves; whereas the zemindary system does tend to build up one class at all events.

6 July 1858. 7264. Do you not think, from theory as well as from practical knowledge of life in every country, that it is desirable to have a class of landowners to which the class of cultivators may aspire to rise by industry?—I quite think so.

7265. And do you not think that a great element in the improvement of the country itself, is the existence of a middle class between the cultivator and the Government?—I think so.

7266. Does experience tend to show that where those classes exist the Government have had less difficulty than they have had in other parts?—Yes, I think that Bengal illustrates the advantage you speak of, where the zemindary system exists in the strongest form.

7267. Perhaps one of the most useful lessons which we have learnt from the late rebellion has been that the land-owning class is really the class on which the Government may especially rely for support?—Yes, I quite think so.

7268. You are a good Bengalee scholar, I suppose?—I speak it pretty well.

7269. To the inhabitants of Bengal, Hindostanee is not intelligible, is it?—Not to the common people. If you go into the villages the country people do not understand Hindostanee at all, but you will always come across some one man in a village who does speak it.

7270. That would be a small per-centage, would it not?—Yes, when you get among the rural population.

7271. Therefore in courts of justice, where Hindostanee is the language of business, the bulk of the people in court do not understand the speeches of the vakeels (if they do make speeches), or the statement of a judge if he speaks in Hindostanee?—Very few will understand.

7272. Mr. *Willoughby.*] Is Hindostanee the language of the courts?—To a very great extent it is; but in Bengal all official papers are in Bengalee, but the Bengalee is so interlarded with the technical terms of law, that it is difficult for any person who does not know them all to understand what is being read. The verbs are Bengalee, but the law terms are Hindostanee; they are Persian terms in fact; the Persian terms come down from the old time when Persian was the official language of the courts.

7273. Sir *Erskine Perry.*] You have been in Ceylon, have you not?—Yes.

7274. And are you acquainted with the system of judicature there?—Yes, I heard of it, particularly from one of the judges.

7275. You are aware, are you not, that the English language is the language of the courts throughout the island?—Yes, with an interpreter in each court.

7276. Are you aware whether that system gives satisfaction or not?—It gives very great satisfaction; all classes seem to be very much pleased with it; they seem to think it answers very well.

7277. Do you think it would be better where foreigners are administering justice in a country like India, that the judge should administer that system in the language with which he is best acquainted, with a system of interpreters to explain everything that is said?—Yes, and I have been thinking so much more of late years than I formerly did; I think that if we had a very large increase of English judges or English judicial officers of all grades, even with English as the language of the court, and an official interpreter, with a court in which through the English language the officer really held the decision of all suits almost entirely in his own hands, that such courts would be an immense blessing to the country.

7278. It has been stated by some gentlemen here who know the natives very well, that to administer the law in the English language by Englishmen would be extremely distasteful to the natives, and would be rejected by them, if they could, with something like indignation; what is your opinion upon that subject?—I do not think they would; the natives have a very great respect for the English language merely as a language, considering it is spoken by so many people. The natives in Bengal and India generally have not got to the feeling which the people in Ceylon have; in Ceylon they have been very much more impressed, from the old Dutch time, with the power and influence of foreigners over them; and the old Dutch influence is shown in many ways down to the present time. Even with respect to Christianity, the people there have quite a different feeling with regard to it from what they have in India; and I am not aware that the Bengalee or Hindostanee would look on English in the courts with the same feelings that the Ceylonese would.

7279. Do you not think that the Hindoo is very acute, and that what he chiefly values in a court of justice is the justice of the decision?—Certainly.

7280. Are they not very clever in ascertaining whether a decision is just or not?—Yes.

7281. If an English judge, administering justice in Bengal, were seen to be depending on his own lights and upon the evidence before him, would he not be likely to give more satisfaction than a judge administering justice in Bengalee, and having a serishtadar or peshkar as a go-between between him and the suitor?—I think so, I think that the influence of these serishtadars and peshkars does very much to destroy the existence of justice in the courts.

7282. Do you not think that a summary system of justice might be established with interpreters in court which would entirely dispense with the necessity for these sheristadars?—Yes, I think it might be tried.

7283. You know the system of the Small Cause Court in Calcutta?—Yes.

7284. That is exclusively a native court, is it not?—Chiefly, but not exclusively.

7285. The great bulk of the people who come there are persons unacquainted with the English language, are they not?—The majority of them are.

7286. Yet that court gives great satisfaction, does it not?—Yes, very great.

7287. Would not that, in your opinion, be a good model for courts in the interior of Bengal?—I think so. Many persons have advocated that idea for many years.

7288. You would not agree with gentlemen who say that such a system would cause much dissatisfaction among the natives?—No, I do not think it would give dissatisfaction at all. It would be very difficult to establish it, because it requires so large a number of European officers.

7289. The same salaries which you give to the Civil Service, 3,000 rupees a month, would give you at least two competent Europeans, would it not?—Yes.

7290. *Chairman.*] Would you be of opinion that the attempt to introduce English into the courts of law would create a rebellion in India?—No, the natives would not rebel on that account. The natives have a great regard for the English language, and they are wishing to learn it; they have a very great respect for it.

7291. Mr. *Willoughby.*] You have alluded to three attempts at colonization, and you have spoken of missions that were tried and which failed. May I ask whether the Government and the Government authorities were favourable to those attempts?—I suppose that the Government knew nothing about them.

7292. How did they obtain the location?—I do not know how Mr. Start endeavoured to get the land; but I presume he did so from local proprietors.

7293. You are not aware of any opposition that they received?—No, I never heard of the Government interfering in the case at all.

7294. Is not intemperance the besetting sin of the soldiers in India?—I should think it is their chief sin, particularly among the poor pensioners.

7295. And the lower order of Europeans in India?—Yes; the railway companies experience great trouble and difficulty with their men.

7296. They may get any quantity of spirits they like for a trifle, and they are unable to resist the temptation?—That is the case to a great extent.

7297. Do you not think that that is a great obstacle to any extensive colonization by Europeans?—I think so.

7298. Mr. *Campbell.*] What class of Europeans do you particularly refer to?—Soldiers, pensioners, and the lower class of Europeans; engine-drivers, platelayers, superintending carpenters, blacksmiths, and so on.

7299. Mr. *Willoughby.*] You have alluded to the average length of life of 250 missionaries, as being 20 years' service in India?—Yes.

7300. In your calculations did you ascertain what was the mortality amongst that number?—I found that, on the average, they were able to render a 20 years' service.

7301. Sir *Erskine Perry.*] Do you mean that they died after 20 years' service, or that they came home?—The calculation includes both at once; the mortality I did not take separately, except in the case of the Tranquebar missionaries, where it amounted to 22 years.

Rev. *J. Mullens.*

6 July 1858.

7302. Mr. *Willoughby.*] You have alluded to one of the obstacles in the way of colonization being the system of land tenures in India, and you say that in Ceylon land is obtainable in fee, but that it is not so in India; how would you remedy that evil?—By permission to redeem the land tax.

7303. But that would not get rid of the ryots who have certain rights in the land, the right of occupying, or a possessory right; you cannot oust a ryot as long as he pays his rent?—The zemindars do oust them to an immense extent.

7304. But it is a difficulty, is it not?—There is this, that when an estate is sold all the under tenures, *ipso facto*, become worth nothing.

7305. That used to be the law, but it is not the law now. We have it in evidence that the putnahs are preserved now. The reason of the estates being sold was to prevent fraudulent transfers; that was the object in view, was it not?—Yes.

7306. You have alluded to the evils of the police; can you state any mode by which these evils could, in your opinion, be cured?—I think that the best way would be to have a kind of military police, a police under military organisation. They are at present under no organisation at all.

7307. But measures are in progress for an improvement in the police in Bengal, are they not, since Mr. Halliday's minute?—I never heard of any.

7308. When did you leave India?—In March last. The first attempt made at improvement was in Captain Rattray's Sikh police, in the Sonthal country.

7309. Do not the authorities make the best of the materials at their command in regard to the police?—I do not think they do; for instance, the majority of the police in Bengal are the common village chokeedars, who are just perfectly worthless. There is a superior kind of police, which we have in Calcutta, who are almost all Hindoostanies from up the country.

7310. Is not one great obstacle that the zemindars will not pay an extra cess for the police?—Yes, but the recommendation has been to take the same cess that they now pay in reality, but to apply it in a different manner; to get rid of the chokeedars, and to pay the police.

7311. But the zemindars object to that, do they not?—They have put obstacles in the way, I know.

7312. You have stated that the Government assessment in Bengal is very high; do you speak from your own personal knowledge?—No, from what I have read in Mr. Robinson's "Land Revenue of British India."

7313. We have had in evidence from one of the planters that the average Government rent in Bengal is 1 *s.* 6 *d.* an acre, and that no part of the world is so lightly taxed; if that is the fact, you would not consider that a high assessment, would you?—No, not at all; I understood that the proportion was higher.

7314. You consider the forcing of the cultivation of indigo is the great complaint of the ryots?—Yes, against the indigo planters.

7315. And that the system of advances for planting indigo is vicious in this respect, that it prevents other people from coming into the market?—Yes, that is part of the system, and the advances are forced on the ryot against his will; after all, when advances of a certain rate, such as two rupees, are given to him, and the price of the seed is added, if he gets only ten bundles of indigo from a begah, and he only gets for those two rupees and eight annas, the expenses charged against him are greater than the value of the indigo.

7316. I gather from your evidence that it depends upon the character of the planters whether the ryots are benefited or not?—Very much; I may say that it depends entirely upon the man himself: English zemindars are more just than natives.

7317. There are some good and some bad, I suppose?—Yes.

7318. Besides the rent, do not the zemindars levy extra cesses called abwabs?—Yes, to a very large extent.

7319. And those swallow a large part of their extra gains in the way of increased wages, do they not?—Yes, for there is no limit to these exactions.

7320. You say that there are few actions for libel in India, is not that partly on account of the expense for prosecuting them?—I really cannot say; I never heard that advanced as a reason.

7321. Did you ever hear the difficulty of obtaining a verdict advanced as a reason?—No, I have not.

7322. Do not many natives read English newspapers?—Many do in Calcutta and

and the neighbourhood, and in the Presidency towns where English is extensively understood.

7323. Is not the press of India generally antagonistic to the Government?—I do not think so; on some points it, of course, is in opposition to the Government, but I do not think that it is altogether antagonistic to it; I have before me the history of some newspapers which really seem to try always to praise the Government.

7324. Do you allude to the "Friend of India"?—No.

7325. That newspaper was remarkable, was it not, for writing on both sides of the question?—I do not think so, but I am not referring to that paper particularly.

7326. You are an advocate, as I understand for the administration of justice through the medium of the English language in the Mofussil courts?—Provided we have more European officers to preside over the courts who know the native languages.

7327. Would not the judge in that case be very dependant on the honesty of the interpreter?—He need not be so, if he studies the native languages.

7328. Do you think that in general their trustworthiness could be depended on?—I think it would be desirable that it should be checked by the judge's own knowledge.

7329. Mr. *Gregson.*] You have said, in answer to a question put to you by an Honourable Member of the Committee, that the pensioners are brutal in their conduct, do you apply that strong word to them generally?—I would rather say that they are persons of low habits; the word brutal occurred in the question which was put to me, and I think it is much too strong.

7330. You would qualify it?—I should not use the word myself; what I meant was, that they are persons generally of low habits.

7331. Not worse than pensioners in this country; there is nothing excessively bad in their conduct?—No, I did not mean to leave on the minds of the Committee any impression that there was.

7332. Have they the benefit of any religious superintendence?—Yes; at almost every station: I think that the Government in every case has placed a chaplain at the stations where the pensioners are located.

7333. You think, do you not, that the habits of intemperance among the troops and pensioners are not worse than they are among the same class of persons in this country?—Perhaps their idle habits and want of all occupation may make them even worse.

7334. Mr. *Willoughby.*] But they have greater facilities for indulging in such habits in India, have they not?—Yes; and I think that their idleness also very much conduces to it.

7335. Mr. *Gregson.*] You have spoken of the converts to Christianity as real Christians and nominal Christians; do many of the natives subject themselves to ridicule from the Hindoos in consequence of the licence given to them as Christians?—I do not quite understand the question, as they have no special licence.

7336. Do many of the converts subject themselves to the ridicule of the Hindoos by their conduct, after they have become Christians?—It depends on what class you refer to, whether you refer to those who make a more decided profession, or to those who are merely nominal Christians. It is a matter of very great regret that many of the nominal Christians have been a scandal to natives; but on the other hand, there are many native Christians who have been exceedingly consistent, whom the Hindoos themselves acknowledge to be men of great principle, and whom they very much respect and esteem. I have known many instances in which such native Christians have been resorted to most willingly, both by the Hindoo and Mussulman population; they have come to them, and consulted them as their advisers and friends; they say, "This is an honest and upright man, and we can trust him." That is a very common case with native Christians, who are employed as catechists and school teachers; generally we endeavour to select for their office men of the best character; and there are hundreds of instances in which such men are very much respected by the Hindoo population.

7337. Are not the natives often surprised, and to some extent scandalised, by the conduct of these nominal Christians?—Some of them are no doubt; but I do not think that that applies generally to our Christian population.

Rev. *J. Mullens.*
6 July 1858.

7338. They are of a very low class generally, are they not?—In some parts of the country; in Krishnaghur and other places they are; but I have myself baptized several in Calcutta belonging to wealthy families, and against whom nothing could be said on any ground. The same thing also has occurred in numerous instances in the Free Church and other missions, in all parts of India.

7339. Mr. *Willoughby.*] Are you aware that when an estate is sold the under-tenures are non-respected?—I was not aware of that fact.

Jovis, 8° die Julii, 1858.

MEMBERS PRESENT.

Mr. William Vansittart.	Mr. Lowe.
Mr. Willoughby.	Mr. Gregson.
Mr. Villiers.	Mr. Campbell.
Mr. J. B. Smith.	Mr. Kinnaird.
Sir Erskine Perry.	Mr. De Vere.
Mr. Mangles.	

WILLIAM EWART, Esq., IN THE CHAIR.

The Rev. *Joseph Mullens,* called in; and further Examined.

Rev. *J. Mullens.*
8 July 1858.

7340. *Chairman.*] I BELIEVE you wish to make some statement with respect to the European population of Bengal?—I merely wish to complete an answer which I gave to a question put to me by Mr. Kinnaird on Tuesday last, as to the progress of settlement. The question which was put to me was, "Can you give the Committee any information as to the progress of settlement among Europeans in India?" This is the answer which I would desire to give to that question: At first, the settlement of Englishmen in the country took place but slowly; it has advanced, however, somewhat rapidly of late years. The returns of 1852 set down the number of extra-official Europeans beyond the three Presidency towns in all India at 317. But this statement is very much below the mark. I have no good information of a late date respecting Bombay and Madras; but in the Presidency of Bengal, before the rebellion broke out, the case stood thus: Of indigo factories, there were 320 concerns, about 900 factories and 420 managers and assistants. Then as to the coal, there were eight concerns, 18 collieries and 16 managers and engineers. As to rum distilleries, there were six managers. With regard to silk filatures, there are 25 concerns and factories, and 35 managers and assistants. As to sugar, there were seven concerns; and, as to tea, there were 37 plantations and 55 managers and assistants. Excluding the English regiments, and the officers of native regiments not on staff employ (the latter being about 1,000 in number) the English and East Indian population in the country parts of the Presidency amounts to 5,400 grown men in both public and private employ. Of these, 1,950 are not connected with the Government. They are principally missionaries, English zemindars and planters; and engineers, contractors and superintendents on the railway. They are all grown men, but as many of them are not married, they would represent, probably, a population of above 6,000 persons, unconnected with Government. The whole English population in the Mofussil would, at the same rate, amount to about 17,000 persons. The English and East Indian inhabitants of Calcutta itself, in all kinds of employ, amount to 4,256, and represent a population of about 16,000 persons. Deducting the English regiments, therefore, we had, in the Presidency of Bengal, before the mutiny, an English population of about 34,000 persons. The value of land now held by Europeans is reckoned by the Planters' Association at four millions sterling. In Ceylon the population is thus described in the latest returns: whites, military, 1,216 males and 206 females, in all 1,422; non-military, 2,704 males and 2,262 females, in all 4,966; making a total of 6,388. Of coffee estates there were 404; of cinnamon estates, 56; of cocoa-nut estates,

166. Adult Englishmen, not belonging to the army, navy, or civil service, 600. I was also asked another question by Mr. Kinnaird, as to whether we missionaries had had anything to do with bringing memorials before the Government; and I said that one in which we took particular interest was, a petition to the Legislative Council on Mr. Grant's Bill for improving the law relating to the sales of land for arrears of revenue in the Presidency of Bengal. (*The Witness handed in the petition referred to*). Rev. *J. Mullens.* 8 July 1858. *Vide* Appendix.

7341. Mr. *Vansittart.*] You say you have been 14 years in India as a missionary?—Yes; 14 years and three months.

7342. The whole time in the Bengal Presidency?—Except during one visit to the Madras Presidency.

7343. How many missionaries do you suppose there are in Bengal?—In the province of Bengal I think we have 105 missionaries; and in all India, 450.

7344. Your body have been accused of interfering with the administration of justice in India; is that the case?—I am not aware of any accusation of the kind having been made.

7345. In fact, you have no object to serve in any such interference?—No; we take an interest in questions connected with the administration of justice, and sometimes, when we think it would be an advantage, especially to the poorer natives, missionaries have presented petitions to the Legislative Council and to the other authorities, such as the petition laid before The House last year.

7346. Your body are generally on very good terms, are they not, with the civilians?—I believe they are, generally.

7347. Is it not the case that, at the majority of the stations, the civilians, planters, and others, with their families, have no means of attending Divine service, except by attending the chapels of the missionaries?—Not at the majority of stations; but there are many stations in India where they have only a missionary chapel to attend; that applies to some of the smaller stations.

7348. I think that, at my old station, at Monghyr, there were two missionaries?—Yes.

7349. Messrs. Parsons and Lawrence, are they still there?—Mr. Parsons has removed to Agra.

7350. In arguing and discussing theological subjects with the natives, do you find any difference between the Hindoos and Mahomedans?—Yes.

7351. Do you find that the Hindoos are more patient and more anxious to discuss such subjects with you?—Yes; and the Hindoos are much more open to receive the arguments that missionaries present to them respecting matters of religion.

7352. To what class of Hindoos do you refer?—To all classes.

John Warden, Esq., called in; and further Examined.

7353. Mr. *Willoughby.*] IN answer to Question No. 6029, you say: "I should imagine that the race of Europeans could be continued if the children were brought up on the hills, in which there would be no difficulty;" what hills do you refer to?—I mention, afterwards, the plateau in the neighbourhood of the Mahabuleshwur Hills. *J. Warden*, Esq.

7354. Can you specify the precise part?—No; but it is perfectly well known.

7355. Do you know the extent of it?—No, I do not.

7356. Has it been tried?—It has not been tried on an extensive scale, but, if I remember rightly, some individuals have been there.

7357. You cannot say, of course, that it would do for the settlement of Europeans on an extensive scale?—There are many other places, as for instance Porrundhur and Singurh, which are perfectly habitable.

7358. Are not those places more fit for the occasional residence of Europeans; they would not do for colonists?—No.

7359. You have alluded to soldiers at Poonah being as healthy as soldiers at a review in Hyde Park; are they not kept under military discipline during the heat of the day?—I think that that is only imperfectly carried out.

7360. But are there not regulations applied to them which are not applied to Europeans generally?—It may be so in hot weather, but not at other times of the year.

J. Warden, Esq.

8 July 1858.

7361. They are under some restrictions, are they not?—They may be, but I have no personal knowledge on the subject.

7362. You say that you think the more healthy parts of the Mahabuleshwur hills might be inhabited by soldiers and their children; are they not abandoned during the rainy season by all Europeans who can get away from them?—It should be understood that in all the answers I have given, I allude to the plateau to which I have referred.

7363. You have alluded to Mr. Elphinstone's proclamation, in which it is promised that private rights shall be treated with generosity. That proclamation was published, was it not, by the order of Parliament, together with the instructions issued to the Collectors?—Yes; I have it here.

7364. The instructions are dated 2d April 1818?—Yes.

7365. If you refer to the instructions you will find this paragraph: "All lands held free of revenue are to be allowed to remain so, and to be left with their present proprietors. They must, however, be called on, hereafter, to show their sunnuds, or, otherwise, prove their title;" that shows that Mr. Elphinstone contemplated an investigation into titles?—No doubt he might have done so, but he would not have deferred doing it until prescriptive titles had been established. The objection I take to the Enam Commission is, that time alone had established prescriptive titles, and that whatever was done was done too late; that is my objection to the Enam Commission. The precise words of Mr. Elphinstone's proclamation are, "All wuttuns and enams (hereditary lands), wurshasuns (annual stipends), and all religious and charitable establishments will be protected." The Enam Commission is the opposite of protection.

7366. You have spoken, in your previous evidence, of Act No. XI, of 1852, for adjudicating titles to enams. The titles must, I presume, rest either on written grants or on prescription?—Yes.

7367. Are you aware that, under Rule No. 1 of that Act, all titles that have been already confirmed by British authority are to be so continued?—I am aware of it.

7368. You have spoken of the strong terms used in the title-deeds of enamdars to describe the extent of the rights conferred by them; does not Rule 2 of the Act declare "that any land held under a sunnud, declaring it to be hereditary, shall be so continued according to the terms of the sunnud"?—It does.

7369. You have objected to the term of 60 years' possession required, to constitute a hereditary title; are you aware that the Bombay Government originally fixed 100 years as the term of prescription, and that it was reduced to 60 years by the Court of Directors?—No; but I am aware of another fact, that the 60 years was reduced to 30 years.

7370. You have stated in several places, and particularly in your answers to Questions 6138 and 6139, that the *onus probandi* is thrown on the landowner; how is this statement consistent with provisions one and two of Rule 4, which declare that "the authorised possession contemplated by the rules, does not involve the necessity of proving any specific authority from, or recognition by the Government or paramount power;" and further, that "if there be not evidence to disprove a claimant's assertion, that his holding has been indisputably enjoyed for the number of years requisite to fulfil the conditions" of the law, "his prescriptive right shall be admitted"?—But the Enam Commissioners call upon them to prove their titles. I say that the *onus probandi*, in the proceedings before the Enam Commission, is thrown on the claimant.

7371. Do you mean to say that the persons entrusted with these inquiries, act contrary to the provisions of the law?—No; I am not prepared to say that.

7372. Although the provision is, that if there be not evidence to disprove a claimant's assertion, that his holding has been indisputably enjoyed for the number of years requisite to fulfil the conditions of the law, his prescriptive right shall be admitted; you are of opinion that the *onus probandi* rests upon the claimant?—Certainly.

7373. Mr. *Mangles*.] I understood you to say in your examination in chief, that the law threw the *onus probandi* on the party in possession?—Yes; and so I still say; I say that the Government proves nothing; Government calls upon the claimant to prove his title. He says, "I have no sunnud, but I appeal to the district officer's accounts." Then when those accounts are produced, that is his proof, and not the Government's proof.

7374. The provision is, that if there be not evidence to disprove a claimant's assertion that his holding has been undisputably enjoyed for the number of years

years requisite to fulfil the condition of the law, his prescriptive right shall be admitted; that is, if the Government have no evidence, they shall take the assertion of the enamdar; they are to take his assertion if there be not evidence forthcoming to disprove what he says?—What the claimant says.

7375. Yes; if you have not evidence to disprove his claim you must admit the claim; do you say that throws the *onus probandi* on the claimant?—If it were not thrown on him the Government would go into court as plaintiffs, and they would disprove his title. The East India Company come in and say, "We call on this man to prove his title;" he goes through his proof first, and then comes the defence or answer.

7376. Notwithstanding the provisions which have been read to you, you still adhere to the opinion you have expressed, that the *onus probandi* rests on the enamdar?—Certainly I do; and anybody who understands the forms of procedure in courts of justice must know that it is so.

7377. Mr. *Villiers.*] The burthen of proof is thrown upon the defendant; and if there is no evidence to disprove what he has proved, he is then entitled to keep possession?—Yes.

7378. Mr. *Smith.*] What is the practice?—The practice is to call upon him to prove his title, and if that is not throwing the *onus probandi* on him, I do not know what *onus probandi* means.

7379. If he fails to prove his title he is disinherited?—Yes; he is called into court and required to prove his title, then he gives the best proof of it he can, In the case contemplated by Rule 4, which Mr. Willoughby has quoted, he comes into court and says that he has had the land for so many years, and if the Government have no evidence, that is, if they have not got a leg to stand on, then they give him his land; that is what it comes to.

7380. Sir *Erskine Perry.*] Have you looked at the 3d, 4th, and 5th clauses in Schedule (A.)?—The 3d clause is, "The Enam Commissioner or his assistants shall receive from the persons holding, or claiming to hold, land or any interest therein, exempt from the payment of revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements."

7381. Now read Rule 5, if you please?—"But when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein, wholly or partially exempt as aforesaid, requiring him personally, or by his agent, to show his title; the notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands, or interest held, or claimed to be held exempt as aforesaid, to attend, either personally or by an authorised agent, at a specified place and within a specified period (which shall never be less than two months from the date of the notice being served), to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it; the notice shall further explain that a failure to comply with its terms will render the land, or the interest to which it relates, liable to attachment." It appears to me that beyond all doubt the *onus probandi* is upon the claimant; but upon that question the Committee will draw their own conclusion.

7382. Mr. *Willoughby.*] Is it not the rule, both by law and practice, to test all claims to hold enams by prescription by a reference to the records in the Peishwa's dufter or other authentic documents. If, for instance, a man claimed to hold a village free of assessment, on the ground that it had been so held for 60 years previously to our occupation of the country, would it not be incumbent on the adjudicating officer to prove from authentic documents that the holder of the village had paid revenue within the prescribed period, before the Enam Commissioner could give a decree against him; and, if the latter failed to produce such evidence, would he not be bound by law to admit the prescriptive right of the holder?—I imagine that, in this and every other case, the enamdar is bound to make the best case he can before the dufter or anything else is referred to; and then, if, on reference being made to the dufter, it is found to confirm what the man says, he will get his enam; and, if not, he will lose it; but still the initiative is throughout with the enamdar; the rule is to test it in the manner described in these sections of the Act, Rules 3, 4, and 5, of Schedule (B.); the dufter is the Enam Commissioner's evidence; the Enam Commissioner acts as judge; it is a court of justice now.

J. Warden, Esq.

8 July 1858.

7383. Unless it is proved by the dufter that the land under inquiry has paid revenue within 60 years, the right would be admitted, would it not?—I do not know; I have no ground for saying that it would.

7384. Do you still consider, notwithstanding the question I have put to you above, that the *onus probandi* rests on the enamdar?—Certainly I do.

7385. Does not the law provide, that in all cases, except where land is held "by fraud recently committed," the resumption, that is, the assessment, shall not take place at least until the death of the existing occupant?—I believe it does.

7386. Sir *Erskine Perry.*] Just read, if you please, rule six in Schedule B., provision two?—"Land held as wholly exempt from payment of revenue, or on variable assessment, the possession of which is not continuable under the preceding rules, is to be resumed on the demise of the incumbent;" that is to say, if the man is unable to stand the test of Act 11, 1852 (for he must attempt to stand that test first), and go through all the hardships enforced by this Act; if the possession is not continuable under these rules, the Government say, "We will not take the property until the demise of the incumbent," but that does not affect the argument that Government have no right to take it at all.

7387. Do you know that in all the Presidencies the duty of asserting the right of the State to the revenue on lands held without due titles, was in the first instance thrown on the collectors?—It was so.

7388. In all the Presidencies?—I do not know any Presidency, except Bombay; as I have already said, that would have been quite right, and there would have been no objection to it if it had been done in time.

7389. Is it not the fact, that from the pressure of their other and ordinary duties, it was found impossible that the collectors could institute the investigations required for that purpose?—I have heard so.

7390. Are not the ordinary courts of justice too much overwhelmed with business to admit of their conducting these investigations in the form of regular suits?—That may or may not be the case; but even if it were so, it would have been very easy to have founded another court of justice for the adjudication of these titles, founded on recognised principles of justice, and carrying out the general provisions of the law.

7391. Was it not found necessary in Bengal, after a much greater lapse of time, after the country came under British rule, than has occurred in Bombay, to establish a special agency independent of the judicial and revenue authorities to conduct those inquiries and bring them to an issue?—I am not aware what was done in Bengal; but I repeat, that I should not have the least objection to an Enam Commission if it had been only founded as a court of justice, to be regulated by the existing laws, and by the principles of justice recognised and understood in the country.

7392. What lapse of time in fact occurred?—From 1817 to 1852.

7393. Mr. *Willoughby.*] Is it not the fact, that in the Southern Mahratta country, and to a greater or less extent in the Deccan, more than half the land was claimed as enam, and that the regular revenue authorities had neither the time nor the means to investigate the validity of the titles under which the company were made?—That appears to be nearly identical with a former question.

7394. Except that, I ask whether the claims did not amount to nearly half the revenue?—I am not aware; but, as I said in my original evidence, I do not consider that that could possibly affect the principles on which the claims should be adjudicated. I think that you must adjudicate on the recognised principles of justice.

7395. Was it not in consequence of these circumstances coming to the knowledge of the authorities that the Enam Commission was established; and are you aware that, after having acted for a time under instructions issued from time to time by the local government, the Court of Directors ordered that the inquiry should be placed on a legal footing, and that those instructions resulted in the enactment of Act 11, 1852?—I am not aware what the instructions of the Court of Directors were, but if they were such as they are suggested to have been, all I can say is, that their instructions were not carried out.

7396. You have referred, in your answer to Question No. 6135, to a letter from Jafur Ali, of Surat, relative to his claims to certain villages in the Surat zillah; you are, of course, aware that any claims which he may have to those villages which may have to be judicially decided must be adjudicated under the code

J. Warden, Esq. 8 July 1858.

code of 1827, and not under Act 11 of 1852?—I am aware of that; and the circumstance of the natives of the Deccan being excluded from that regulation is what I consider to be the great grievance under which they labour.

7397. Did not the distinction arise from the fact that the Deccan was a newly acquired country in 1818?—Some part of Guzzerat was ceded in 1815.

7398. Mr. Elphinstone himself excluded the Deccan from the code of 1827, I think?—Yes.

7399. Jafur Ali seems, from the letter quoted by you, to have apprehended that the Act of 1852 was about to be extended to that district, in suppression of the existing law; have you any reason to suppose that any such measure was ever contemplated by the Government of Bombay?—I remember we were told, when I was in Council, that such a measure would produce a rebellion in that country.

7400. Have you any reason to suppose that the Bombay Government ever contemplated extending Act 11 of 1852 to Guzzerat?—Yes.

7401. And superseding the code of 1827?—I think so. I speak entirely from recollection.

7402. Was it discussed in the Council?—I think it was.

7403. Sir *Erskine Perry.*] You protested against it, I suppose?—I said, "What kind of Commission can this be, if you cannot carry it into a new country, for fear of its causing a rebellion?"

7404. What was the meaning of saying that you could not carry the Enam Commission into Guzzerat without producing a rebellion?—That the people would become so discontented.

7405. Mr. *Willoughby.*] You state that the Return to the House of Commons, to which you refer in your answer to Question 6151, does not show how many cases had been decided in favour of the claimants; does it not, on the contrary, distinctly show that out of 6,913 cases decided, 2,948 had been "declared hereditary and permanent," and that 3,266 had been "declared continuable for one or more lives"?—I dare say you have quoted correctly.

7406. Then your former answer was incorrect?—In what way?

7407. You said that the Return did not show how many cases had been decided in favour of the claimants?—We could not find it the other day, at all events.

7408. There are 2,948 "declared hereditary or permanent"?—Yes.

7409. You stated the other day that this Return did not show how many cases had been decided in favour of the claimants?—It shows what are continued, but not what are resumed.

7410. Sir *Erskine Perry.*] You are asked this question: "Does it show how many of the 6,002 cases which were adjudicated were decided in favour of the claim, and how many against it?" and your answer was, "No, it does not state the number of those that have been confirmed, and those that have been resumed;" it appears that there are, altogether, 6,913 cases adjudicated upon?—Yes.

7411. And it does show how the adjudicated cases were disposed of, does it not?—It says they were assessable, but whether they were resumed, or what became of them, we do not know.

7412. Does not one line in the Return show those that are declared to be hereditary or permanent?—Yes; 2,948.

7413. Then, "Ditto, continuable for two or more lives, 132"?—Yes.

7414. "Ditto, to present incumbents, 3,134"?—Yes.

7415. "Ditto, at once assessable, 671"?—Yes.

7416. "Ditto, in Surinjam, 26"?—Yes.

7417. Then the total decisions are 6,913?—Yes. I do not find any mention of those that were resumed; the only approach at resumption is, "Ditto, at once assessable."

7418. Mr. *Villiers.*] Is the note at the bottom of the Return, purporting to give the estimated accession of revenue from these resumptions, official?—I imagine so; I find it in part of the Return made to the House.

7419. Mr. *Willoughby.*] Is it not the fact, that under Act 11 of 1852 the decision of enam cases rests almost, if not quite, exclusively on documentary evidence; the appeal from the Commissioners lies to the Government of Bombay; when an appeal is made, is not all the documentary evidence laid before the Government?—Yes.

J. Warden, Esq.

8 July 1858.

7420. In your answer to Question 6074, you say that, "to crown the whole," particular cases are no longer reported to the Court of Directors?—Yes.

7421. Is it the practice in ordinary civil cases, decided under the law, to report the cases to the Court of Directors?—No, it is not; but there is an appeal to the Sudder Court, and then to the Queen in Council, and here there is none such; and there is not even a report to the Court of Directors.

7422. In the case of the Enam Commission, the officers are bound to decide according to the rules laid down in Act 11 of 1852, but their decisions are appealable only to the Government of Bombay. If any claimant consider himself aggrieved by such decision, do you not know that it is open to him to bring his case, by memorial, before the authorities in England?—I do; my argument was, that, having that, and that only, he had not what other people have, which is an appeal to law.

7423. You have spoken of the hardship inflicted on the enamdars from having their titles now inquired into, after so long a lapse of time since we acquired possession of the country; in what has this delay originated?—I fancy it arose from the vast number of claims to be inquired into, but I have no personal knowledge of it.

7424. Is it not the fact that the collectors are over-burdened with other duties, and that a special agency for the purpose was absolutely necessary?—I think so; I wish it to be distinctly understood that I have no objection to a commission; but it should be such a commission as we see in this country, a commission of judges who carry the rules of evidence with them, and by whom cases are adjudicated on recognised principles of justice; my objection to the Enam Commission is, that it is unlike other courts of justice; in other courts of justice it is not the practice to throw the *onus probandi* on the parties in possession; I think that the law, throwing the *onus probandi* on the party in possession, was most unjust

7425. Is it not the fact, that the Peishwa's dufter, at Poonah, the great repository of the records of the Maharatta Government, has been, until recently, in such a confused and disorganized condition, that it was impossible to obtain from it the information which a collector might require in regard to any particular tenure?—No; I would rather have had the dufter as Mr. Elphinstone left it, than as it may be now; for since those days it has been under a committee of Brahmins, and I would not trust to it now as I would then.

7426. Was the dufter arranged and adjusted in Mr. Elphinstone's time?—It was arranged to some extent, but after that it was given into the hands of a committee of Brahmins, before it got into the hands of the Enam Commissioners.

7427. Mr. *Mangles*.] Do you think that there is any danger of a fraud being committed by the Brahmins in favour of the Government?—It is impossible to say what a crafty Brahmin will do.

7428. Mr. *Willoughby*.] Would the Brahmins have any interest in committing a fraud in favour of the Government?—No; what I say is, that the dufter affords no longer the same trustworthy evidence that it did when Mr. Elphinstone left.

7429. You do not think that the arrangement and reorganization of the dufter, under the superintendence of the Enam Commission, is a beneficial arrangement?—What I mean to say is, that what is found in the dufter is not so trustworthy as it was when Mr. Elphinstone left the country.

7430. Have not the hereditary district officers, whose duty it was to supply the collector with information on all matters connected with alienated revenues, systematically misled him, by suppressing and falsification of accounts, and thereby led him, the only officer competent to judge of such matters previously to the appointment of the Enam Commission, to report favourably to Government on claims which, when properly examined, had not a shadow of evidence to support them?—I am not aware of that fact.

7431. Are you aware that by a most careful examination of the records in the Peishwa's dufter, and from other sources, it has been conclusively proved that the right to convey to an heir by adoption any interest in the public revenue was never conceded under the native governments, except by the consent of the ruling power previously obtained?—Yes; you must have the consent of the ruling power; but it was in every case granted on the payment of a nuzzer. The rule was always to grant it, the nuzzer being higher to adopted than to heirs of the body of the deceased.

7432. Are you positive that adoption to enams are wholly disallowed by the Bombay Government?—I believe so.

7433. I am now going to read to you an extract from a letter from the Court of Directors to the Bombay Government, dated 9th September 1846, at which time, I believe, you were employed at Poonah?—On the 9th September 1846 I was in England.

7434. This is the passage to which I refer: "The principle on which we have of late proceeded is, that enams (as contradistinguished from surinjam) pass to heirs, as of right, without need of the assent of the paramount power, provided the adoption be regular, according to Hindoo law. In the case of the Nepanee Kur, though you had expressly refused your sanction to an adoption, yet, when made, it was held valid in respect to enams' lands, as well as to private property generally, and several other recent cases might be cited." That was the instruction given by the Court of Directors in September 1846?—I have no knowledge of that order of the Court of Directors.

7435. That must have been sent to your office?—In 1825, Mr. Chaplin, the Commissioner under whom I was, so far as I remember, wrote to the Government to know what they wished done in regard to adoptions, and an answer came from Mr. Elphinstone's Government to the effect, that adoptions, solemnised with the usual forms and sanctions (meaning the Hindoo law, I presume), should be recognised by the Government, and that even in the case of widows. This was the rule up to that time. But when discussions arose with respect to the Enam Commission, then the question of adoption was re-opened; and, to the best of my belief, adoptions are not allowed now. I wish it to be understood that I make no complaint against the Court of Directors for making these rules; the grievance that I complain of is, that the rules have been broken.

7436. Sir *Erskine Perry*.] Does that decision which has been read show that the rule had been broken?—Certainly it does. The Court of Directors' order does not touch the law; the Court of Directors have no power to send any instructions to India to affect the law. As I stated in my former examination, "The section enacts, that land uninterruptedly held exempt from assessment for 60 years before the introduction of the British Government, and then in the authorised position of a grandson in male descent of the original grantee, shall continue to be held so long as there shall be in existence any male heir, tracing his lineage through males only."

7437. That would include adoptions, which are not allowed?—That is a matter of opinion; if it can be shown that adoptions have been recognised by the Enam Commissioners, there is no complaint to be made; but that I believe will not be found to be the practice.

7438. You have spoken of Captain Cowper, the Enam Commissioner, as a captain of Native Infantry, a man under 30?—I am not aware of his age, of course.

7439. But you stated that in your evidence?—I do not remember it. You have the advantage of me with respect to my evidence, for I have not had an opportunity of reading it yet.

7440. Are you aware that Captain Cowper was a cadet of 1836?—Since I gave my evidence here I have referred to the "Bombay Army List," and found that the season of his appointment was 1836. I do not know whether it is the custom of the Court of Directors to appoint people before they are 16 years of age, or not. When I spoke of Captain Cowper, I did not allude so much to his age as to the special training which I thought was requisite for all judicial occupations.

7441. Were enams and jagheers saleable under the native governments?—As a rule, I should say they were not.

7442. Were not enams and jagheers considered to be personal grants; that is, grants from native governments to an individual, and the heirs of his body, for services performed, or as marks of favour from the prince?—I have got here a quotation from Mr. Elphinstone's History of India, in which he describes what enams are, much better than I could, and therefore, with the permission of the Committee, I will read it. He says: "Of lands held free of service or enams; other alienations are to temples or religious persons, or to meritorious servants, and to families. Though very numerous, they are generally of small extent, often single villages, sometimes only partial assignments on the Government share of a village, but in some cases also, especially religious grants, they form very large estates. Religious grants are always in perpetuity, and

J Warden, Esq.

8 July 1858.

are seldom interfered with. A large proportion of the grants to individuals are also in perpetuity, and are regarded as among the most secure forms of private property; but the gradual increases of such instances of liberality, combined with the frequency of forged deeds of gift, sometimes induces the ruler to resume the grants of his predecessors, and to burden them with heavy taxes. When these are laid on transfers by sales, or even by succession, they are not thought unjust, but total resumption or the permanent levy of a fixed rate is regarded as oppressive."

7443. The passage which you have just read rather confirms the view suggested in my question, does it not; that enams and jagheers were considered to be personal grants, or grants from native governments to an individual and the heirs of his body for services performed, or as marks of favour from the prince? —Yes, and they are regarded as the most secure forms of title to private property.

7444. If enams and jagheers are given for services performed, or as marks of favour from the prince, is it reasonable to allow the enamdar to transfer his enam into the line of another family? Could the Dukes of Marlborough or Wellington sell or transfer Blenheim or Strathfieldsaye?—I do not consider that under the native governments enams were saleable.

7445. Cannot an enamdar now sell his own interest in his enam, this interest terminating, of course, when his own family becomes extinct?—When I said they were not saleable, I did not, of course, mean to say that a man might not sell his own interest.

7446. You are familiar with Mr. Elphinstone's report on the Deccan, are you not?—It is a long time since I have seen it.

7447. I daresay you recollect that, in his financial estimates, he relied upon the number of the settlements being only provisional and lapsing to Government; perhaps what I am alluding to will be more apparent if I read to you an extract from his report: "The nearest territory to this (the ceded districts) increased in eight years from 12 lacs of pagodas to 18, and without venturing to anticipate a similar augmentation here (the amount of which would be upwards of 27 lacs of rupees), we may fairly expect an addition of 10 lacs of rupees in 10 years, even supposing the districts now under Bombay to remain as they are. In this improvement I have not mentioned the falling in of jagheers, nor shall I, in the reductions, mention the expiring of pensions; yet these are funds from which a good deal may be expected. The amount of pecuniary pension and land held during pleasure will have proved enormous, but that is in reality one of the greatest advantages which this territory presents, since that mode of rewarding services has prevented the great alienations of land that would otherwise have taken place. In the ceded districts, the amount of revenue thus irretrievably lost to Government is equal to the amount that remains; here it is only a seventh or an eighth"?—Yes.

7448. It is clear, therefore, that Mr. Elphinstone contemplated extensive resumptions ultimately?—He may have done so, but not at so late a period as 1853, I think.

7449. You alluded in your former evidence to the qualifications of young men educated at the Elphinstone Institution and the Poonah College to act as pleaders in law courts in India; I believe that you formerly expressed the opinion that many young men educated at the Elphinstone Institution at Bombay, and at the Poonah College, were equal in acquirements and in powers of mind to men trained at the English Universities?—I did.

7450. Was your statement, that the young men educated at those institutions would be found qualified to act as pleaders, made on the supposition that the opinion just referred to was correct?—Yes.

7451. Are you not aware that the result of recent examinations, conducted by persons unconnected with the institutions in question, has shown that the knowledge of the young men brought up in them was merely superficial, and that, with few exceptions, even the best of the students failed to display any power of thought or reasoning?—Mr. Howard may have his opinion upon that subject, and I have mine. Nothing can alter my opinion of the acquirements of the young men with whom I associated, and that some of them were certainly equal to the Haileybury boys. I am sorry I did not bring with me some letters which I have received from them as a proof, at all events, of their knowledge of the English language.

7452. You do not think that the conclusions which were drawn from an examination by an independent examiner are to be relied on?—Unless he had before him the same young men that I had in my mind when I said that to which you have referred, his conclusions do not affect mine.

7453. His report, of course, referred to those young men who were students at the Elphinstone Institution at the time he examined them?—His opinion cannot alter my own judgment with respect to the young men with whom I myself associated, and whose examinations I witnessed.

7454. Mr. *Mangles.*] Were they then examined by their own professors?—Yes.

7455. *Chairman.*] But you speak from your own knowledge of them?—Yes.

7456. Mr. *Willoughby.*] A different conclusion was arrived at when the examinations, instead of being conducted by the professors or superintendents of the college, were conducted by a person independent of the college, appointed for the purpose?—When the examinations were conducted by a person independent of the college, the results would probably be stated less *couleur de rose* than when conducted by the professors of the college; but that cannot alter my opinion of the young men I saw.

7457. Is the mere possession of a colloquial knowledge of English, or even the power of writing a letter in English with tolerable correctness, a proof of such powers of mind as are necessary to make an efficient pleader?—But the education is carried much further than that.

7458. But you will admit, will you not, that the mere possession of a colloquial knowledge of the English language, or even the power of writing a letter in English with tolerable correctness, is not of itself a sufficient indication of the possession of such powers of mind as are necessary to make an efficient pleader?—But the young men I speak of were very perfect English scholars, they could write as good English as I could, and better too, I daresay.

7459. Do you think that the glaring failure of the students brought to light at recent examinations was the result of defects in the systems of teaching, and that it did not arise from faults in the mental constitution of the natives of India, which would disqualify them from pursuits which require the exercise of the reasoning powers?—My own opinion of the natives is that their powers of mind are as great as those possessed by Europeans.

7460. Do you consider that a good knowledge of English, correct reasoning powers, and a knowledge of the law to be administered, are sufficient qualifications for a pleader, and that the possession of high moral principles is not also an indispensable requisite for the proper discharge of the duties of an advocate?—I certainly think that high moral principle also is necessary.

7461. Do you think that such a number of the young men educated at Bombay and Poonah are possessed of such a high tone of moral feeling and principle as would enable a class of pleaders to be formed, with the necessary qualifications in this respect?—Certainly; I think that their high moral principles will develope themselves day by day, as it has done for some time.

7462. You alluded to the regulation by which, in the Deccan, enamdars were unable to sue the Company in courts of justice; who made that law?—Mr. Elphinstone.

7463. Was not the distinction made because the Deccan was a newly conquered territory?—Certainly; but part of Guzzerat was ceded only two years before the Deccan was conquered.

7464. You have talked about the Peishwa abdicating in favour of the British Government; did he not first of all commence war?—Yes; but he ultimately abdicated.

7465. He submitted to terms?—Yes.

7466. You have alluded to the inefficiency of the officers appointed to the Enam Commission, and you say they were not judges of Her Majesty's supreme courts; are you an advocate of entrusting inquiries of this kind into titles to land to judges of Her Majesty's courts?—Certainly; I should not be afraid to entrust any question to the decision of a judge of Her Majesty's courts.

7467. Who told you, that introducing the Act 11 of 1852 into Guzzerat would create a rebellion?—I cannot remember; if I could, I would have told the Committee.

7468. You have alluded to the Government having altered the law of prescription in their own favour in the Deccan; was that law of prescription ever introduced into the Deccan?—No; what I say is, that when they came to legislate

J. Warden, Esq.

8 July 1858.

late for the Deccan, they should have extended to the Deccan the laws of prescription which had been given to Guzzerat.

7469. But you are not correct in saying that they altered the law, when such a law never existed?—In the written memorandum from which I read in my former examination, the language I used was more carefully chosen than that which I used afterwards in conversation; what I said was, "It was to have been expected that the East India Company, where they did proceed to the adjudication of titles to land in the Deccan, would have done so before the lapse of time had established prescriptive titles, and that they would have granted to the people of that country the same advantages which the regulations had secured to other British subjects."

7470. What law of prescription did the Government alter?—I have already stated that.

7471. In your evidence you say, thus "having altered the law of prescription in their own favour they constituted a court of their own." What law existing in the Deccan did they alter?—I must beg to refer to my former statement. What I said was this: "But they did not take any steps in the matter till A.D. 1852, thirty-five years after the abdication of the Peshwah, and when many prescriptive titles had been established, under the regulations, by the efflux of time alone; and when they did act, they passed a law of a most rigid and unjust character, excluding the Peshwah's former subjects from the advantages possessed by other British subjects. Instead of simply extending to the Deccan the laws in force elsewhere, they re-enacted the provisions of a rescinded law (rescinded because found inconvenient in practice), by which 60 instead of 30 years' enjoyment was required to constitute a prescriptive title, and added the still more stringent clause, that these sixty years must be sixty years before the introduction of the British Government."

7472. You do not mean to say that they altered the law?—I say that when they legislated, they legislated by instituting a rigorous and unjust law, as compared with the law existing in other parts of the Peishwa's dominions.

7473. Do you recollect the proceedings of the Supreme Court in Sir John Peter Grant's time?—Yes.

7474. Did not his attempt to extend the jurisdiction of the Supreme Court create great dismay in the Mofussil?—I cannot say that it created great dismay; it excited a good deal of interest.

7475. Were they in favour of the jurisdiction at that time?—Some were in favour of it and some were against it. When I told the Rajah of Sattara that we had done something with respect to one of his people, he said, "If you do that, I will prosecute you in the Supreme Court." They certainly were not dismayed at it.

7476. Mr. *Smith*.] You judge from that that he had confidence in getting justice there?—Certainly.

7477. You have talked about the civil service not being able to acquire a knowledge of the languages necessary to carry on the judicial administration of the country; would not that apply also to the barristers?—No; a barrister should, according to my view, pass one examination in Mahratta, and should not be required to learn any other language; and the evidence should be conveyed to him through interpreters.

7478. Is it not the case that a man in the civil service is required to pass an examination in two languages, and that he is appointed to a district of the country with the language of which he is acquainted?—No, that is not always so; it was not the case with my own son.

7479. You have stated that the appointment of collectors as magistrates is wrong. Is not that a vexed question; is it not a question on which great difference of opinion exists among eminent men who are connected with India?—I believe that different opinions are entertained upon that subject, but I think there can be no doubt that it would be much better to divide the duties, making the magisterial duty the one paramount duty.

7480. Has there not been a good deal done of late years to improve roads in India?—Yes.

7481. Has a good road been constructed from Poonah to Sholapore?—Yes; I think I mentioned that before.

7482. Mr. *Villiers*.] In what year was that?—In 1851 I recommended its construction.

7483. Mr.

7483. Mr. *Campbell.*] Has that road been made?—Yes; I believe it was made at my recommendation.

7484. Mr. *Villiers.*] Was there any difficulty in making it?—No.

7485. It might have been made before?—Yes.

7486. Mr. *Willoughby.*] According to the plan of introducing English into the courts of justice, you say there would be pleaders on each side, watching the interpreters, who would be acquainted with both languages; do you think that that applies to the Mofussil?—I am speaking prospectively. Education must go on hand in hand with these reforms and improvements of which we are speaking.

7487. You say that the Government land in the Bombay Presidency bears a very high rent?—Yes. When we got it, it was upwards of 50 per cent. I believe it has been considerably reduced under the survey and assessment. The question which was put to me was, whether I thought it would be saleable?

7488. Is not land in the island of Bombay mostly held on what may be called a peppercorn rent?—I believe it is.

7489. And in Sir John Malcolm's time, villages were given in perpetual leases, were they not?—I am not aware; that is like an enam. I have a quotation here from Mr. Elphinstone: "The sovereign's full share is now reckoned at one-half, and a country is reckoned as moderately assessed when he takes only one-third." It is added in a note, that in the Deccan land was found to be assessed at 57½ per cent.

7490. But the object of the Government has been to reduce it?—Yes.

7491. You state that no European capitalists come out to Bombay?—I am not aware of any; there may be a few, but they are exceptions.

7492. Mr. Dickenson, of Nugger, and Mr. Lingard, who was unsuccessful, at Tanna?—No; I do not know them

7493. Mr. Landon is settled in Broach; do you know that?—Yes.

7494. And has he not prospered?—I do not know whether he has prospered or not.

7495. You have said that you are an advocate for the abolition of the covenanted civil service?—I said that it would give a larger choice and a larger selection.

7496. Here is Lord Macaulay's opinion on this point, in the debate on the India Bill in the House of Commons, on the 24th of June 1853: "Some gentlemen, for whose ability I have great respect, though upon this subject I cannot agree with them, think the best mode of improving the Government of India is by throwing open the public appointments. Let the Governor-general, they say, choose his instruments for the administration. There will be no want of ability, they say, if you only give him the freedom to choose those who serve under him. There is something plausible in the proposition that you should allow him to choose able men wherever he finds them. But my firm opinion is, that the day on which the civil service of India ceases to be a close service, will be the beginning of an age of jobbing the most monstrous, the most extensive, and the most perilous system of abuse in the distribution of patronage that we have ever witnessed. Every Governor-general would, in such case, carry out with him, or would soon be followed by a crowd of relatives, nephews, first and second cousins, friends and sons of friends, and political hangers-on; while every steamer arriving from the Red Sea would carry to India some adventurer bearing with him letters from some powerful man in England, all pressing for employment. Upon those persons so recommended the Governor-general would have it in his power to distribute residencies, seats at the Council Board, seats at the Revenue Board, places of from 4,000*l.* to 6,000*l.* a year upon men without the least acquaintance with the character or habits of the natives, and with only sufficient knowledge of the language to be able to call for another bottle of pale ale, or to desire their attendants to pull the punkah faster. These men would be sent to exercise authority in different districts; one might be sent to a great station at Gwalior, or Khatmandoo, or Mysore, not inferior to Scotland in extent and population, might be made subject to his absolute power. In what way could you put a check on such proceedings? Would you, the House of Commons, control them? Have you been so completely successful in extirpating nepotism and jobbing at your own door, and in excluding all abuses from Whitehall and Somerset House, that you should fancy that you could establish purity in countries, the situation of which you do not know, and the names of which you cannot pronounce? This is what you would be called upon to undertake. I believe most firmly, that instead of purity resulting

J. Warden, Esq.

8 July 1858.

sulting from that arrangement to India, India would soon be tainted, and that before long, when a son or brother of some active Member of this House went out to Calcutta, carrying with him a strong letter of recommendation from the Prime Minister to the Governor-general, that letter would be really a bill of exchange, drawn on the revenues of India, for value received in Parliamentary support in this House. That would be no new traffic, but an old traffic revived. We are not without a guide and experience on this point; we have only to look back to those lamentable and shameful years which followed the first establishment of our power in Bengal; then, as may be well known, if you only look to any poet, satirist, or essayist of those times, you may see in what manner the system of appointments operated. Looking over only yesterday, for another object, a file of newspapers of 1771, I was struck by a paragraph stating that Mr. So-and-so, who went out with the Governor-general only three years ago, had just landed with 40,000 *l.* But it was not only so. There were the sort of men who took no office, but simply put the Governor-general to a species of ransom; they laid upon him a sort of tax, what the Mahrattas call choret, and the Scotch, blackmail; that is, the sum paid to a thief in consideration that he went away without doing harm. There is a tradition in Calcutta, where the story was very circumstantially told, and generally believed, that a man came out with a strong letter of recommendation from one of the Ministers, during Lord Clive's second administration. Lord Clive saw that he was not only unfit for, but would positively do harm in any office; and said, in his peculiar way, 'Well, chap, how much do you want?' Not being accustomed to be spoken to so plainly, the man replied, 'That he only hoped for some situation in which his services might be useful.' 'That is no answer, chap,' said Lord Clive. 'How much do you want? Will 100,000 *l.* do?' The person replied, 'That he should be delighted if by laborious service he could obtain that competence.' Lord Clive then wrote out an order for the sum at once, and told the applicant to leave India by the ship he came in, and once in England again to remain there. I think the story is very probable; and I also think that the people of India ought to be very grateful for the course Lord Clive pursued, for though he pillaged the people of Bengal to give this lucky adventurer a large sum, yet the man himself, if he had received an appointment, might both have pillaged them, and misgoverned them as well. Now, against evils like this, there is one security, and I believe but one, and that is, that the civil service be kept close: the consequence of keeping the service close is, that though the Governor-general has a wide choice, he must choose from among a certain set of instruments which he finds prepared to his hand. It is in the highest degree improbable that any one upon going out as Governor-general to India should find many relatives or friends in the civil service, and it more generally happens that he has not one; and the consequence is, that the most unscrupulous Governor-general would dispose of his patronage under the present system more properly than an upright Governor-general under a system by which he should be at liberty to appoint any one. Even an unscrupulous Governor-general, when he finds he cannot oblige relations and friends, comes to the conclusion that the best thing to do is to appoint men who would do the most credit to his choice, and make the public service go on more easily and successfully." I want to know whether that makes any alteration in your opinion?—Having formed my own opinion, I cannot put it aside for anything that Lord Macaulay or any other person has said.

7497. You have alluded to the case of a person who had been a domestic servant, and who, because he was not in the covenanted service, was prevented from filling the office of Postmaster-general, to which he had been appointed?—Yes.

7498. Do you think that making domestic servants eligible to high offices is likely to improve the respectability of the service, or to command the respect of the natives?—I mentioned the fact of his having been a domestic servant in order to show how superior a man he must have been to have risen gradually from that position until he was appointed by Lord Dalhousie Postmaster-general of Western India; it is immaterial what he sprang from; many great men in England have sprung from the lower orders.

7499. You are an advocate for imposing new taxes upon the natives?—I did not quite say that.

7500. You propose an income tax?—In answer to a question put to me by Mr. Mangles, I said that we must meet the exigencies of the country, as we did here,

here, with respect to the income tax. I said that the natives would submit to anything rather than have their property taken from them.

7501. Does not your acquaintance with the history of India show that it is an extremely difficult thing to impose a tax there?—I alluded to one tax which is ready to your hand. I think that if it were brought home to them that an income tax was absolutely necessary, they would grant it readily.

7502. You said you would have them taxed, but not in this way?—I mentioned the income tax for one, and the nuzzurana, or system of reliefs on succession, for another. They would prefer that to having their land taken away, as the Enam Commission takes it away.

7503. You have said that barristers, from their habits of intercourse with the natives, learn their manners, thoughts, and usages; does that apply to the manners, thoughts, and usages of the people in the interior?—My idea is, that like young men in the civil service, they should acquire it gradually.

7504. In your reply to Question No. 6267, in regard to the police, you speak of one unfortunate failure at Bombay; to what failure do you allude?—I mean that the sergeants were discovered to have taken bribes.

7505. Do you mean English sergeants?—Yes, English sergeants; but I think that the best security we could have against that would be in their retaining all their military advantages. If you use Europeans, you must use the best Europeans.

7506. Intemperance is a great obstacle to their general employment, is it not?—Men do not rise to become sergeants unless they have shown good habits in the army first.

7507. When they are removed from their regiments, do you not know that they fall into habits of intemperance?—The police constables in my day were very efficient and good men.

7508. Do you think that no knowledge of the natives of India and their customs and habits would be necessary to qualify a man for the Post-office?—He would acquire that, having had a good foundation in this country.

7509. You have stated that under the British Government the practice of grants of land has been discontinued; the fact is, that our system is to pay in pensions, and not in land, is it not?—I think the point of the question was as to whether the effect of such grants would not be that there would be no landholders left.

7510. Sir *Erskine Perry*.] Mr. Willoughby has put you a series of very carefully written questions on your former evidence; do those questions point out any inaccuracies or any inadvertences in your former statements?—I have not yet had an opportunity of reading what I said very rapidly here, and there may be a few corrections necessary, but certainly none on any essential points.

7511. Is there any one substantial statement that you made on the former occasion which you now see any reason to retract?—No. Mr. Mangles, I think, asked me more than once about the succession of females, and whether I was certain of it; I have not had an opportunity of referring to books on the Hindoo law, but I have referred to Mr. Elphinstone's history of India, and the Committee I think, will accept that. In quoting Menu's Code, he says, "The natural heirs of a man are the sons of his body, and their sons, and the sons of his daughters, when appointed in default of heirs male, to raise up issue to him; on the failure of issue of the above description, an adopted son succeeds; such a son loses all claim on the inheritance of his original father, and is entitled to a sixth of the property of his adoption, even if subsequently to his adoption sons of the body should be born; on the failure of sons come brother's sons, who are regarded as standing in the place of sons, and who have a right to be adopted, if they wish it, to the exclusion of all other persons; on failure of sons, grandsons, adopted sons and nephews, come fathers, and mothers; then brothers, grandfathers and grandmothers, and then other relations, such as are entitled to perform obsequies to common ancestors; failing them, the preceptor, the fellow-student, or the pupil; and failing them, the Brahmins in general; or in case the deceased be of another class, the king." That is in volume 1, page 66. Then in page 160, speaking of the changes in the law in this respect, Mr. Elphinstone says: "The Code of Menu is still the basis of the Hindu Jurisprudence, and the principal features remain unaltered to the present day. The various works of other inspired writers, however, and the numerous commentaries by persons of less authority, having introduced many changes into the written

J. Warden, Esq.

8 July 1858.

law, then led to the formation of several schools, the various opinions of which are followed respectively in different parts of India. Bengal has a separate school of her own; and although the other parts of India agree in their general opinion, they are at least distinguished into at least four schools. All these concur in abolishing marriage between unequal casts, as well as the practice of raising up issue to deceased brothers, and all the species of sons mentioned in Menu, except a son of the body, and one by adoption. Most of them, however, admit a species of adoption unknown to Menu, which is made by a widow in behalf of her deceased husband, in consequence of real or supposed instructions imparted by him during his life. Some schools give the power to the widow, independent of all authorisation by the deceased;" so that it appears that the daughter is appointed, in default of heirs male, to raise up issue to the deceased; and by modern modifications of the law, the gap is filled up by the widow adopting; she steps in and adopts, and so continues the male line. That was clearly understood by those who enacted Act 6 of 1852. Then another point that Mr. Mangles asked me about once or twice, was how the omlah or sheristadar could have any effect upon the judge; that is illustrated a good deal, I think, by the character of the people; and here again, with the permission of the Committee, I would refer once more to those admirable pages of Mr. Elphinstone, in which he sketches the character of the Hindoos; and that I think will show that we ought to be particularly on our guard in matters of this kind. On the character of the Hindoos, Mr. Elphinstone says, "It is in people connected with Government that deceit is most common; but in India this class spreads far, as from the nature of the land revenue the lowest villager is often obliged to resist force by fraud. Hindoos are not ill-fated by nature for intrigue and cunning when their situation calls for those qualities. Patient, supple, and insinuating, they will penetrate the views of a person with whom they have to deal, watch his humours, soothe or irritate his temper, present things in such a form as suits their designs, and contrive by indirect manœuvres to make others, even unwillingly, contribute to the accomplishment of their end. To take a bribe in a good cause is almost meritorious, and it is a venial offence to take one when the cause is bad. Pecuniary fraud is not thought very disgraceful, and if against the public, scarcely disgraceful at all."

7512. Is it not the case that, under the Company's system of judicature, the Company's judge has to hold a great deal of intercourse with and derive much information from the native officers?—Yes.

7513. And is it not the case, under the English system of judicature in India, that the judge never has occasion to put a single question to any of his officers?—Yes.

7514. You have stated that, in your opinion, young men brought up in our English institutions would be very competent, from their education and from their knowledge and improved morality, to become pleaders?—Yes.

7515. Do you state that from personal observation?—Yes.

7516. When you were President of the Board of Education, and previously, when we were associated together in that Board, we had an opportunity, had we not, by personal communication with them, of forming our opinions as to the qualifications of these young men?—We had.

7517. Is there not a good test of the value of the opinion you have given, which opinion has been questioned, as to their power to compete with English students in the actual competitive examinations which medical students have gone through in this country?—Yes.

7518. Is it not the fact that some of the native medical students have come out at the very head of the list on the competitive examinations held in this country?—Yes.

7519. Were not such young men under the most serious disadvantages by having to compete with young Englishmen in an English examination conducted by English examiners in this country?—Yes.

7520. Have not many of the young men of whom you have spoken, and who were known very well to us both, shown a capacity and knowledge equal to any situation in which they could be placed?—I do not think they are at all inferior to Europeans in mental power.

7521. Have you seen the report of Mr. Howard, in which he gives a very disparaging account of these young men?—I have seen the newspaper account of this report.

7522. Mr. Howard is a young gentleman at the Bombay bar, is he not?—Yes.

7523. And he has had very little experience in India, I believe?—Yes.

7524. The errors which he points out in his report which you saw in the newspaper relate, do they not, to good spelling and the like?—I do not think they affect the general opinion I have given that the young men whom I knew were well educated, and certainly they do not affect what I have said with reference to their power of acquiring knowledge.

7525. Do not the native vakeels show great power of mind?—Yes.

7526. Have they not great talent for mathematics?—Yes; and mental arithmetic.

7527. I understand you to say that Mr. Howard's report does not affect the opinion which you formed from your own personal observation?—Not in the least.

7528. With regard to the Enam Commission, are you still clearly of opinion that the *onus probandi* is thrown upon the possession of the land?—Yes.

7529. And as a gentleman having had a great deal to do with judicial matters, have you any doubt that that is the true construction of the several clauses in the Act to which you have been referred?—No; and I think it must be evident to any person who has ever superintended a trial, on reading that Act, that the *onus probandi* is thrown on the enamdar.

7530. With respect to the appeal to England, the appeal referred to is an appeal by way of memorial, is it not?—Yes.

7531. And the appeal to the Government in Council is an appeal on which the appellant has no opportunity of being heard?—Yes.

7532. Do you think also, from your knowledge of the Government of Bombay, of which you were yourself a distinguished member, that that Government is competent to deal with judicial questions?—I think it would have been far better if we had had no judicial business whatever.

7533. In such judicial business as came before you, and which you were obliged to transact, you had no assistance from counsel for the appellant, had you?—No; nothing of the sort.

7534. And do you think, from your knowledge of judicial business, that such an appeal is unsatisfactory?—Yes, I do.

7535. Especially in the case of questions with regard to private property?—Yes; in the case of all questions involving the right to private property in land.

7536. Mr. *Vansittart.*] Are you acquainted with the Bengal and Madras Presidencies?—Not at all.

7537. You cannot say whether the Mahableswar Hills, in the Bombay Presidency, offer superior advantages for the settlement of Europeans than are to be obtained in the Himalaya and Neilgherries Hills?—I imagine that they are not so advantageous as the Himalaya and Neilgherries, from what I have heard of them, though I never visited them. They offer advantages which the Mahableswar do not. The neighbourhood of the Western Ghauts is, a great part of it, very damp, and the extent is very small as compared with the other hills referred to.

7538. You are clearly of opinion that that settlement of Europeans is perfectly practicable in the Mahableswar Hills?—Yes; there is one part of it, the name of which I cannot remember, but a plateau on the eastern part, where the monsoon is broken.

7539. There you think it would be perfectly practicable?—You may stay on the Mahableswar Hills themselves, but the damp there is extremely great and very inconvenient, though I do not know that it is unhealthy. As I stated before, if you wash your clothes there, you must send them down to be dried. Where they might settle is the eastern part.

7540. Do you think that the eastern part offers as great inducements to the English settler and capitalist as our colonies; for instance, Canada and Australia?—No; I should think not.

7541. I gather from your evidence that you do not entertain a very high opinion of the members of your service, the Bombay Civil Service, as administrators of justice?—I think what I said was, that we did our best, but that we were very far below what men of judicial education should be. I think it would be far better to have gentlemen who had been judicially educated.

J. Warden, Esq.

8 July 1859.

7542. I collect from your evidence that you wish to see the barristers pleading in the Supreme Court raised to judicial appointments, hitherto held exclusively by civilians, commencing with making them magistrates?—I am anxious to see a system of that kind gradually introduced, commencing with those places in which there are the most Europeans.

7543. Allowing that it is desirable to separate the judicial service from the revenue service, could it not be done with the present body of civilians?—Yes; you must begin, I think, almost immediately after they have served an apprenticeship for three years in the revenue line, and you must then give them, I think, a monopoly of judicial administration.

7544. In point of fact, you think that if a young civilian were appointed for a few years as assistant to a magistrate, if he were then raised to be a joint magistrate and then a full magistrate, that would be a good training for him to be made a sessions judge, and subsequently a judge of the Nizamut Adawlut?—That is the course, I think, in Bombay. A civilian commences in the magisterial line, and passes into the judicial line.

7545. Are they not moved about, so that a man may be a magistrate for two or three years in one district, and then a collector in another district?—Whenever they are collectors they are magistrates also.

7546. But assuming it to be desirable to keep the judicial separate from the revenue service, would it not be advisable, in your opinion, that a man intended for the judicial service should, first of all, be made assistant to magistrates; that he should then be raised to joint magistrate, then be made a full magistrate, and then a sessions judge?—Yes.

7547. In 1850 you may be made a collector of one place, and in 1855, a collector of another?—The collectors are always magistrates.

7548. But they are moved about, are they not?—Yes.

7549. Would not a young civilian, being made assistant to a collector, then made a deputy-collector, then a full collector, and then a Commissioner, be a good training for him to be made a civil judge, or a judge of the Sudder Deewanny?—No; in that case he would have had no judicial education as a young man; my idea is, that he should have a judicial education, and be a barrister at starting; I think that the revenue service should be separated from the magisterial.

7550. Do you think that we could separate the judicial service from the revenue service?—I think we could; I think it would be a good plan to put them for three years, as now, under collectors, to learn matters affecting the peasantry, and having done that, I would take those young men whose tastes and talents are suitable for judicial employment; I would put them into magistrates' offices, and raise them to the bench in that way.

7551. Then, in fact, you think you could separate the civil from the judicial service?—I do not see the least difficulty in it.

7552. You are in favour of the introduction of the English language in the mofussil courts?—Yes, gradually, commencing with the sudder courts, thence to the sessions courts, and choosing those places in the first instance where there are the largest number of Europeans.

7553. You say in your answer to Question No. 6124, you think two interpreters at 80 rupees per month would be sufficient staff?—Yes, in the shape of interpreters; of course they would require assistants and clerks.

7554. Surely you would have to maintain a mohaffiz dufter, a record keeper, a nazir or sheriff, and a body of mohurrihs or scribes?—We have those now; we have our sheristadars at eighty rupees a month, and we should abolish them and the deputy.

7555. But we should have to maintain the record keeper, the sheriff, and so on?—Yes.

7556. So, in fact, if English were to be introduced into our courts, the omlah would be mixed half English and half native?—You must employ natives; the interpreters must be natives.

7557. In fact, they would be half English and half natives?—The employés would be natives, but the administration of justice in the courts would be English; that is, all the trial would be conducted in the English language.

7558. But a great portion of the staff would be native, would it not?—It would be all native unless we were rich enough to have an English interpreter, as they have in the Supreme Court.

7559. But

7559. But as you could not get these gentlemen to speak English fluently unless they had gone through the necessary course of Christian education, you must have half of them pure natives, must you not?—I do not contemplate employing European Christians, but educated natives, and drawing the interpreters from our colleges.

7560. But you would not be able to get a sufficient staff to embrace the whole of the omlah?—There are not a great many zillahs in Bombay; it would not be many years before we could turn all proceedings into English, I think, but as I have said before, it must be gradual; I think it would be fatal to the plan to do it in any other way.

7561. With regard to the Elphinstone College, are the students all native born?—Yes.

7562. Have most of them embraced the tenets of Christianity?—No.

7563. Do their belonging to that college affect their caste at all?—No; the college was principally founded by the natives of Bombay in honour of Mr. Elphinstone.

7564. Mr. *Mangles.*] Would not a judge or an officer of the character I have described be as much alive as you and Mr. Elphinstone were to the disposition of the natives, and be on his guard against any mischievous influence on the part of his native officer?—I do not consider that I was myself exempt from this influence more than anyone else, I consider that even the best of us are subject to be influenced by the natives.

7565. Do you think that such mischevious influence is exercised over superior officers?—I do; I have held that opinion for a long time.

7566. Do you think that such an influence was exercised over Mr. Elphinstone himself?—I should be sorry to answer for him; but I think I know what he would say.

7567. Mr. *Villiers.*] It having been stated that a person in high position in India expressed an opinion that every European is under the influence of some native or other, I ask whether you entertain that opinion?—Yes.

7568. In your answer to Question 6075, there is a long statement made with respect to this Enam Commission; is that a statement of your own views and opinions, or is it a quotation?—It is a statement of my own views; when the return which has been referred to was made to the House of Commons, I studied it and drew up that review.

7569. I want to know whether this is your opinion as stated there: "It only remains to say that, as the operation of the Enam Commission in Western India involves a violation of public faith, and a rigorous and partial administration of the laws, this commission should be revoked?"—That is my opinion, and I fortify it by reference to Mr. Elphinstone's proclamation, in which he said that the enams should be protected.

7570. What does the term enam or enamdar imply; does it imply an entire proprietary right over the land?—Enam means literally a gift, and the enamdar is placed in the same position with regard to the ryots and villages as the Government.

7571. A person holding under an enamdar is not subject to the Enam Commission; he would not be bound to and show under what title he held his lands?—No. If you impugn the title of the enamdar the land becomes Government land, but the subordinate holder is not disturbed.

7572. When the enamdar is ousted, what becomes of the sub-tenures?—They remain in the same position.

7573. They are not disturbed?—No.

7574. Do the enams apply only to the Deccan?—They are principally in the Deccan and the South Mahratta country.

7575. I understand you to have said that there have been symptoms of rebellion in Sattara and Colapore?—Yes.

7576. Do you connect them at all with these inquiries into the title of land?—Yes; I think that these inquiries have created a great deal of uneasiness and disquiet on the part of the natives, and that if the Enam Commission had never been instituted after prescriptive titles had been established, by the efflux of time the Bombay Presidency would have remained much more tranquil, if not quite tranquil, during the recent disturbances; I think that would have been the case if the country had been left as Mr. Elphinstone left it.

7577. Do you think that the minds of the natives have been unsettled by the

J. Warden, Esq.

8 July 1858.

proceedings of the Enam Commission?—I think so; and that is quite consistent with what I have heard from military men and others who have founded their opinions on what they have heard from the natives incidentally.

7578. You think that the Enam Commission should be differently constituted?—Yes. I think if the Government have reason to believe that any of its lands are held by fraudulent title, they should go into court and prosecute their claims, as any other person would, and then they would be adjudicated on the usual rules of procedure and evidence, and general enactments of the law.

7579. At present there is no difficulty, is there, in the way of an Englishman acquiring land in Bombay; if he chooses to purchase land he may do so, and obtain a good title, may he not?—There is a short Act, I do not remember the number of it, allowing Englishmen to settle; it would depend on the Government whether they would be allowed to purchase land or not.

7580. Does it depend on the leave of the Government whether any person having land, and desirous of selling it, shall dispose of it?—Yes; the enamdars cannot sell.

7581. Not without the leave of the Government?—No. With the leave of Government they could do anything. I said that I did not think they could sell, and I read an opinion of Mr. Elphinstone, in which he said he thought that enams might be sold, but I think the practice is not to sell. If the Government had never interfered with adoptions, these lands would never escheat, because the widow, being left, adopts to the inheritance. If a man is killed in battle, he is sure to leave a widow. Every man has a wife, and his widow, on his death, adopts, and the adopted son performs the obsequies, and the spiritual part of the duty, and succeeds to the property.

7582. That I understand is not allowed now?—No; I imagine not.

7583. Mr. *Willoughby.*] I suppose you refer to the Act No. 4, passed by the Legislative Council of India on the 17th April 1837, whereby it is enacted, that after the 1st day of May next, it shall be lawful for any subject of his Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or any emoluments issuing out of land, in any part of the territories of the East India Company." The second clause is; "And it is hereby enacted, that all rules which prescribe the manner in which such property as aforesaid may be now acquired and held by natives of the said territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property"?—Yes; I know that Act; but the titles of the enamdars having been disturbed in the way I have described, a capitalist would have great difficulty in getting land.

7584. Is it the fact, that practically there is a difficulty in English people acquiring land in consequence of this Enam Commission?—Yes.

7585. Mr. *Vansittart.*] Was not the practice of adoption universal with the native Government?—Yes, under the Peishwa; but then the revenue was compensated by the system of nuzzur, or a fine or fee paid on succession. Sir John Malcolm elaborated a plan for making everybody pay, from the rajah down to the lowest landowner; the adopted son paid more, as is the case in this country, with regard to the succession duty to distant relations of the deceased.

7586. Mr. *Willoughby.*] Does not the law of adoption vary in different parts of India?—I should imagine not, with respect to the Hindoos.

7587. Does not the practice of the British Government vary?—A Hindoo Rajah would always allow a man to adopt, in consequence of his requiring somebody to make what Mr. Elphinstone calls "effectual obsequies."

7588. But the practice of the British Government differs, does it not?—As a rule they do not let them adopt now.

7589. Not in Rajpootana?—I do not know; it has been refused in the Deccan.

Major George Wingate, called in; and Examined.

Major *G. Wingate.*

7590. *Chairman.*] WILL you have the goodness to state the duration of your service in India?—I arrived in India in 1831; I then joined the Engineer Corps at Seroor, in the Deccan. I was employed the next four years in the Public Works Department, in road making, in the collectorates of Tanna and Poonah. In 1835 I was appointed to assist the late Mr. Goldsmid, of the civil service, in revising the assessment of the Indapoor talook, of the Poonah collectorate. I was afterwards

Major *G. Wingate.*

8 July 1858.

wards entrusted with the supervision of similar operations in the adjoining districts of Poonah and Sholapoor in which I remained employed until 1840, when I came to England for two years. Shortly after my return to India in 1843 I was appointed to superintend the revenue survey and settlement of the Southern Mahratta country. On that duty I was engaged until 1850, I think, when I went to England again for six months, and returned to the same duty. I was then appointed Revenue Survey Commissioner for the entire Presidency, and in this capacity I had the control of all the revenue survey establishments, and visited most parts of the Presidency with a view to revenue survey operations, and to inquire into the state of the tenures and the condition of the districts generally. I have therefore had some experience in nearly all parts of the Presidency.

7591. With the exception of two years and a half, you have been for 25 years in India?—For 23 years; about 20 years in actual service.

7592. And your service has been in the Bombay Presidency?—Entirely.

7593. In which Presidency you have gone about to a great extent?—To a great extent, for I may say 15 years of that time. I have lived for half the year in tents amongst the ryots, and I think I have had good opportunities of understanding their condition.

7594. What has been your principal occupation?—Settling the land assessment.

7595. You have been employed on the survey, have you not?—Yes; superintending the revenue surveys of Bombay, the object of which was to settle the land assessment.

7596. Will you state, if you please, what is the peculiar settlement in Bombay to which you allude?—The revenue settlement of Bombay is a field settlement; that is, the lands of every village are divided by the cultivators into fields for the convenience of cultivation. These fields, unless where they are of minute or above a certain size, are recognised and made permanent by means of boundary marks, and a separate assessment is fixed upon each of those fields; the occupant of each of these fields is then recognised at the settlement as the person responsible for the assessment; he becomes, in fact, when not already so, the proprietor of that field, with complete liberty to sell, mortgage, transfer, or use it for any purpose whatever.

7597. In what respect does this system differ from the system in the other two Presidencies?—It chiefly differs in consequence of the responsibility of the landholder referring simply to himself, that is, to his own holding; the holder of each field is simply responsible for the assessment of each field. He is in no way responsible for the assessment of any parts of the village lands, except what he himself holds in his own occupation. In the system of the North-west Provinces, I understand there is a joint responsibility for the entire revenue of the village; in the Province of Bengal, the zemindar is responsible for the entire revenue of his zemindaree, and if he fails, of course everybody holding under him fails also.

7598. The difference lies, does it not, in the non-existence of an intermediate person or community between the Government and the occupant of the land?—There may be an intermediate person.

7599. I mean so far as regards revenue?—The occupant is not necessarily the cultivator; he is the landowner. He is at perfect liberty to let his land to others, but his responsibility is individual, and it is limited to his own particular lands; it is not mixed up with the responsibility of other parties in the same village, or estate, or zemindary, or whatever it may be.

7600. That is what you wish to state as the distinction between the modern Bombay system and the system in Bengal and Madras?—Yes; but I conceive that the former system has very important advantages.

7601. How long has the system been in operation?—It was to a certain extent the theory of the revenue system which has existed in Bombay for a very long time indeed.

7602. Mr. *Mangles.*] The ryotwarree system?—The ryotwarree system; but, in practice under the old ryotwarree system, the assessment was so heavy that it prevented the rise of any property in land very generally.

7603. *Chairman.*] There was no difference in principle in the mode of the assessment; the principle existed before?—The principle of each landholder owning his own land existed long before.

7604. But the difference in former times arose from the more oppressive nature

Major *G. Wingate.*

8 July 1858.

nature and amount of the tax?—That was one very great difference; another difference was that, under the present system, the holder of land has full liberty to sell, mortgage, and use his land in any way he likes. Practically that was not recognised under the old system.

7605. There is a greater proprietary right now than there was under the old system?—Necessarily from the reduction of the assessment.

7606. Mr. *Willoughby.*] A lease lasts for 30 years, does it not?—The assessment is fixed for 30 years.

7607. *Chairman.*] Then it recognises existing rights in the soil, and confers a proprietary right in the occupant where it does not already exist?—That is the object of the settlement, to recognise all existing rights, and to confer them where they do not already exist.

7608. The land assessment is fixed for 30 years?—This particular assessment is fixed for 30 years, but the title of the occupant of the land is declared to be permanent, subject only to the due payment of the assessment.

7609. At the termination of the 30 years, the amount of the land tax may be raised or lowered?—Yes, upon general principles, not upon special grounds affecting individuals only.

7610. How long is each landowner bound to pay this assessment?—He is bound to pay it upon each field for a single year; at the close of each year, he has the liberty, on due notice being given, to relinquish any field which he has in his occupation, from which, I think, very important advantages accrue to him, tending to the welfare of agriculture generally, as regards investment of capital in land.

7611. What is the effect of this arrangement as compared with a lease?—As regards the occupant, that is the landowner, the arrangement has the full advantage of a 30 years' lease, because for that period he has his land at a fixed assessment; then it confers upon him the further important advantage, that he is not necessarily bound to pay his assessment for the whole of his land during the whole of that period; in the event of any misfortune happening to him, such as the loss of cattle by disease, or the loss of crops through drought, or any similar misfortune, he is enabled to limit his cultivation according to his means, by relinquishing a portion of his fields and retaining those upon which he may have expended capital, and which he may value most highly; I therefore consider it a direct encouragement to the investment of capital in the land, because it gives him a greater security of tenure than could be obtained I conceive in almost any other way.

7612. Is this system anything like that which was recommended by the late Mr. Mackay?—Mr. Mackay considered that it would have been preferable to have given a ryot a compulsory lease, requiring him to hold the land for the entire term of the settlement; that is, for 30 years, because he thought that that would compel him to exercise habits of forethought and industry, which the greater liberty allowed by the survey settlement he did not conceive was so well calculated to encourage. That subject, however, was fully discussed before the settlement was sanctioned by the Bombay Government; and the reasons which I shortly stated just now for a preference for the Bombay system were fully admitted by the Government, and all the revenue officers who were consulted on the subject admitted that it would not have been for the interest of the ryots to attempt to bind them by so long a lease, owing to the general poverty of the cultivators, the uncertainty of the seasons in India, and the other contingencies to which land is liable.

7613. Mr. *Mangles.*] How long a lease did Mr. Mackay propose?—He proposed to make a peasant proprietorship, but on the basis of a permanent settlement. There were two proposals. He held, also, that it would have been better to bind the ryots to retain the whole of their land for the whole term of the lease.

7614. *Chairman.*] For the whole 30 years?—Yes. Supposing a ryot has 10 fields, Mr. Mackay wanted to bind him to hold those 10 fields for the whole term of the lease. According to the Bombay system, he can relinquish any one or the whole of those fields when his requirements may induce him to do so.

7615. He can dispose of it to other persons, can he not?—He is at perfect liberty to do so; he can sell any one of his fields to any other person, which I conceive to be exceedingly desirable, because, as the circumstances of the ryots are always changing, some are improving, while others are deteriorating, it seems

to

to me to be of great consequence to facilitate the transfer of land between one party and another.

7616. I understand you to say that Mr. Mackay's proposition was fully considered by the persons who formed this new system?—Yes; which Mr. Mackay did not appear to be fully aware of.

7617. The system existed before Mr. Mackay made this observation?—Yes; but Mr. Mackay's report had not of course his own revision.

7618. What is the precise date of the birth (if I may so say) of this system?—The system first commenced in 1835, and was finally settled in 1847. It obtained the full recognition of the Bombay Government when Sir George Clerk was Governor. I would state that my objection to declaring the survey assessment permanent is simply a financial one; that as the revenue of India depends chiefly upon the land, so our future prospects of improving India, and developing its resources, must depend upon the land assessment.

7619. Your only objection to Mr. Mackay's proposal is with reference to the revenue?—Yes; I have no other in regard to his proposal to make the assessment permanent.

7620. What is the effect of this arrangement with reference to the investment of capital in agricultural works?—My belief is that the survey tenure is highly favourable to the investment of capital, owing to the ease with which land is everywhere obtainable in portions of moderate size; for instance, if a European or other capitalist wishes to erect works of any description connected with agriculture, he can have no difficulty in purchasing the right of occupancy of any particular field, and there is no danger of his title to the spot upon which he wishes to erect expensive works being vitiated by the failure of a zemindar, or any other party possessing lands in the same village or estate. He has a complete title to a small portion of land, and he can go on adding to that land to any extent he chooses, so far as he can induce the people to part with it.

7621. How far do you consider it a favourable system as respects the sale and transfer of land and the purchase of land by settlers from Europe, or, in other words, do you think that a European settler going there and finding that, after 30 years, he might be liable to have the land rent changed would be deterred from purchasing land in consequence of that?—I do not think so; because he would have all the security that the possessor of property has in any other country in the world. He would have the good faith of the Government, and it would be understood that whatever settlement is made at the end of 30 years would be upon considerations not specially affecting him as an individual; for instance, at the end of the 30 years, in all probability, if Government found it necessary to make any alteration in the way of adding to the land-tax, it would be by an additional per-centage to the assessment already existing.

7622. You do not think that that contingency would act adversely upon the mind of a settler in India?—It ought not to do so if he fully understood the real position of the Government of India.

7623. Do you think he would be likely to erect buildings and lay out capital on such a tenure as that?—I should think so; it is a tenure for ever.

7624. Take the case of a manufacturer?—The right to impose taxation must necessarily exist in every Government, and I do not see why he should not have as much confidence in the good faith of the Government of India as he has in any other Government under which he lives; it is simply the faith of the subject in the Government that gives a value to property everywhere.

7625. What do you consider is the effect of this settlement on the character and status of the agricultural population?—I think it is very favourable indeed. If the Committee will allow me I should like to refer to a letter written by a most competent observer, Mr. Frere, now Commissioner in Scinde; he was stationed in the district of Indapoor before the settlement; he revisited the district after an interval of 14 years, having been meanwhile employed as Commissioner of the Sattara territory; and I should like, with the permission of the Committee, to read his description of the changes which had been effected in the interval.

7626. What is the date of the letter to which you refer?—It is dated the 13th of December 1849, and addressed to Mr. Williamson Ramsay; he says, "It is now just 14 years since you picked me up there (in the Indapoor District), after I had served my apprenticeship under Goldsmid, and I could not have believed that the period could have done so much for what was then the most miserable

Major *G. Wingate.*

8 July 1858.

district in the Deccan. It, of course, still continues one of the least favoured by nature; barren in soil, ill-watered, and uncertainly and scantily supplied with rain; but these natural drawbacks have been, as far as possible, neutralised by good administration. You may remember that in 1834, full two-thirds of the land were waste, now there is not a field uncultivated, unless purposely kept so for grazing. The tillage was then most imperfect and slovenly; it is now equal to the excellent cultivation of the Krishna Valley, and far superior to that of the Sattara villages on the south side of the Neera, which, in 1834-35, were far superior to Indapoor. The difference is most marked this year, which, from unprecedented deluges of rain, has been most unfavourable. Here (Sattara) there are no crops in many villages; the seed rotted in some fields; the young plants were choked with weeds in others. Throughout Indapoor, with precisely the same drawbacks, there are crops to feed the people and pay the rent, though gained, I was told, by great expenditure in labour, and often in seed, some farmers having sown the same land four times over before they got the plants to come up and thrive. But this high farming, for it is nothing else, the effect of having plenty of cattle and money at command, and heart, has carried them through a bad year. They will, though with difficulty, pay their rents, which cannot be done here. In no single village did I fail to observe the recent marks of prosperity in new and newly-built houses, some two attics high; temples, village walls, and gates, chowreas, &c. Three villages, which I remembered waste and uninhabited, were thriving, and numerous hamlets had sprung up. The great money lenders complained that there was no trade; but on inquiry, I found that it was the trade of money-lending which had fallen off. The ryots are so well off they are tolerably independent, and either do not want to borrow, or able to quit it on reasonable terms, without submitting to extortion; nine or twelve per cent., instead of 12 and 50, a great change. The number of shops had marvellously increased; Indapoor bazaar was at least double its former size, and Kullus, which used to be a decayed market town with one shop, has now 23. In 1835, or later, there was not one cart with wooden wheels in all the district; the stone wheeled manure carts were very rare. Now, standing at the Indapoor town gate, I counted upwards of a hundred attending the bazaar, and saw some in every village. But the most marvellous change was in the people, from being the most wretched depressed set in the Deccan, they have become thriving, independent fellows, and thoroughly grateful for what has been done for them. When it was known I was coming, they turned out in crowds, delighted to see again any one connected with the re-assessment, and doing all in their power to show how glad they were to see me. The district officers, whom you examined when first you wrote about the state of the country, asked much after you, and took me to see the house where you visited them. I was overwhelmed with questions about Goldsmid; and every one had some anecdote to tell, or something to ask, about Goldsmid, who runs a good chance of being manufactured into a popular village deity, and taking the place of Mahadeo, or even Marotee. I felt quite convinced that it would be no easy matter to hatch a rebellion there. In fact, it convinced me more than ever that our hold on the people of the Deccan is our revenue administration, and the effect is not confined to our own districts; it is felt here (Sattara), and is, I am satisfied, the most effectual, if not the only counterpoise to the discontent of the upper classes. I have seen it particularly since the annexation. The upper classes are evidently either sulky or suspicious, and a spark would set them in a blaze; but the lower orders, everywhere, hope that our liberal measures, in reducing assessments, &c., will now soon reach them. They always ask me about it, and often say, "We have had many good rulers of our own, but the Company is the only government that ever voluntarily reduced its demand to the limits fixed by the shasters. Perhaps the most satisfactory feature about Indapoor is, that except for the first two years of Goldsmid and Mansfield's administration, the district has had no special advantages. The whole is the effect of good administration, which it has shared with the rest of the collectorate." That is the opinion of the present Commissioner of Scinde, who knew that district particularly, from having been deputed to examine into its condition, and through whose, and Mr. Goldsmid's representations on the recommendation of Mr. Wiliamson Ramsay, then Revenue Commissioner, this revenue settlement experiment was first made.

7627. To what cause would you attribute the great prosperity of the country as described in the letter to which you have just referred?—Simply to the secure tenure

tenure of land, and the reduction of assessment; the ryot is freed from all sorts of oppression on the part of the village officers, or superior officers; he has simply to pay the assessment, which he knows beforehand is a moderate one, and no one can demand more from him; he is at perfect liberty to manage his land in any way he likes, no one can interfere with him at all; his concerns are not mixed up with those of his fellow villagers; if they are unsuccessful, this does not affect him; he simply has to rely upon his own exertions.

7628. Then it is partly attributable to the directness of his connexion with the Government, and the absence of intermediate agency?—I think that is one great advantage.

7629. You have described the causes of their prosperity; can you describe the cause of the previous adversity under which these people suffered?—I think the main cause was undoubtedly the weight of the land-tax throughout the Bombay district.

7630. And its uncertainty also?—It was necessarily uncertain; it was not exactly an annual assessment; it was generally a fixed assessment; that is, the ryot knew beforehand the limit beyond which a demand could not be made upon him, but that limit was generally beyond his power to meet, and consequently it was practically a varying assessment, because there was a constant need of remission.

7631. There was uncertainty?—Yes.

7632. What will be the position of the landowner at the expiration of the 30 years' settlement?—The position of the landowner as to tenure will be exactly as it was at the commencement of the settlement, he is secured for ever; and the sole change which could be made, would be an increase or diminution in his assessment, as the exigences of Government and of the time might seem to demand.

7633. Do you think that the mode in which the settlement is made operates to check the extreme subdivision of occupancies?—Yes, I think so; because in the rules for the administration of these settlements, the land is made responsible for the assessment; therefore, if a ryot falls into arrear, any one of his fields which he may choose to point out to the collector, may be attached and sold, in order to make good the assessment which may be in arrear; if he does not pay the assessment the collector has the right of requiring him to give up a portion of his land, and to transfer it to another, or to sell it. If it fetches a price more than sufficient to pay the balance due, of course anything in excess would be given over to the landowner.

7634. You think that an advantageous arrangement?—Yes, because without it a considerable portion of land would be left in the hands of pauper cultivators.

7635. It limits the extent of land owned by a ryot, to his means?—Yes, and it passes the land he cannot cultivate into the hands of another.

7636. Who has the means to pay the land tax?—Yes; who means to cultivate the land properly, and to pay the land tax.

7637. Therefore it has the advantage of preventing the land continuing in the hands of a pauper tenantry?—Yes, that is my impression.

Martis, 13° die Julii, 1858.

MEMBERS PRESENT.

Mr. Willoughby.	Mr. J. W. Smith.
Mr. Gregson.	Mr. W. Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Mangles.	Mr. Baillie.
Mr. Danby Seymour.	

WILLIAM EWART, Esq., IN THE CHAIR.

Major *George Wingate*, called in; and further Examined.

Major *G. Wingate.*

13 July 1858.

7638. *Chairman.*] WOULD not the tendency of the system which you described in your evidence, when you were examined here on Thursday last, be rather towards the production of only small occupiers of land?—I think that the tendency of the laws of inheritance prevailing in India is to cause a great subdivision of land everywhere, but not, I think, more so under the Bombay system of the revenue settlement than any other.

7639. Would there be an opportunity then for a large capitalist to settle in a country which was subject to such a distribution of property in small divisions?—Yes, I think so; I see nothing to prevent a capitalist from settling there. In all the surveyed districts of Bombay, a capitalist would have the power of acquiring land by purchasing up small properties; but I do not think that that is the way in which he could apply his capital to the best advantage.

7640. In what way would land be purchaseable by Europeans then?—Land in the surveyed districts is nearly all in occupation, and therefore it could be only purchased by buying up the rights of the existing occupants, which could only be done by offering to them a price which they would accept, in the same way as land is only purchaseable in this country, or in any other civilised country.

7641. Does the land assessment hinder the acquisition of land by Europeans or other capitalists?—I do not think it does at all, because the existing land-tax, in my opinion, may be viewed as the interest of a mortgage or as a rent-charge upon the land. The ordinary rate of interest upon money borrowed in the interior of India for agricultural operations ranges probably from 10 to 50 per cent.; and even a European colonist would not be likely to raise money on mortgage of his land at a less rate than from 15 to 20 per cent. interest. The security of a land tenure does not seem to me to be in any way affected by the existence of a land-tax of a moderate amount, that is, less than the ordinary rent which the land would yield to a proprietor if there were no tax; the land would sell for less, in consequence of the existence of the tax, and a purchaser, with the view of colonization, would of course require less capital to obtain land, and to commence agricultural operations, than if the land were unburdened with the tax; but the tax, if of moderate amount, as is now the case in most parts of India, would nowise detract from the security of his tenure. A lease of 19 to 21 years is thought sufficiently long in this country to reimburse the farmer for draining his land, for liming it, and effecting other improvements of a lasting character, and requiring a considerable outlay of capital, while, in Bombay, the survey settlement of the land-tax is for 30 years, and at the close of this term, the settlement, in all probability, will be renewed for another term of 30 years, either at the same rate or at a proportional enhancement or diminution, such as the circumstances of the times might seem to render expedient; but the colonist would feel secure that whatever change might be made would be effected on general principles, applicable to the whole district in which his property might be situated, and that no exceptional increase of his tax, as an individual, and apart from an increase of the land-tax generally, would ever be made in consideration of improvements effected by him. For this he would have the guarantee of the general good faith of the Government; and this, it will be found on examination, is the basis on which property rests in all countries.

Everywhere

Everywhere land might be taxed, but the possessor relies on the good faith of the Government under the protection of which he lives that it will not be unduly assessed. Exceptional taxation is simply plundering; but a general taxation no one can complain of, if it does not exceed what the exigencies of the state may require. Major *G. Wingate.* 13 July 1858.

7642. Has the survey and assessment system reduced the rates on land sufficiently to make it saleable to an English capitalist; a former witness has said that it did not?—Yes; I think that it has reduced it sufficiently to make it a valuable property. I do not see that, if a European capitalist wishes to obtain land, there is any obstacle, owing to the existence of the assessment.

7643. The Committee have taken evidence with regard to the power of redeeming the land-tax; what do you think would be the effect to be anticipated from allowing the redemption of that tax?—I am of opinion that the redemption of the land-tax would be a great evil to the interests of agriculture in India; capital for agricultural improvements, such as extension of irrigation by means of wells and tanks, and for the better tillage of the soil, is everywhere insufficient at present, but this insufficiency would be enormously aggravated, in my opinion, by tempting the agriculturists to employ their savings in redeeming the land-tax, instead of in adding to the produce of their farms; the permission to redeem the land-tax could not with justice be restricted to Europeans, and if made general, the effect would probably be to throw back agriculture at least a quarter of century; it is a mistake, in my opinion, to suppose that if the funds obtained from the redemption of the land-tax were applied to the extinction of the public debt, they would be returned to the community and applied to agriculture; the debt, I believe, is chiefly held by Europeans resident in this country, and I am satisfied that if the redemption of the land-tax were applied to the extinction of the debt, the effect of such a measure would be to withdraw capital from India and transfer it to this country; the effect of the redemption of the land-tax on the resources of Government would be most disastrous; the mass of the population of India is dependent on the soil for subsistence, and the individuals of which this aggregate is made up are so poor, that they can supply themselves with little besides food; the climate enables them to do with very little clothing, and their consumption of articles of commerce is exceedingly limited, so that if the taxation of the land were given up, there would remain no other source from which an adequate revenue could by possibility be raised.

7644. We were not speaking of the giving up of the land-tax, but of granting the power of redeeming the land-tax; your last answer would seem to contemplate a commutation, which would be an act on the part of the Government; this would be a mere exercise of a power conferred by the State?—I am quite aware of that.

7645. Even then you would give the same answer, would you?—Yes; because if you remove from the Government the power of raising rent from land, what security have you that the Government may not hereafter get into financial difficulties. What I want to prove is, that there is no other source of taxation except the land.

7646. Would you be unfavourable even to the possibly partial exercise of the power?—I do not see how you could limit it.

7647. Might it not be that there were but few who could avail themselves of that power?—I think that a great number would. I would invite the Committee to consider what available fund for taxation, besides the rent of the land, is to be found in an agricultural community, such as that of India. The manufacturing interests of this country would not permit additional duties to be laid upon imports of British goods into India, nor exports of produce from India to this country. The customs, therefore, form a very limited source of revenue to the Indian financier. There is the Excise; but this source of taxation has not been forgotten in India, where taxes on intoxicating liquors and drugs are universal, and where also the only other article that even the poorest must consume—salt—is likewise heavily taxed. No tax in India which does not fall upon the peasantry will ever yield much, and no lengthened investigation is needed, I think, to satisfy a financier that, in any country where the great mass of the population consists of peasants, the rest of the land forms the principal fund from which a public revenue could be raised. The land assessment of India is not a tax at all, but simply a rent-charge; in settled districts it does not perhaps bear heavier on the agriculturists than

Major *G. Wingate.*

13 July 1858.

than tithes, poor rates, and other local burdens do in this country, while it possesses the great superiority over these of being a fixed instead of a fluctuating charge on the land.

7648. Are there unappropriated lands of great extent suitable to the settlement of Europeans in the Bombay Presidency?—There is no great extent of unappropriated land in the Bombay Presidency, except in the province of Khandesh. I am not of opinion that any part of the Bombay Presidency is suitable for colonization by Europeans; in point of climate, some part of the Western Ghaut ranges are perhaps not unfavourable to the European constitution, but there is no land upon these mountains from the tillage of which a European could possibly obtain a living; the soil is generally sterile and unsuitable for anything but the cultivation of the commonest grains of the country.

7649. Could the hill ranges to the east of the Mahableshwar mountains be advantageously used, do you think, for the residence of soldiers?—I think they could be advantageously used as convalescent stations, or as stations for the location of the children of soldiers or pensioners who might reside there, and perhaps have little gardens, and so on.

7650. Do you agree with the witnesses who have stated that asylums for the settlement of the children of soldiers might be advantageously placed there?—I think so; I see nothing to prevent it.

7651. Might they not be educated there, and so act as an intermediate state of society between the Europeans and the Indians, with European civilization adapted to elicit the resources of India?—I am of that opinion, decidedly; I think that very great advantages would be derived from it.

7652. Mr. *Willoughby.*] In what part, would you say?—On the eastern side of the Ghaut ranges, where the rains are not so heavy as they are on the western face of the Ghauts.

7653. *Chairman.*] Are there not considerable waste lands in the province of Khandesh?—The only province in the Presidency where there is any great extent of waste land is the province of Khandesh. In a report of mine, submitted to the Bombay Government in 1852, I think I estimated the waste lands of Khandesh at 5,000,000 acres, and that most part of these lands consisted of soils suitable to the production of exportable products, such as cotton, oil, seeds, and other produce suitable for export.

7654. Will the eventual value of these lands to Government be considerable, do you think?—I think it will be very great; but of the capability of these lands for growing cotton, I think a somewhat exaggerated estimate has been formed in this country; perhaps I may be allowed to refer to a statement made, I think by an Honourable Member of this Committee, that the cotton lands of Khandesh are capable of producing more cotton than was grown in the United States. I think that there is some very considerable mistake in that estimate; the information was evidently taken from my own report on Khandesh, in which the waste lands were estimated at 5,000,000 acres; now if the whole of this land were suitable for cotton, which is not likely, and cotton were grown on it once in three years, which is the ordinary rotation (for you cannot grow it more frequently without exhausting the fertility of the land), we should have 1,666,666 acres bearing cotton annually; and estimating the crop at 100 lbs. of cleaned cotton per acre, which is Mr. Chapman's estimate for the cotton lands of Guzzerat and Khandesh, and is also the estimate for India generally, given in "Statistical Papers relating to India," printed by the Court of Directors in 1853, we have a total annual produce of 166,666,600 lbs. from the 5,000,000 acres of waste land in Khandesh; the crop of America, however, may be taken at 3,500,000 bales, or 1,400,000,000 lbs., which is more than eight times as great as that which is to be expected from the waste lands of Khandesh; I think it is quite a mistake to suppose that India could, under any circumstances, supply an amount of cotton sufficient to render this country independent of America.

7655. Do you include the total crop of America?—Yes; I am disposed to think, however, that a large increase of production is derivable from Khandesh, and also from other parts of India, by means of irrigation, if the price of the staple should rise sufficiently to make irrigation available; at present, my belief is, that it is the low price of cotton that prevents irrigation being resorted to in India; and on this point, it may be interesting to notice that Doctor Hove, a Polish *savant*, who travelled in the western districts of India in 1788, mentions, that

that at that time the cotton lands in the Western Presidency were usually irrigated.[a]

7656. Mr. *Baillie.*] Is there much cotton grown in Khandesh?—Yes; it is grown extensively

7657. *Chairman.*] And is it increasing?—Yes; it is increasing very rapidly.

7658. Mr. *Smith.*] You state that there are great facilities for irrigation in Khandesh?—There are considerable facilities, which have been availed of to a great extent already; but, in the present circumstances of Khandesh, I think that the most profitable way of employing capital there would not be to expend it in works of irrigation, but in bringing the waste land under cultivation.

7659. Do you think that the Tapti itself is capable of being converted to purposes of irrigation?—I think not.

7660. Why?—Because the Tapti flows throughout the whole of Khandesh in a very deep and depressed bed.

7661. What is the fall of the Tapti?—I am not aware what the fall is, but I think it is not great, because boats have been navigated, I think, from Khandesh; rafts, or canoes, have certainly been navigated down to the sea.

7662. Cannot the Tapti, if taken at its source, be used for purposes of irrigation?—I have not examined the upper portion of the river, but I think that in all probability it could.

7663. There are also other great facilities for irrigation in the smaller rivers, are there not?—Yes; they possess considerable facilities, but these have been already availed of to a considerable extent.

7664. Assuming that there are great facilities for irrigation in Khandesh, and that these facilities were used for the purpose of the cultivation of cotton, do you not think that the growth of cotton could be increased to an extent which would average more than 100 lbs. weight to the acre?—Yes.

7665. Do you not know that cotton in India, with irrigation, produces 400 lbs. of clean cotton to the acre?—I am not aware of that.

7666. Are you aware that Sir John Lawrence states, that with irrigation 400 lbs. to the acre has been produced in the neighbourhood of Delhi?—I am not.

7667. You state in your report, that there are 6,250,000 acres of land in Khandesh which are capable of tillage?—Five millions, I think.

7668. Six millions you state?—That is, including land at present under cultivation.

7669. Six million two hundred and fifty-four thousand acres capable of cultivation, the rest being waste?—Yes.

7669.* You state that there are 12,000 square miles?—Yes.

7670. Now, assuming that by means of irrigation a bale of cotton can be produced on an acre of land, does it not follow that 3,000,000 of acres of land would produce 3,000,000 bales of cotton?—Yes, upon that assumption.

7671. And 3,000,000 acres of land is not one-half of the land capable of being cultivated in Khandesh?—No.

7672. Is it an out-of-the-way assumption, then, that Khandesh is capable of producing as much as America, which, last year, produced only 3,000,000 bales of cotton?—From the amount of cotton produced in Khandesh and elsewhere, in the Bombay district, of which I have any knowledge, I should say there was very little prospect indeed of such a return being obtained there.

7673. Capital has been so little applied to the cultivation of cotton in India hitherto, that probably you can form no idea what the district is capable of producing?—I am quite satisfied of one thing; that cotton, to the extent you contemplate, and cultivated in the way you contemplate, could not be grown in Khandesh at the present prices of cotton; I am perfectly satisfied that the present prices of cotton would not remunerate a farmer for the expense of irrigated cultivation.

7674. You probably have not looked so much into the question as to be able to form an opinion; but supposing that 400 lbs. per acre of cotton could be produced by means of irrigation, and that that cotton was only double the value of the existing cotton, do you not see, that assuming that, at present, the produce is 100 lbs. an acre, the produce of an acre of cotton land would be eight-fold what it

[a] *Vide* M.S. of Dr. Hove's Journal in the British Museum, which has been printed for the Government of Bombay, under the superintendence of Dr. Alexander Gibson, F.L.S., Conservator of Forests in Western India.

Major *G. Wingate.*

13 July 1858.

it is at present?—Upon these assumptions, of course, I am quite ready to admit that the value of the produce would be eight-fold.

7675. Then, supposing the produce of an acre of land would be eight times as much as it is at present, you probably have not considered whether it might not be a profitable undertaking to grow cotton on irrigated land?—I have not gone into the subject with any great minuteness of investigation.

7676. *Chairman.*] You do not mean to dispute the increased production of cotton by means of irrigation, do you?—I imagine that, with irrigation, the production would be much greater; but I have not myself had an opportunity of seeing cotton irrigated.

7677. Mr. *Smith.*] In fact, is not the production of all articles very much increased by means of irrigation?—Undoubtedly.

7678. *Chairman.*] What are the other obstacles to which you would refer, besides the want of irrigation?—The chief obstacles to the increase of cotton cultivation in Khandesh are the want of population and the unhealthiness of the climate. The waste lands of Khandesh are covered with jungle, and form perhaps one of the most unhealthy districts in the whole Presidency.

7679. In fact, you particularly want European capitalists, if they could be induced to go there?—I do not think that Europeans could succeed in bringing the waste lands of Khandesh into cultivation, owing to the unhealthiness of the climate.

7680. Do you think it would pay to irrigate land there?—I have already stated that I think capital could be more profitably employed in cultivating cotton and other crops without, than it could be by means of irrigation in Khandesh.

7681. Why?—Because I found, in the course of my inquiries, that the least profitable cultivation there was that which was irrigated. I found that the farmers were becoming wealthy by the extension of the dry-crop cultivation, and that the poorest farmers, and those in the greatest difficulty, in Khandesh, were those who cultivated by means of irrigation.

7682. What was the cause of the success of those farmers who were dry cultivators?—The fact of their being able to raise produce from the dry-crop cultivation at a less cost than they could from irrigated lands.

7683. I understood you to say that they improved their existing crops by means of their cultivation; how did they improve them?—I did not say that they improved their crops by means of dry cultivation, but that by applying their capital to the cultivation of the waste land, they obtained a larger return for their capital than they could have obtained by applying the same capital to the extension of irrigation.

7684. Might not irrigation have been brought to bear upon the waste land, and would not that have increased its value more than merely inclosing it?—No; I think that as long as there is a large extent of waste land, the most profitable way of employing capital would be by bringing it into cultivation, and raising upon it the ordinary dry crops.

7685. Have they improved at all in their mode of cleaning cotton in that part of India?—I am not aware that they have done so particularly in Khandesh, except through the agency of one of the English mercantile houses in Bombay.

7686. Have they introduced saw-gins at all?—They have been used in one manufactory, and there is also a Government manufactory where they have been in use.

7687. Besides the Government manufactory, there is also a private manufactory, is there not?—There was, but I believe it has subsequently been given up.

7688. Has the use of saw-gins been extended?—Yes; it has been extended very considerably in the Southern Mahratta country.

7689. What employment do you think there is for the capital of European settlers in Bombay?—I do not think that a European colonist in India would ever succeed as a mere farmer or tiller of land; he would be beaten by the natives, who carry on the various operations of agriculture with no despicable skill, and with a degree of economy which it would be hopeless for a European to attempt to carry out. The American planters who were employed in cotton planting in the Dharwar Collectorate stated openly that they could not improve on the native methods of cultivating the staple, or compete with the native farmers. So cheaply did the latter conduct their operations, that they contracted to cultivate cotton for the American planters at two rupees, or four shillings an acre; there is, however, a great field in India for the employment of Europeans in productive industry requiring

requiring a higher degree of skill or better mechanical aids than the natives are possessed of; and it will, I think, be found that the Europeans who are now engaged in the interior of India in industrial pursuits are so employed. The indigo planter and sugar planter manufacture indigo and sugar chiefly out of the raw material furnished to them by the native farmers; the cotton planter would require to do the same, and so would the tea planter; as soon as the natives became acquainted with the proper mode of cultivating the tea plant, they would raise it more cheaply than the European could. He would then gladly relinquish the culture to them, and confine his attention to the preparation of the tea for market upon a large scale, which, by means of his greater capital and superior intelligence and skill, he could do better and more cheaply than the native. It is not, therefore, of any importance to a European settler in India to hold land himself; his object should rather be to locate himself in a thickly-peopled district, where the land is already appropriated, and where he could purchase from the native farmers raw produce in large quantities, to be afterwards prepared by him by superior processes on a great scale for export to foreign markets. This is the mode in which a European could best employ his capital and skill in connexion with Indian agriculture; but he would utterly fail in attempting to compete with natives in the mere tillage of the soil, for he knows not how to cultivate the soil of India better or more economically than the natives themselves do. But, besides agriculture, there is a still wider field for the employment of European skill and capital in manufactures suited for consumption in India. Most of the manufacturing processes in use in India are rude and inefficient; as examples, I may notice those for the production of textile fabrics, cordage, leather, oil, pottery, carriages, machines, flour, watches, and those in most other trades, in all which there is an ample field for improvement by means of European skill. The large European army to be kept in India for the future will insure a very considerable supply of youths of native European parentage, or Eurasians, who will have to find a living in India; these will probably engage in trades such as the above to some considerable extent, and a large population, with a greater or less infusion of European blood, will eventually grow up. Skilled manufacturers, with adequate capital, youth, health, and enterprise, would probably find India a successful field for their occupations; but the mere aggriculturist would never succeed in that country, and it would be a misfortune if any were to be tempted from this country to embark as a colonist in such a hopeless enterprise as the tillage of the soil in India.

7690. You are of opinion that European capitalists should rather set in motion native labour, whether in agricultural or manufacturing pursuits, than themselves undertake the labour?—Yes; because in that way their skill and capital could be most advantageously employed.

7691. Do you think that the application of agricultural machinery could be extended where these small sub-divisions of property exists, and where the law of succession encourages the partition of the land, or do you think that the enormous advances which may be expected before long to be made in the improvement of agricultural machinery will be restricted in India by the existence of this small system of cultivation?—I am of opinion that a large system of cultivation is favourable to the use of agricultural machinery, but I do not think that the use of machinery is at all incompatible with small occupancies. I conceive that machines might become the property of individuals, themselves not directly connected with agriculture, who would let them out to small farmers; in that way I think that machines could be employed by small occupants as well as by large.

7692. Would not the introduction of such machinery in India be a great means of employing European capital advantageously, and of eliciting the resources of India?—There are so many ways in which it might be employed, that I do not know that the most advantageous mode of employing it, in the present state of Indian agriculture, would be that supposed.

7693. You think that Indian agriculture, in its present state, is not susceptible of making use to any great extent of those improvements which have been made in agricultural machinery?—There are certain machines which might be made use of.

7694. You think it is rather a question for the future; but do you think that the use of such improvements is compatible with the present state of tenures in India?—I see nothing in the small occupancies to prevent the extension of agricultural machinery to India.

Major *G. Wingate.*

13 July 1858.

7695. It has been stated to the Committee, that the land assessment of the surveyed districts of Bombay is burdensome; is that so, in your opinion?—My opinion is, that it is not so. In Mackay's Western India, a book published within the last few years, that question is minutely investigated; it is there stated that the survey assessment is roughly conjectured to be about 20 per cent. of the gross produce value; in the case of the cotton lands of Dharwar, Mr. Mackay estimates it at 25 per cent. (p. 335), on the supposition that the average rate of assessment in Dharwar is *Rs.* 1. 6. per acre; there is a great mistake in this, owing to his having divided the Khalsa acres by the entire land revenue, inclusive of cesses on enam lands, grazing, &c., to find the average rate; the average assessment of the Khalsa land in cultivation in 1856–7, was 13 annas 8 pies per acre; which, according to the late Mr. Mackay's calculation of the value of the cotton crop, amounts only to 16 instead of 25 per cent. of the gross produce. In consequence of this error in the average rate of assessment per acre, Mr. Mackay estimates further, at p. 340, the Government assessment as equal to 75 per cent. of the farmer's profit; but on the requisite correction in the rate being made, his estimate of the Government assessment is reduced to 37 per cent. of the farmer's profit; this appears very moderate, and far below the rent of land in England, where the rent is usually estimated at about equal to the farmer's profit; at the present high prices of produce, the survey assessment of the Bombay district does not, I am satisfied, exceed 10 per cent. of the gross produce; so that there can be no question that the landholder, and not the Government, receives the chief portion of the rent of the land.

7696. Mr. *Smith.*] You are speaking of Dharwar particularly, are you not?—Yes; to which Mr. Mackay's estimate referred; but what I have said applies generally.

7697. *Chairman.*] What has been the effect of the new survey on the condition of the district in which it has been introduced?—I think that the lightness of the assessment, and the little pressure of it upon industry, may also be proved by the great extension of cultivation which has taken place in all those districts into which the survey has been introduced where there were waste lands before; Mr. Mackay himself has estimated that extension, in the case of the Dharwar Collectorate, at 50 per cent. at 25 per cent. in Poonah, and 35 per cent. in Sholapoor. There has also been a large extent of cultivation in all the other districts; the whole was estimated by Mr. Green, in a pamphlet which he wrote upon the survey settlements, at about a million and a half of acres; I may say, then, that in the course of the few years during which the survey settlements had been in operation, they had caused about a million and a half acres of land to be brought under the plough. I would request permission to quote Mr. Green's opinion upon the general policy of the Bombay Government in matters of revenue, which originally appeared in the "Bombay Gazette," a paper which is well known not to be particularly favourable to the Government, but to be an independent paper; I refer to page 118 of his pamphlet; he there says, "He is bound, too, after reading some 20 volumes of revenue records, containing everything connected with the revenues of the Deccan Collectorates for the last four or five years, to state that the liberality with which the survey settlement has been planned and carried out pervades the whole of the correspondence and orders of the Government on the subject of revenue generally. In no instance where a low assessment has been proposed, or where large remissions have been granted, as in unsurveyed districts they frequently must be, has he met with a single phrase implying that the Government looked wistfully or regretfully at the abandoned revenue. The response, wherever it proceeds beyond the expression of a simple sanction, is invariably either a hope on the part of the Government that the remissions have been sufficiently liberal, or an expression of apprehension lest they should not have been so. It occurs occasionally that two revenue officers differ about the amount of remission to be granted, and the writer has been struck by the fact, in every case of this kind which he has met with, it is the more liberal officer whose opinions have been adopted by the Government, and this, although he may be the junior and subordinate one, considerations of discipline or of the propriety of maintaining authority having apparently no influence on the decision, whenever it is a question of the possibility of an oppressive collection." That shows that the Government was anxious for a liberal settlement.

7698. Mr. *Smith.*] Who was Mr. Green?—He was professor of literature at that

that time at Poonah College; subsequently he superintended a Parsee College in Bombay. Major *G. Wingate.*

7699. *Chairman.*] What has been the state of agriculture in the districts of the Bombay Presidency conquered from the Peishwa during the last 40 years, while they have been under British rule?—It was apparently prosperous for a very few years subsequent to the conquest, exhibited in an extension of cultivation, due in a great degree to the disbanded troops of the Mahratta government taking to agriculture as a means of living; this was followed by a period of extreme depression, due in a great degree to increase of taxation, caused by the peculiarity of the British revenue system. I would here, with the permission of the Committee, quote from an article in the Bombay Quarterly Review, for April 1857, which was written by myself: "Before quitting this division of our subject, we would again press upon the attention of our readers that the change introduced by the British in the land revenue system, by which money assessments were substituted for levies in kind, and cash salaries for assignments of land for the support of troops and establishments, so lowered the price of agricultural produce, as to have, in all probability, doubled the pressure of the land-tax. Hence the outcry of the agriculturists, and the misery and pauperism into which they too often sank during the early years of our rule. From this deplorable state they are, however, being rescued by the liberal reductions of assessment which have been, and are being, carried out over British India by means of the several revenue survey departments, by the abolition of the transit duties, and other fetters upon commerce, and by improved internal communications. A brighter future for the Indian agriculturist is now dawning. It is evident, from the gradual and latterly rapid increase in the imports of silver, that the void in the currency, occasioned by the demand of coin to pay our money assessments, and to meet the requirements of an increasing foreign trade, is being rapidly filled up. Prices of agricultural produce for some years past have recovered from their former extreme depression, and are now perhaps in most parts of India sufficiently high to secure to the farmer a handsome return for his labour and capital. His taxation has been reduced by our revenue survey settlements, and will be still further reduced by every rise in the price of produce. Of all classes of the community, he will be most benefited by the construction of roads, railroads, canals, and the improvement of navigable rivers, as the cheapening of the cost of carriage, by the facilities for transport thus afforded, will be so much added to the price he will receive for his produce. Nearly the whole saving to the community in the cost of carriage will go into his pocket. The facilities for travelling now afforded draw the ryot from his native village. The narrow circle of his ideas is enlarged by intercourse with his fellows, while his practical skill is improved by the same means, and by observation of examples of better farming than his own. A marked improvement in agriculture has been observable in most of our provinces in the course of the last 10 to 15 years." My opinion is, that at present the state of agriculture is highly flourishing. 13 July 1858.

7700. You have mentioned the abolition of the transit duties as a great advantage to the population; do you know how far they are maintained at present in the states of native princes?—I cannot speak with certainty upon that point, but my impression is, that in the states of the larger native princes the transit duties are still maintained. These transit duties prevented foreign commerce, because, where produce had to be transported long distances, it became so burdened with these duties before it got to the end of its journey, that they amounted, in many cases, to an absolute prohibition of commerce altogether.

7701. Can you mention any other oppressive duties or impediments to commerce that exist in the native states besides the transit duties?—I think that in many of the native states the system of taxation altogether is oppressive.

7702. Then much remains to be done with regard to the removal of impediments to commerce in the native states?—Yes.

7703. With reference to the cultivation of the ground, do the natives in the Presidency of Bombay employ much manure, or do they waste it, as we hear they have done in many other parts of India?—Manure, in the Presidency of Bombay, can only be applied profitably to the land where the climate is sufficiently moist, or where means of irrigation are at command; where the climate is dry, manure is found to burn up the crops; and that is the reason why manure is not used in certain parts of the Presidency of Bombay. Where the climate is more moist,

Major *G. Wingate.*

13 July 1858.

manure is used at present, and the natives are perfectly aware of its value; and in some cases use it very economically.

7704. Is it ever used as fuel?—Yes; in all dry districts where the manure is not used for the land, it is burnt as fuel.

7705. Will railways be of advantage as a means of supplying them with other fuel instead of that which they have?—I have no doubt that railways will be of immense advantage in every possible way.

7706. Are there fine cattle in any parts of the Presidency of Bombay, with which you are acquainted?—Yes; in Guzerat there is a very large breed of cattle, fully equal in size and weight to the ordinary cattle of this country; but in the Deccan and the other poorer countries, the cattle are small.

7707. Am I right in inferring from your previous remarks that, in your opinion, a larger metallic currency is required under the British revenue system than under the native system?—Very much larger in my opinion, and if the Committee would allow me, I would quote a passage from the same article in the Bombay Quarterly Review: "The Anglo-Indian financial system differs from that of the native governments in the following most important particulars: the payment of the army, police, and other public establishments in cash; the collection of the land tax in money, instead of wholly or partially in kind; the transfer of a portion of the Indian revenues to England for the payment of the home charges, usually and correctly styled 'The Indian Tribute;' the creation of a funded public debt, of which the interest has to be paid in cash. The charges to be defrayed out of the Indian revenue, being of an inflexible character, could only be met in years of deficient collections by borrowing, and hence they involved the creation of a funded public debt; but they brought about a more important consequence still, for the payment of troops and establishments, and the interest of the public debt, in cash, of necessity involved the collection of the revenue in cash too, and the latter measure, however little thought of at the time of its introduction by our Indian land revenue collectors and financiers, has produced a momentous revolution in the value of property and bearing of taxation in India, far exceeding in degree, but similar in kind, to that effected in England by the return to cash payments in 1819. Under native rule, the land tax was the chief source of revenue, and was in great part either levied in kind, or assigned for the support of troops and establishments. There was only a small portion of the whole collected in money, and transferred from the local to the central treasuries. The standing military force kept and regularly paid by the Government was small. The bulk of the troops consisted of a kind of militia furnished by jagheerdars and other landlords, to whom the collection of the taxes was assigned for the support of these levies, and for conducting the civil administration of the districts placed under their jurisdiction. The troops or retainers of these feudatories were in great measure maintained on the grain, forage, and other supplies furnished by the districts in which they were located. The land tax was in consequence either wholly or partially taken in kind, and what was collected in money was generally paid away to parties on the spot, and thus quickly returned into circulation. The hereditary revenue and police officials were generally paid by grants of land on tenure of service. Wages of farm servants and agricultural labourers were paid in grain. Grain, also, was the common medium of exchange for effecting petty purchases in country towns. The farmer's or labourer's wife took a basketful of grain on her head to market, instead of a purse of money, and therewith purchased her week's supplies. The people lived in a rude and simple fashion, having few wants, and knowing little of luxuries. In inland districts the chief imports were salt, metals, and a few luxuries for better classes; but the value of the whole was inconsiderable, and the exports with which these were purchased were of course correspondingly limited. In this state of things money was hardly wanted at all, and a small supply of coin sufficed for the realization of the public revenue and the settlement of commercial transactions; but while the quantity of coin in circulation was small, the prices of agricultural produce were well sustained, owing to the limited extent of the land in cultivation and the large demand of food for the numerous body of the people employed unproductively as soldiers, retainers, and public officers of all kinds, and the difficulty of supplementing deficient harvests by importations from more favoured districts, through the want of good roads, or other facilities for the transport of bulky produce. The foreign commerce of the country at large was necessarily confined within very narrow limits. It was only the products of the coast districts,

tricts, and the more valuable commodities of the interior, such as indigo and manufactured goods, that could bear the expense of carriage to the ports of shipment, so as to admit of being exported. India, at that time, coveted few of the productions of foreign countries, and her most important imports were the precious and common metals, broad-cloths, jewels, and other luxuries for the wealthy. The innovations made in the revenue and financial system by the British, have, however, effected the most sweeping changes in all of these particulars, and we shall now endeavour to trace their operation. On the territory of a native prince passing under the sway of the Company, the first steps taken were, to substitute regularly paid and disciplined troops, located in military stations, for the rural militia of the native feudatories, and a staff of European and native officials receiving fixed salaries, in place of the former mamlutdars and revenue farmers, with their followers, who paid themselves by perquisites and other indirect gains, but received very trifling emoluments from the treasury of the State. The next, and an all important step in Anglo-Indian administration, was to collect the land tax in money, instead of realising it in kind, according to the practice which had virtually, if not nominally obtained to a great extent under native rule. The immediate and inevitable consequence of this general enforcement of money assessments was, that the amount of coin previously circulating, and sufficient for the adjustment of the limited transactions connected with revenue and commerce under the native system, proved quite inadequate for the settlement, without a derangement of prices, of the greatly enlarged transactions resulting from the British system. Under the native system, the sale for cash, of a small part of the agricultural produce of a district, sufficed to provide for all its liabilities connected with taxation and commerce. Under the British system, on the contrary, twice, or perhaps three times the quantity of produce had to be sold in order to provide for the same objects, owing to the whole amount of the land-tax being demanded in coin. But the supply of coin remaining as before, the effect of this increased demand for it was, of course, to enhance its price. The coin in circulation had to perform double or treble the work it had accomplished before. The ryot requiring more cash to pay his money assessment had, of course, to bring more produce to market, which occasioned a glut, and brought down prices; and this state of things was aggravated by the demand for grain and forage in the country markets being less than before, owing to the disbanding of the irregular force which had been kept up by the native jagheerdars and other functionaries of the former Government, and to the increased production due to an extension of cultivation by means of these disbanded levies. Prices fell more and more until, in many cases, our collectors found it to be wholly impossible to collect the full land assessment, and large remissions had to be annually made. The village grain merchants, who are also the village bankers, deprived of a sufficient market at their own doors, were compelled, in order to find money to supply their constituents with, to seek more distant markets for the disposal of the produce left upon their hands in liquidation of advances previously made by them to the ryots. This awakened a spirit of greater enterprise and activity among the commercial classes which was gradually communicated to the ryots, and laid the germ of that active foreign trade which now advances with gigantic strides, and has already penetrated into the remotest recesses of the interior. This collateral benefit conferred by the British plan of administration, has fairly set free the spirit of progress long spell-bound in the native mind under the iron fetters of Asiatic customs, and far more than compensates India for the period of suffering in which it originated."

7708. Are you of opinion that the present demand for silver in India is a result which should be viewed with satisfaction by manufacturers of this country, or not?—I think it should be viewed with great satisfaction, because it indicates that the wealth and capital of India are increasing, and it is only from an increase of the wealth of India that we can ever hope to increase to any great extent our exports to that country.

7709. Their power of consumption will increase with their wealth?—Undoubtedly.

7710. Some allusion has been made to the substitution of a gold instead of a silver standard; what is your opinion upon that subject?—I will refer, if the Committee will permit me, to what I have stated upon that subject in the article from which I have already quoted: "There are, however, most grave objections to this proposal, which far outweigh, in our opinion, any prospect of advantage from an enlargement

Major *G. Wingate.*

13 July 1858.

of the foreign trade of India. The Indian public debt of nearly fifty millions sterling has been contracted in a silver standard, and without a flagrant breach of faith with the public creditor; the obligation to pay principal and interest in silver could not be evaded. The disbursements of the Indian Government are in great part made up of small sums under 10 rupees, on account of the pay of the native soldiery, and revenue and police establishments, and the wages of labourers employed on public works. In the ordinary intercourse of native life, the great majority of cash transactions are for very small sums indeed; and even the rupee, which is only the value of 2 *s.*, has been found to be an inconveniently large coin for general use among the people; quarter rupees and two anna pieces are more sought after; so that even the smallest size of gold coin, capable of being conveniently handled, would be found to be greatly too valuable for the general purposes of an Indian coinage. Even if a gold standard were to be introduced, the subsidiary coinage would continue to be silver, and of this the effective circulation would consist, even after the change. Large payments alone would be made in gold; and it would be found to be as difficult to force the latter into circulation, as this has proved in the somewhat similar case of bank notes. The latter are useless, except in a very limited class of transactions, beyond the Presidency towns, and so would a gold coinage be found to be. The Government, on making the experiment, would soon find itself in the anomalous and ruinous position of having to receive gold in payment of the taxes, and disburse silver for the payment of its troops and establishments. The land revenue, and many other taxes, being of fixed amount, would become of less and less value with every depreciation in the value of gold, as compared with silver, as any fall in the value of the standard would be tantamount to an equivalent reduction of taxation. Such a state of things could not be permitted to continue, and if committed to it, the Government of India would soon be involved in financial difficulties. Again, by the substitution of a gold for the present silver standard, India would be deprived of the legimitate relief as regards the tribute that will accrue from any future depreciation of the value of gold as compared with silver. All the home charges are estimated in gold or pounds sterling, while the Indian taxes, from which they are paid, are collected in silver. Should silver then rise in value in relation to gold, as is most probable, exchange would become more favourable for remitters of money from India to England. The Indian Government would thus gain in effecting its remittances for the payment of the home charges, and the sum thus saved might be very large. The tribute paid annually to England will probably fall little short of six millions sterling, when the Indian railway system is complete, and a rise of 2 *d.* in the exchange value of the rupee would effect a saving of 500,000 *l.* or half a million sterling, in making the remittances. But it seems to be quite within the limits of possibility, that exchange may rise 4*d.* or even 6*d.* on the rupee, when the saving would be 1,000,000 *l.* to 1,500,000 *l.* per annum, representing a capital of twenty to thirty millions sterling, which, in that case, would be the loss sustained by the Indian Government in this single item of finance, by the substitution of a gold for the present silver standard." The revenue of India, especially the land revenue, is fixed; and, if any alteration in the value of gold and silver were to occur, and if gold were to fall in value, the resources of the Indian Government would fall in proportion. If gold were made the standard, all transactions must be estimated in gold, and India would be deprived of the benefit which would result from the alteration, in the case of the home remittances.

7711. Mr. *Smith.*] Might not gold be permitted to be circulated at a certain rate, and that rate be changed from time to time?—If it is not made the standard; it is any change in the standard that I object to.

7712. You do not object to the circulation of gold, but to the establishment of gold as a standard?—I object to gold as a standard.

7713. Mr. *Danby Seymour.*] You are aware that it has been changed in many countries within the last 40 years, are you not?—I am aware that, in the case of a double standard, it has.

7714. There is a double standard in France, is there not?—Yes; but, as regards India, my opinion is that a standard of gold would not be so convenient as a standard of silver.

7715. *Chairman.*] What is the present state of trade and manufactures in Bombay?—I think there has been a very considerable increase of the external commerce of the Bombay Presidency within the last twenty-five years. I have not the statistics

statistics of this increase by me to refer to, but I imagine that I am within the mark in estimating that both exports and imports have doubled in that period. There is also a striking increase visible in the internal trade, and consumption has largely increased; population has also largely increased, but not, I think, to the same extent as consumption; and my inference is, that the condition of the masses has been improved at the same time that the trade and wealth of the community, as a whole, have increased. The consumption of British manufactures has largely increased, but the effect has not been, as is generally supposed, to destroy native manufactures. I entertain a decided opinion that the population supported by native manufactures in the Bombay Presidency is greater than it has been at any time during the present century. I have visited nearly all the manufacturing towns and villages of the South Mahratta country, and though the weavers very generally complained of their having been obliged to submit to a great reduction of wages, in consequence of the low prices now obtained for their goods, owing to the competition of British manufactures. I could not perceive anything like a general decay of manufactures; on the contrary, in many villages and towns the number of looms at work is now greater than ever.

7715*. Have they adopted any improvement in their machinery?—No, not that I am aware of; but what is remarkable enough is, that native goods produced in the South Mahratta country are still exported to the coast, and even to the island of Bombay itself, where British manufactures compete with them on the most favourable terms. The masses of the population of the Bombay territories, both male and female, are still clad in the products of native looms.

7716. Has competition reduced the price?—Exceedingly.

7717. Therefore, a manufacturer cannot be so well off now as he was before?—I do not say that the actual condition of the weaver is equal to what it was before.

7718. Mr. *Danby Seymour.*] Does not a manufacturer use English yarn to a great extent now?—Yes.

7719. And that would account for his being able to compete, would it not?—No doubt; the cost of the article is very much reduced, and the population has benefited by it.

7720. Mr. *Baillie.*] Is there much cotton yarn exported from England to the Bombay Presidency?—A very large quantity.

7721. *Chairman.*] Can you give us an idea of the relative amount within the last 10 years?—Imports of cotton yarn have increased very much; but I cannot state the amount.

7722. Mr. *Danby Seymour.*] There are spinning companies established in Bombay now, are there not?—Yes.

7723. The shares in which companies are at an enormous premium, I believe?—I believe they were at an enormous premium. Mr. Landon has established a mill in Guzerat. Among other evidences of progress I would mention that great additions to the size of towns and villages are visible; and the new buildings are frequently built in a superior style to the old; in the South Mahratta country there was hardly a house with a second story to be seen in any part of it when I went there in 1843, and now upper storied houses, built since that time, may be seen in considerable numbers; in Khandeish also, a very considerable number of new houses, built in a superior style to what previously obtained, may be seen in all the more considerable towns and villages; produce is now very generally conveyed in carts; when I went to India, there was hardly a single cart suitable for the conveyance of goods to be seen anywhere in the Deccan; the traffic of the country, owing to the want of roads practicable for wheeled vehicles, was conveyed upon pack bullocks; now hundreds of carts pass and re-pass daily upon all the great roads, and when not so employed they are available for agricultural purposes; the farmers have become the great carriers of the country, which is an occupation they never were engaged in before.

7724. Mr. *Baillie.*] Do they use horses or bullocks in their carts?—Bullocks.

7725. Mr. *Danby Seymour.*] You cannot go beyond Sattara in a carriage, can you?—Yes. I have travelled over every part of the Deccan frequently.

7726. *Chairman.*] On roads do you mean?—There are not many made roads.

7727. Mr. *Danby Seymour.*] Is there any post-cart beyond Sattara?—No; none.

7728. *Chairman.*] Did not your statement imply that there are many roads in the Presidency of Bombay?—I have not stated that. I said that in consequence

Major *G. Wingate.*

13 July 1858.

sequence of the want of roads, when I went there there were no carts; the roads have brought the carts; but I do not mean to say that the roads are general.

7729. There are more roads and more carts?—Yes; there has been a great increase of carts. One brother of a family frequently manages the paternal acres, while the others are busily engaged as carriers in transporting merchandise. The total produce, and especially the exportable products, must have been enormously increased by these improvements, which have been especially favourable to the interests of the agricultural and trading classes; roads of late years have been extensively constructed with the greatest benefit. In the South Mahratta country, when I went there in 1843, there was only a single road to the coast, but now other roads and numerous cross-roads have been made, and are in the course of construction; many of these roads are not bridged, and cannot be considered better than country roads; but they are, nevertheless, of great importance to the community. What has been done in the way of road-making has, however, been chiefly effected within the last 10 years, previous to which time the communications of the country were very much neglected; in Guzerat especially so, and to this day little, I understand, has been done there to improve the roads or facilitate the shipment of goods. The harbours everywhere, it may be added, along the coast are deficient in conveniences for facilitating the loading and discharge of cargoes by the country boats. Upon the whole, however, the Presidency of Bombay, in my opinion, has made great advances in commerce, manufactures, population, and civilization, during the last 25 years, to which my acquaintance with it extends.

7730. The whole of the improvements to which you have now referred are of importance not only to the natives, but to European settlers generally?—Yes; they are of very great importance to them.

7731. What observations have you made with regard to the readiness of the natives to adopt improvements suited to their circumstances, which have been introduced by Europeans?—I think that the natives may be said to be upon the whole rather ready than otherwise to adopt improvements, notwithstanding their habits and customs; I consider them to be patient, docile, and intelligent, with great aptitude for the mechanical arts; all my surveyors were natives, and very efficient; so were the Eurasian clerks. The railway engineers in Bombay have expressed themselves very favourably to me of the natives as artificers, and have said that they were quite astonished at the facility with which they adopted European methods of using tools, and working in the European fashion.

7732. All this is in favour of the opinion which you have expressed before, that the great advantage of a larger European population would be the means it would afford of employing the natives?—Yes.

7733. This applies to the more mechanical arts as well as to agriculture and manufactures, to which your observations have applied before?—Yes; I have already spoken of the extended use of carts, which have become general in Bombay, in consequence of an improvement in the communications of the country, which shows that the natives are not averse to the adoption of novelties; I may mention that the New Orleans cotton, which was introduced through the instrumentality of the Government about 10 or 12 years ago in the Dharwar collectorate, is now grown largely in the South Mahratta country; from the return which I now hold in my hand, it appears that in 1856–57, 112,000 acres were planted with New Orleans cotton in the South Mahratta country, while the first plantation of this variety was made in 1845, when 2,000 acres were planted, so that in 12 years, it has increased from nothing up to 112,667 acres; I would also cite the case of the introduction of American saw-gins in the Dharwar collectorate; I believe that between 1848 and 1852 there were 192 saw-gins sold in the South Mahratta country, at the price of 19,335 rupees. I understand that that was the time when the natives first began to purchase the saw-gins.

7734. Mr. *Smith.*] Those were the hand saw-gins, were they not?—Yes.

7735. They were turned by a wheel?—Yes; I have no return from 1852 to 1855, but from 1855 to the 12th November 1857, a period of two years and a half, 198 saw-gins were purchased at the price of 25,470 rupees.

7736. Then the use of saw-gins has considerably increased?—It has increased in consequence of the impossibility of extending the culture of cotton in the South Mahratta country, without improvements in the machinery for cleaning it; it used to be all cleaned by means of the foot-roller, a most inefficient implement.

7737. Of course these saw-gins would never have been introduced, but for the communication

communication with Europeans?—No; they were entirely introduced in consequence of the efforts of Government.

7738. Can you trace any greater activity or enlarged observation on the part of natives since the introduction of the improvements which have been made in machinery?—I think that they have improved very much, and the very fact of their availing themselves of these machines is, I think, a proof of the progress that they have made.

7739. Mr. *Willoughby.*] Does not saw-gin cotton bear a higher price in the price current than any other species of cotton?—I believe it does, and I believe that that higher price is the cause of the cultivation of this particular kind of cotton having been extended.

7740. Has the introduction of the saw-gin materially improved the mode of preparing the cotton, and is the cotton now of more value than it was before?—I believe it is of much more value; it is much better cleaned. I believe that the introduction of the saw-gin is due, in the South Mahratta country, to the people there having found that it would be useless to raise more cotton; as they could not clean it by the ordinary means. The prices of cotton rose to be so high as to make it a highly profitable cultivation, if they could only obtain the means of cleaning it; the saw-gin gave them the means of cleaning it, and they adopted it.

7741. Mr. *Smith.*] You are aware, are you not, that it was the invention of the saw-gin that led to the enormous increase in the cultivation of cotton in America?—Yes.

7742. It was not until that machine was invented that it was possible to produce cotton at a cheap rate?—No.

7743. Is it not the case that the advantage of the saw-gin over the churker is not so much in improving the staple of the cotton, as in cleaning a larger quantity of cotton?—That I believe is the great advantage of it.

7744. Are there any saw-gins there that are worked by bullocks?—I believe not now. There were originally; but the natives prefer the hand-gin in that part of the country. They find it can be accommodated in their own houses without involving expensive alterations and is in other respects more suitable.

7745. You have been asked some questions as to whether it would be advantageous with a view to the encouragement of a European population, to have greater facilities for forming large landed estates in Bombay; do you think it possible to form a landed aristocracy in that part of the country?—I do not think it possible, having a due regard to the interests of existing proprietors, nor do I think it possible anywhere in India to create a permanent race of large landed proprietors; the customs of inheritance appear to me to be wholly adverse to the possession of large properties, and they would, in my opinion, long ago have broken up all the large zemindaries of Bengal, but for the circumstance of their being artificially held together by the revenue system; I believe that the customs prevailing with reference to inheritance would inevitably break up any large properties.

7746. You do not, therefore, believe that European settlement could be extensively introduced into Bombay by large tracts of land being held by those settlers?—I do not think it at all possible, having a due regard to the rights of present proprietors of land.

7747. Mr. *Baillie.*] Why not, if the lands were purchased from the present proprietors?—There is no obstacle whatever in the Bombay Presidency to Europeans settling there, and purchasing as many properties as they like; there is no obstacle at present to their acquiring property to any extent, but it must be acquired by purchasing up individual property.

7748. Mr. *Mangles.*] Is there any discouragement on the part of the Government?—Not the least, I believe.

7749. *Chairman.*] You have said that, in your opinion, large estates would not succeed?—I have said that I think the purchase of land is not the most advantageous way for a European to employ his capital in India.

7750. You think it would be more profitable to employ his capital in encouraging the small cultivators?—I think so; I might add, that the condition of all the large estates, and of the large proprietors in the Bombay Presidency, is one that is not at all encouraging as regards any attempt to extend the system; I consider the large landholders of Bombay, such as the jagheerdars of the South Mahratta country, and the talookdars of Guzerat, are generally a very ignorant, debauched, and useless race, who do very little for their estates.

Major *G. Wingate.*

13 July 1858.

7751. Do you think that any alteration in the constitution of the Supreme Council might be beneficially made, with a view to the encouragement of settlers in India?—I am of opinion that the administration of the Bombay Presidency was very much paralysed by the centralization of supreme authority in Bengal during the greater part of my residence in India; there seemed to me to have been a want of sympathy between the central authority in Bengal and the subordinate authorities.

7752. You think that a more local Government would be more favourable to British settlement?—I think so; I think that a reference to Bengal during the most part of my stay in India, was the wet blanket that stifled most of the Bombay projects for developing the resources of the country, and that I think was in a great measure owing to the different circumstances, and the different state of affairs existing on that side of India: in Bombay, roads and means of communication were above all things necessary for the development of the resources of the Presidency; we have a line of almost impassable mountains running along the coast, from one end of the Presidency to the other, and the regions from which exports would naturally be looked for, lying behind these mountains; of course roads were absolutely necessary, and a large expenditure for that purpose was necessary in Bombay; it was not so in Bengal to the same extent; there was an immense river, which brought the produce of a great part of that country to the doors of the merchants of Calcutta; but the great reason appears to me to be, the want of intercourse between the supreme authority in Bengal and the local authorities in Bombay.

7753. You think there was too much centralisation?—The Bombay authorities had no means of advocating their views in the Supreme Council.

7754. Mr. *Mangles.*] Might not the circumstance that Bengal had to find the money have had some effect, do you think?—No doubt it had.

7755. Did the Presidency of Bombay ever pay its own expenses?—No; but there were expenses charged to it which ought to have been charged to the general revenues of India.

7756. Mr. *Willoughby.*] The Indian navy, for instance?—Yes; but for the sake of developing the revenue of the Bombay Presidency improved communications were beyond all things required; in a mere financial point of view they were necessary; that, as far as I could judge, did not seem to be appreciated by the Bengal authorities, which I attributed to their not being aware of the real circumstances.

7757. Mr. *Mangles.*] You left India before the great acceleration of public works began, did you not?—Just about that time.

7758. Mr. *Danby Seymour.*] What was the date of your leaving India?—Eighteen hundred and fifty-three.

7759. Mr. *Smith.*] Have you any doubt that Bombay might be made to pay its own expenses, if its resources were properly developed?—I think that under a proper system of administration it eventually might, but I do not think it at all fair to confine the application of the revenues of one Presidency entirely to that particular Presidency; Bengal is a magnificent country with numerous navigable rivers, and of course has a large surplus revenue.

7760. Mr. *Danby Seymour.*] Do you not think that a country like Bombay ought to pay its own expenses?—That would depend on circumstances.

7761. The salaries and other expenses?—Yes, and its requirements.

7762. *Chairman.*] Do you think that the want of local knowledge on the part of the Government would be best supplied by an enlargement of local representation in the Supreme Council, or by separate local governments in the Presidencies?—I think there must be a Supreme Government, but I think that efficient administration in the Bombay Presidency will never be secured while the supreme power remains in Bengal.

7763. Where then would you put the supreme power?—I think that there ought to be a great freedom of action and a power of legislation in the local Government; and I would prefer having the supreme power, as far as the Presidencies are concerned, in England; because the officers in the subordinate presidencies are constantly in the habit of resorting to England; and would have opportunities of pressing their views and suggestions upon the attention of the supreme authority, which they never could have while it remains in Bengal; Bengal is quite a foreign country to the officers of the minor presidencies.

7764. Mr. *Vansittart.*] Do you mean to say that you would do away with the

the office of Governor-General of India?—As far as regards local administration I would.

7765. You would make each Presidency entirely separate?—Yes.

7766. *Chairman.*] Then local government combined with the home Government would be what you would recommend?—Local government would be my panacea.

7767. Mr. *Vansittart.*] In the absence of the Governor-General, what would be the connecting link between the four presidencies?—I have not expressed an opinion that it would be practicable to do away with the office of Governor-General; political and other considerations may prevent that; it is a subject to which I have not given my attention particularly; but as regards the Government of the Presidency, I am decidedly of opinion that England is a better locality for supreme authority than Bengal.

7768. *Chairman.*] Do not the greatly increased facilities of communication with England point in that direction?—As regards local administration, I think so.

7769. You think considerable danger arises from the present system of centralisation?—I think so. I think that it causes a community of feeling and of aims throughout the whole of India, which may eventually become extremely dangerous to British supremacy. I think it would be much better to break up India into Presidencies, and to give them local views and local attachments.

7770. Mr. *Vansittart.*] As you appear to be rather unfavourable to the office of Governor-General, how would one Presidency communicate with another, if there were no presiding head?—The Committee will bear in mind that I do not make any suggestion for the abolition of the office of Governor-General. If you have one supreme authority promulgating laws affecting the whole population of India, you necessarily bring about a state of things in which everybody throughout India is affected; if there is an agitation for the repeal of a particular law, it will be an agitation that may extend from one end of India to the other.

7771. You speak of the dangers that arise from a central government, and you say that it leads to a community of aims and feelings that might be dangerous?—Yes, I think that if there be any one subject in which the whole population of India would be interested, that is more likely to be dangerous to the foreign authority than if the question were simply agitated in one division of the empire, if a question were agitated throughout the whole length and breadth of the empire, it would surely be much more dangerous to foreign authority than a question which interested one Presidency only.

7772. Mr. *Danby Seymour.*] Is what you mean this, that all the people of India might be excited about the same thing, at the same time?—Yes.

7773. Mr. *Kinnaird.*] Among the reforms that you would recommend, would you include the abolition of the office of Governor-General?—I do not recommend it, because I have not considered the question sufficiently.

7774. Mr. *Danby Seymour.*] Your opinions are not at present unfavourable to it?—My mind is not made up on the subject.

7775. *Chairman.*] Do you consider that the number of European officials are too few at present for the civil administration?—I think that greater efficiency might be obtained by the employment of a greater number of officers, but I do not think that on the present scale of remuneration the number of officials could be greatly increased.

7776. Do you think it would be a good thing if there were a more close superintendence of the native officials, by means of European officials, than there is at present; would the natives be better public servants if they were more under the superintendence of Europeans than they are now?—I have no doubt that if the number of European superintendents were increased, a greater amount of efficiency might be obtained; but at the same time I think that, even with the present superintendence, considerable additional efficiency might be obtained by certain improvements connected with giving a more adequate scale of remuneration to the subordinate native employées. I am of opinion that the natives may be made very efficient public officers indeed, under proper superintendence.

7777. By proper superintendence, do you mean superintendence by Europeans?—Yes; I think they might be made as efficient as the present state of civilisation admits.

7778. Mr. *Willoughby.*] Is not the principle in Bombay that of employment of natives under European superintendence?—Yes.

7779. *Chairman.*] Do you think that that system might be beneficially extended?—

Major *G. Wingate.*

13 July 1858.

extended?—I think that in Bombay a tolerably efficient administration, as efficient an administration as the circumstances of India will admit of at present might be effected without any great increase of European agency; but I think that an increase of European agency would undoubtedly tend to give increased efficiency to the administration.

7780. Mr. *Smith.*] Would not an increased rate of pay to native officials increase their efficiency?—Increased pay, and also in some respects a better system of management; for instance, in the revenue departments of Bombay, with which I am better acquainted than I am with any others, I think that promotion among native subordinates rests too much with the Europeans, and that the natives are too entirely dependent upon them.

7781. Mr. *Vansittart.*] As regards their pay do you mean?—Both as regards their pay and their position.

7782. What is the pay of a Suddur Ameen?—Very handsome. I am speaking of subordinate revenue establishments; at present, promotion almost invariably rests with the collector, who, of course, has no means of knowing the merits of the numerous subordinates of his establishment; he is obliged to trust to one or two natives about him who have his ear; these natives become very influential, and it is found that the only way to insure promotion is to secure the influence of those parties who are supposed to be influential with the collectors; I think that the present system might be greatly improved by constituting the revenue clerks who are now the people from whom our native superior officers are drawn into a service, and regulating their promotion up to a certain rank by fixed rules, instead of leaving this to the hap-hazard selection of the collectors. I think that on considerations of fitness, ascertained by periodical examinations and seniority, promotions to the lower grades of the service, might always be made by the collectors, and as to the higher grades I would regulate them by a principle of selection combined with examinations as at present.

7783. Mr. *Danby Seymour.*] How high would you have them?—I would have them as high as the head karkoon or head clerk in the native establishment of a mamlutdar; up to that point, I would regulate the whole of the promotions, so as to put it out of the power of the clerks of the collectors to establish an influence which is most corrupting to the whole establishment.

7784. Mr. *Willoughby.*] Are you correct in saying that the collectors appoint to the whole of the revenue offices, or do you exclude the highest offices?—Yes, I exclude them; I am speaking of the lower grades.

7785. Mr. *Danby Seymour.*] To whom would you give the power of appointing to offices above that of the head karkoon?—At present, these appointments are recommended by the collectors through the Revenue Commissioners for the sanction of the Government, and I do not recommend any alteration.

7786. *Chairman.*] I understand you to say, that at present, a system of bribery is carried on?—Yes; I think that bribes are very frequently taken by parties who are believed to have the ear of the European officer, in order to secure advancement. They think that is the most effectual way to obtain what they want.

7787. Mr. *Villiers.*] Is that a matter of notoriety?—Yes.

7788. *Chairman.*] Do you think that bribery of that kind is universal?—No; I should say not.

7789. In what way is it that bribery is in operation there, is it in regard to the decision of revenue cases?—No, not at all; the bribes are given by parties who think that is the best means to obtain promotion.

7790. Do you mean that a subordinate bribes a person who has the ear of the collector?—A person who is supposed to have the ear of the collector; the objection I have is, to the corrupting influence it has upon the establishment. It induces the members of the establishment to resort to this sort of back-stairs influence, rather than endeavour to become really fit and efficient officers.

7791. .] But that unfortunately shows, does it not, that there is corruption among the people who approach the collectors?—Yes.

7792. You would not say that that corruption is only manifested when there is a question as to the promotion of a subordinate; it is manifested, is it not, with regard to any question. The collector has to decide, and when he has to consult the person who is supposed to have influence with him?—It would depend of course upon the mode in which the collector chooses to communicate with the parties.

7793. I understood you to say, just now, that some native generally has influence

fluence with the collector?—As regards the promotion of his native establishment

7794. Do you mean that the collector exercises his own judgment on questions of revenue, arrears of payment, and so on; but that when there is a question of promotion, he depends upon a native?—He necessarily must depend upon a native, because he has no other means of ascertaining the fitness, and determining the claims of the various parties; he must refer to somebody.

7794*. But does that apply to the discharge of his duty as collector, when questions of doubt are brought before him?—Not generally; it depends a great deal upon the class of cases; on all ordinary occasions I should say a collector is not dependent if he is an efficient officer.

7795. How is it that these natives approach the collector with reference to any question of revenue; are there petitions sometimes presented to him?—Yes.

7796. In what language are those petitions usually written?—In the language of the applicant.

7797. The petition is read by the scribe, is it not?—Yes; it is read to the collector in the native language.

7798. And he depends upon the person who reads, reading correctly?—Yes; but the petition is read so rapidly that I do not conceive it possible, or I consider it next to impossible for the clerk to read it incorrectly.

7799. Perhaps it is equally impossible for the collector to understand it?—If he does not understand the language, of course he will not understand the petition; but if he understands the language, he derives his information, as to the whole complaint, from that reading.

7800. But if the scribe is not an honest man he may read inaccurately what he has to present to his collector, will he not?—There is ordinarily a particular hour in the day assigned for hearing petitions. The petitioners come up with their petitions in their hands. Perhaps there may be 20 or 30 of them all given in at the same instant. These are read, as they happen to come, by the clerk. I do not conceive it to be at all probable that the clerk would attempt to read anything that is not in the petition.

7801. When does the decision upon the petition take place?—It depends upon what the question is. If it is a question which the collector feels he can determine without requiring further information, he decides it at once upon the spot.

7802. Mr. *Danby Seymour.*] And these petitions, in many cases, relate to rights in regard to land, do they not?—If there are any complicated questions of that kind, they are generally referred for further information.

7803. Mr. *Villiers.*] On all these matters the collector must be dependent a good deal upon the natives, must he not?—My reply to that question is, that he is not dependent upon them; an efficient collector may apply for information, but judges for himself.

7804. I understood you to say, just now, that the collector must depend upon the native who brings the matter before him?—No; I was speaking then with reference to promotion.

7805. What is the office called which the native you refer to fills; how is he designated?—He is generally called a reader, or karkoon.

7806. He reads to the collector the petitions that are presented?—Yes.

7807. And the collector depends upon him to read them accurately?—Yes, but as far as my observation has gone (and it has been pretty extensive, for I have been in the habit of receiving these petitions in great numbers in the course of the survey settlements for many years past), the native readers are not in the habit of reading anything but what is in the petitions, if they did they would be immediately liable to detection, because there is almost sure to be somebody present who is interested in the matter, and if he were to hear a false statement read, he would immediately bring it forward.

7808. Then there are persons present while these petitions are being read, who understand the language, who comprehend what it is that is brought before the collector, and who could check any inaccuracy?—Very often persons may be present who are interested in objecting to the claim of the petitioner.

7809. That is possible?—Quite possible.

7810. Is the person who would read these petitions the person who would be consulted with reference to promotions?—Yes, or probably a superior officer. Not exactly the native collector, but the head native secretary.

Major *G. Wingate.*

13 July 1858.

7811. In such a matter as that of promotion he would not be trustworthy?—In some cases, I believe, he would be trustworthy; I should be sorry to say he is never trustworthy, but there are cases, I think, in which he would not be so, and I think it would be an improvement if the power were taken out of his hands.

7812. Mr. *Willoughby.*] The petitions are presented in person, and are not given to any native, in the first instance, are they?—Yes, generally speaking, that is so.

7813. They are read off in the presence of the petitioner?—Yes.

7814. And the collectors themselves are usually conversant, are they not, with the language in which the petitions are read?—In Bombay, as a general rule, I think they are; in some cases I know petitions are read in Hindostanee.

7815. Mr. *Danby Seymour.*] But there is no check upon the scribe, if he reads incorrectly, is there?—Yes, the petitioner is there, and often the party who is opposed to him.

7816. Is he necessarily present?—No; but the petition remains as a public document, and therefore the native officer would be much too acute to read incorrectly.

7817. Is it not a fact that the public are very often kept out of courts of justice by the police in India?—I know nothing about that.

7818. Mr. *Villiers.*] It has been stated here, on considerable authority, that there is hardly any civil European officer who is not more or less under the influence of some native; does that coincide with your observation?—My impression is that there is a large number of European officers in the Bombay Presidency who trust to their own judgment in the discharge of their duties; some I have no doubt do trust to a considerable extent to the opinions of the natives; in matters as to usage, and of course on many subjects, a European officer without the aid of natives, could not acquire the information which is required to enable him to come to a correct decision on any question brought before him, and therefore he must consult natives; but after he has obtained their opinions, he often does judge for himself.

7819. Mr. *Mangles.*] The European officers are not in general, according to your experience, what is called "in the hands" of native officers?—No, not generally.

7820. Are the petitioners usually present when their petitions are read?—Invariably.

7821. Would they not cry out very loudly if they heard the karkoon reading a different story from that which they had written down?—I do not think that a karkoon could venture to read incorrectly; I never knew an instance of it in my experience.

7822. Are not petitioners in the courts of Bengal, as they are in Bombay, very prompt in asserting their claims?—No doubt they are; but I have had no practical experience of the working of the Mofussil courts; I have never had occasion particularly to inquire into that matter.

7823. Did you ever observe any backwardness on the part of the natives in asserting their rights and claims?—No, I think that they are generally exceeding on the alert.

7824. There is no fear on their part of a European officer unduly checking them or disregarding them?—I do not think that any fear of that kind ever operates to deter them from making assertions of their claims; I think that they are exceedingly ready to do so.

7825. You have spoken of the climate of Khandeish being very unfavourable for the purpose of settlement; does not that arise from the quantity of jungle that there is there?—I think so.

7826. Would not that be obviated if the jungle were cleared?—I have no doubt of it. I cannot see any reason why it should not be so.

7827. Are you able to speak at all of the average size of the holdings of the ryots?—It varies much in different collectorates. I have no information before me which would enable me to state the average correctly, but in the Deccan I should say the size of holdings range from about 10 acres to 200 or 300; in the rice countries the holdings are much smaller. I think the average there is below 10 acres.

7828. I suppose where the holdings are large they underlet them?—No, these large holdings are generally held by successful farmers.

7829. Employing

7829. Employing hired labour?—Yes; but holdings are very extensively underlet in all the districts of the Bombay Presidency, but generally by those who are not themselves farmers; such as Brahmins and other classes who are not immediately engaged in agricultural pursuits.

7830. If they can find persons to give a profit rent, that fact must prove in itself, must it not, that the holdings have a marketable value?—Yes.

7831. Under the new survey there has been a very considerable reduction of rates, has there not?—Yes.

7832. And there has also been a very considerable increase of cultivation?—Very great.

7833. Has the increase of cultivation more than compensated for the reduction of rates?—In the aggregate there has been an increase of revenue as well as of cultivation; Government have lost nothing while the people have gained enormously.

7834. It has been stated in evidence by some witnesses that the Government and the servants of the Government discourage the settlement of Europeans in India, and show them the cold shoulder, and otherwise depress, annoy them, and worry them; is that consistent with your experience?—No; it is quite at variance with my experience.

7835. Mr. *Villiers.*] Are there settlers in Bombay?—There are very few; but I know that as to those all the Government officers and the Government have been most anxious to promote their interests by affording them every possible facility for the conduct of their operations. Mr. Landon would be able to give the Committee much better information on this matter than I can, but I know that in Khandeish, when Messrs. Ritchie, Stuart & Company, a commercial firm in Bombay, attempted to increase the manufacture of cotton there largely, the collector Mr. Mansfield, afforded them every possible aid; in fact, he was deeply interested in the success of their experiments, and went as far as a man possibly could in giving them every encouragement in his power. Such is the case I believe at this moment in Dharwar, where I think Mr. Brice, a European merchant, is settled for the purchase of cotton.

7836-7. Mr. *Villiers.*] You are now speaking from your own experience as an officer of the Company?—I am speaking from my experience as having been resident in India for 25 years; I do not think I have spoken with any particular prejudice.

7838. Mr. *Mangles.*] You are speaking from facts which are within your own knowledge and observation?—As far as I know them.

7839. And with the knowledge and observation that you have, do you think the general tendency of the Government and its officers is to encourage European settlement, enterprise, and industry as much as possible?—At the present time, I think so, decidedly; I believe they are really anxious to encourage settlement.

7840. What proportion of land is held free of the Government assessment in Dharwar and Belgaum?—A very large proportion. I will, in my reply to that question, quote, if the Committee will allow me to do so, a paragraph from a letter of Mr. Hart, who was our enam commissioner. He says, "On the appointment of Mr. Goldsmid as superintendent of the revised revenue survey and assessment in this province, he was naturally startled by the enormous proportion of land alienated in the shape of enams, &c., in the two collectorates of Dharwar and Belgaum. Besides the whole mahals entirely assigned as jagheer and surinjam, he found about 700 entire villages alienated out of the khalsat mahals of both collectorates, and in the balance of 2,452 villages left for Government, and khalsat by denomination, he estimated the number of minor alienations at about 60,000 estates; the share left for Government, even in these its khalsat villages, not averaging one-half thereof." According to that statement, more than one-half of the whole land was alienated.

7841. That is virtually not simply what we call property in land, but exemption from taxation, is it not?—I think it may be more correctly viewed as exemption from taxation than as property in land; it does not necessarily confer any property in land.

7842. Are not the enamdars generally cultivators of their own soil?—No, not generally; in the case of holders of any considerable extent they never are; that is to say, the owner of an alienated village never cultivates his village, because the rights in the land remain after its transfer to the enamdar the same as before.

Major *G. Wingate.*

13 July 1858.

7843. He could no more get rid of the under tenures than the Government could?—Not justly.

7844. And is not that state of things one great cause of the tendency of the revenue of Bombay to pay its expenses?—I think there can be no question about that.

7845. Have you ever formed an estimate what is the relative value of the alienated lands throughout the Presidency of Bombay?—If my recollection serves me right, it amounts to about a third of the entire land revenue.

7846. The entire land revenue of the whole Presidency?—Yes.

7847. Mr. *Danby Seymour.*] Do you mean that one-third of the whole Presidency is rent free?—That is my impression at present; I am only speaking from recollection.

7848. Mr. *Mangles.*] In the districts of Dharwar and Belgaum it is a much larger proportion, is it not?—It is stated there to be more than half.

7849. Mr. *Danby Seymour.*] Is it one-third of the whole area of Bombay or one-third of the cultivated land that is wholly rent free?—A third of the revenue; the whole land is brought to account as assessable to the public revenue, and a portion of it is written off as transferred to some one else.

7850. Mr. *Mangles.*] Are you aware what proportion of the land held under these rent-free grants is assigned and really appropriated to religious endowments, Mahomedan and Hindoo?—I am not able to say, but I should think only a small proportion.

7851. Even of that which is nominally appropriated to religious purposes, is not a large part really appropriated by individuals to their own use?—I cannot give any decided opinion upon that point. I know that in the case of many small enams they are sometimes cultivated by individuals who do not perform any religious office, but I do not know upon the whole how that may be.

7852. Mr. *Vansittart.*] As you state you have been employed in assisting Mr. Goldsmid, of the civil service, in revising the assessment of the Poonah Collectorate, you have doubtless had opportunities of judging generally of the Bombay civilians, as regards their administrative abilities, and their knowledge of the languages of the country; will you be good enough to express your opinion upon the subject?—I think there is in the civil service of Bombay, as I have known it, a very great degree of zeal and a considerable degree of knowledge; but, of course, in a service selected as the civil service is, I do not think you can expect more than an average degree of ability in the members of the service; some of them will be efficient, and others will be the reverse. I have known instances of both, but upon the whole I consider that they are a zealous and efficient body.

7853. What would you say as to their knowledge of languages?—Generally it is very considerable; of late it has been, I think, very much greater than it used to be some years ago. In Bombay we have, I may say, three languages, Mahratta, the Guzzeratee, and the Canarese.

7854. Mr. *Mangles.*] And the Hindoostanee?—That is not a language of the Bombay Presidency; it is not spoken by the people, though it is perfectly well understood by a number of people in it.

7855. *Chairman.*] There is no language common to the different component parts of the Presidency of Bombay?—No; Hindoostanee is the language most generally understood by them; the civilians, after they have been for some time appointed to a district, generally acquire the language of the district to which they are appointed. The Mahratta language is generally known by the civilians of Bombay. Canarese is known to a less extent; many of the civilians employed in the Canarese districts were not well acquainted with the Canarese language.

7856. Have they not to pass an examination in different languages?—In two languages, which are often Hindoostanee and Mahratta.

7857. Mr. *Vansittart.*] It has been stated to the Committee that it would be desirable to separate the judicial service from the revenue service; do you concur in that opinion?—I am upon the whole rather favourable to the separation.

7858. Could not this system be carried out with the present body of civilians by making it incumbent on those civilians, selecting the judicial branch of the service, undergoing a judicial education in addition to passing the examinations prescribed at present?—In the Bombay Presidency there is a considerable separation of the two branches of the service; according to the rule, promotion in the judicial branch is confined to the officers employed in that branch. I think that whatever examinations were necessary as to legal qualifications, they would be better

better made in India, after the officers have had experience; I should apprehend that such a legal education as they would be likely to acquire in this country would hardly be sufficient to make a man an efficient judge.

7859. Then you do not think that the system could be satisfactorily carried out?—I think it would be for the benefit of the administration to separate, as much as possible, the revenue from the judicial department.

7860. I think you are in favour of the employment of natives in offices of high trust and emolument?—I think that offices of high trust and emolument ought to be open to natives, but with regard to their appointment, I would determine that by considerations affecting the qualifications of the individual, and I would say that a native should not be appointed to a judicial office if he was not, on examination, found to be qualified.

7861. Do you not think that the natives have greater confidence in a decision passed by a European than by one of their native brethren?—I think they have.

7862. The sudder ameens and moonsiffs of the Bombay Presidency are very well paid, are they not?—Yes, they are.

7863. Have not the sudder ameens and moonsiffs in the Bengal Presidency behaved generally very ill during this rebellion? for instance, have not many not only instigated the mutinous sepoys to murder Europeans, both officials and otherwise, but have they not thrown up all allegiance, and ruled and governed large provinces, temporarily wrested from our sway?—I have no further information upon that point than we all have from the newspapers.

7864. Are you not of opinion that with reference to the handsome salaries of the sudder ameens and moonsiffs, young men of good family and good education would be induced to go out from this country to fill those situations?—Possibly they might, but I am not of opinion that it would be desirable to exclude natives from such offices; I think it offers the best chance of improving the native, to hold out to him every possible hope of advancement.

7865. Could you not get, for those salaries, young men of good education to go out from this country?—Yes, but you would not get men of legal education, or men qualified, upon the whole, to make better judges than those you have at present.

7866. In regard to that interesting answer you have given to the Chairman on the subject of the field of employment of Europeans, I gather you are of opinion that European colonization is not practicable in the Bombay Presidency, although there are vast facilities for European employment in productive industry?—That is my opinion.

7867. Do you think the results of their productive industry could compete, in a profitable point of view, with Australia, Canada, and other of our colonies?—I think we have examples of successful settlement in India by Europeans, and I see no reason why it should not be very much extended; I think that India cannot be compared with the colonies referred to in your question, in respect of general attractiveness.

7868. Do you mean in a profitable point of view?—I cannot say whether the prospects of success are greater in Australia or not, but as to the extension of European settlement, I do not anticipate so much from the emigration of Europeans from this country with a view of carrying on some particular trade in India, as from Europeans already in India having relatives and friends elsewhere who may be induced to go out to India.

7869. You say that owing to the necessity for our maintaining a large European force in future in India, we may expect a large increase to the Eurasians, am I to understand from this that our soldiers will marry native women, or may live with them?—I imagine they would probably do both; they very frequently marry them now.

7870. In what situations and offices do you think we could employ the offspring, springing from an intercourse of such a nature?—I think, as I have said in a previous answer, that all employments which are considered suitable for Europeans would be suitable for them.

7871. In reading, the other day, an account of Sir Colin Campbell's advance on Bareilly, the correspondent mentions there was a battalion of these Eurasians attached to that army, and he doubted whether they would bear the exposure and the heat so well as even the Europeans; are you of that opinion?—As far as my own experience goes, I am not of that opinion.

7872. Mr. *Mangles.*] Had you any opportunity in the course of your operations as surveyor, of forming your opinion as to the general validity of enams or other

Major *G. Wingate.*
13 July 1858.

rent-free grants, and whether they were *bonâ fide*?—My own operations did not involve any investigation into the title of enams; but the enam commission of the South Mahratta country was originally combined with the survey; afterwards I had the carrying into effect of all the decisions of the enam commissioners; in this way I had an opportunities of obtaining a knowledge of the subject. I had an acquaintance with the officers engaged in the inquiry, and I learned by that means and from public report the state of the enams; the general impression was that a great many were held on fraudulent, or imperfect, or unauthorised titles.

Jovis, 15° *die Julii*, 1858.

MEMBERS PRESENT.

Mr. Willoughby.	Mr. Kinnaird.
Mr. Villiers.	Mr. Lowe.
Mr. Danby Seymour.	Mr. Mangles.
Sir J. B. Smith.	Mr. Vansittart.
Mr. Campbell.	Sir Erskine Perry.
Mr. Gregson.	

WILLIAM EWART, Esq., IN THE CHAIR.

Major *George Wingate*, called in; and further Examined.

Major *G. Wingate.*
15 July 1858.

7873. Mr. *Willoughby.*] WHAT means did you adopt to ascertain the capabilities of the soil upon which the assessment was fixed?—We had a department organised specially for the purpose of valuing the soil of each field in every village; that is to say, of fixing its relative value upon certain rules, which experience proved to us to be well calculated to secure the end in view; then there were a number of checks by which the operations of the valuers were tested, and the accuracy of the result was proved by the readiness with which fields of all kinds of soil were taken into cultivation.

7874. Into how many classes did you divide the soil?—There were three orders of soils, the varieties of which were distributed among nine classes altogether; every soil was referred to one of these nine classes.

7875. Did you also take into consideration, in making your assessments, climate, position with respect to markets, agricultural skill, and the general condition of the cultivators?—Yes; all those matters came into our consideration.

7876. And the chief term was 30 years, but the title and occupancy were permanent?—Yes, the assessment was for 30 years, and the occupancy permanent.

7877. During that period the assessment could not be increased?—It could not be increased, but there was nothing to prevent its being lowered, if any circumstances arose to show that the assessment had been erroneously fixed.

7878. And the tenant was to be at liberty to throw up at pleasure?—Yes, on giving a written notice.

7879. Therefore, it was binding on the Government and not on the ryot?—Exactly.

7880. Supposing a man had under your assessment 10 fields assessed, and two of those were uncultivated?—Then, of course, he would pay upon them, not having relinquished them.

7881. Under this sense a ryot reaps all the advantages of improvement and outlay of capital?—Undoubtedly; and he is secured against loss through his having the privilege of giving up any portion of his occupation whenever he pleases, because he is thereby enabled to retain the particular land upon which he may have expended capital in improvements.

7882. *Chairman.*] Would this apply to European occupants as well as to natives?—It would apply to all occupants, European as well as native.

7883. Mr. *Willoughby.*] You have been asked whether the power to increase the assessment at the end of 30 years is, or is not, an obstacle to European settlers,

settlers, and your answer was "No;" will you explain more particularly your reasons for so thinking?—I think I did explain them in my former evidence; I think that the power in question would not at all interfere with the acquisition of land, because the occupant would know that at the end of the 30 years' settlement the tax would not be raised upon him on special grounds, and that if it were to be raised at all, it would be raised upon general considerations affecting the whole district; that is to say, if the circumstances of the country at the time should make it expedient to increase the taxation; there would be no taxation in consequence of any special improvement made by an occupant.

7884. In fact, you think that the occupant would have faith that the ruling authority would revise the estimate on just principles?—Yes; and he has the same security that the owner of land has in every other country in the world.

7885. *Chairman.*] Might not a rise in the rent, proceeding not from the caprice but from the necessities of Government, affect the value of property to a settler, as well as a mere change from capricious or accidental circumstances?—Not, I think, more so than in all other countries; the necessities of Government in all countries may demand such an increase of taxation as to destroy to a considerable extent the value of private property, but I do not see anything in the peculiar circumstances of India which should make it more liable to this contingency than any other country.

7886. In other cases the whole field of taxation is open to the Government?—Yes, and also in India; I think there is nothing that restricts taxation in India to the land; the Government is of course free to raise taxes in India in any way that may be considered the most conducive to the interests of the country.

7887. Mr. *Willoughby.*] You have been asked whether the assessment is an obstacle to Europeans acquiring land; do you think that the direct cultivation of land in India by Europeans is likely to be profitable?—I have already answered that question in the negative, in my previous evidence.

7888. One of your reasons is, that you are not able to compete with the native cultivators, is it not?—Yes.

7889. *Chairman.*] As cultivators?—Yes; as cultivators.

7890. But capitalists now, both native and European, do purchase the produce of native cultivators, do they not?—They do, to a great extent, and they might do so, and I have no doubt will do so, to a still greater extent.

7891. Mr. *Willoughby.*] Are these the rules under which the revenue survey settlements of Bombay are now administered (*handing the same to the Witness*)?—Yes.

7892. Will you read them, if you please?—"Revenue Management. Rules 1. With a view to the improvement of the country and people, the assessment now introduced by the superintendent revenue survey has been fixed by Government for a period of 30 years, viz., from fuslee to during which period the full benefit of every improvement, such as the conversion of dry into irrigated land by the digging or repairing of wells and tanks, the planting of fruit trees, &c., will be secured to the incumbent of the land, and no extra assessment levied on that account. 2. All cesses upon land have been absorbed in the new assessment; consequently when there are fruit trees in a field, their produce is to be taken by the cultivator, and nothing beyond the assessment placed on the field levied on that account from him; but in the case of valuable fruit and other trees standing in fields assessed at dry-crop rates, and not in cultivation at the introduction of the survey, and the produce of which it has hitherto been customary to sell on account of Government, the right of property in these trees, and of occupancy in the field should be offered at a fair upset price, and sold once for all by public auction to the highest bidder, and nothing in excess of the survey assessment thereafter exacted. But if no one offer to undertake the cultivation of the field on these terms, the produce of the trees may be sold annually, according to custom. 3. No field is to be let for less than the full survey assessment on account of its having been long waste, overrun with jungle, or any other reason whatever. 4. In the survey registers, in the case of fields containing garden and rice land, the said land is entered at so many acres, bearing a certain assessment, or the latter is laid upon the well in the case of garden land, without the irrigated acres being specified. This assessment is invariably to be levied, and nothing more, whether a greater or less number of acres, or none at all, be cultivated with garden or rice crops; and should there now or hereafter be garden or rice land in any

Major *G. Wingate.*

15 July 1858.

field not entered as having such in the survey registers, no extra assessment is to be levied on that account, the dry-crop assessment therein entered is alone to be levied. In the registers, also, a deduction is made on account of barren land in certain fields, and the assessment placed on the arable land alone; but in event of the cultivator bringing any portion of the land deducted as barren into cultivation, no extra assessment is to be levied on that account; the assessment on the field entered in the register is alone to be levied. 5. Every cultivator in whose name any field, or share of a field, on whatever tenure held, is entered in the village cultivation returns, is to be considered the holder of such field or share; and so long as he shall continue to pay the survey assessment due on it, he cannot be ejected or deprived of his right by any revenue authority; but in event of his failing to discharge the full assessment, Government reserves the power of ejecting him from any field or share of which the assessment shall at least be equal to the balance outstanding, the defaulter retaining, however, the privilege of determining the particular field or fields to be so relinquished; and in cases when the tenure precludes summary ejectment, the collector will observe the forms necessary to give his orders the force of a legal decree. 6. In event of a holder of Government land dying, his fields or shares are to be entered in the name of his eldest son or next heir, should he or his representatives agree to take them. 7. When two ryots hold a field, and one of them relinquishes his share, or dies without heirs, the share thus lapsing is to be offered in the first instance to the other sharer, before it is offered to any other party; and, in event of the said sharer declining it, and no other party applying to take it up, the former must relinquish his share too, and allow the whole field to become waste. 8. When there are more sharers than two in a field, and any of them relinquishes a share, or dies without heirs, it should be offered as above to the sharers in the first instance, beginning, in event of their failing to settle the matter amongst themselves, with the largest sharer, and so on to the least. If none of these, nor any other party be found to take up the relinquished share, the whole field must be thrown up. 9. Whoever has a field, or portion of one, entered in his name in the Government accounts, may have the said field or portion transferred to the name of any other person agreeing to cultivate the same, on his making a written application to that effect in the usual "razeenama," or petition to resign. 10. Proprietors of enam, zoodee, and meeras lands, having possession of the same, have the right of cutting down or otherwise disposing of all trees growing therein, and also holders of Government fields, of which they have been in uninterrupted occupancy from a period anterior to the age of the trees, or for a period of 20 years, or who have purchased the trees under the provisions of Rule 2. 11. Holders of Government fields besides those specified in the preceding rule, or occupants of meeras, zoodee, or enam lands, holding the same from Government, must obtain permission to cut down trees, and will, in event of permission being given, be required to plant two trees for every one cut, unless exempted from this condition by order of the Collector. The permission to cut trees under this rule, and also trees in Government waste fields, for any purpose connected with agricultural operations, to be granted by the patel and koolcurnee, on application, a record thereof being kept for the inspection of Government officers. For other actual and immediate wants of the villagers, such as repair of houses, &c., permission to be obtained from the mamlutdar or mahalkuree, but for cutting any large number, or for any purpose of sale or profit, the permission of the Collector, or one of his assistants, to be necessary when any conditions which may appear advisable can be imposed. 12. In taking up waste for cultivation, a ryot must agree for a whole survey-field at the full assessment, and no portion of a field is, on any account, to be given for this purpose, except in the case mentioned in the next rule; and when two or more cultivators agree together to cultivate a waste field, it must be entered in the name of one of their number, who will be considered the holder, unless the assessment of the field amount to or exceed 20 rupees, in which case it may be entered in the names of two or more holders, on the condition that the assessment of the share of each shall in no case fall short of 10 rupees. 13. There are some survey fields, consisting in great part of land covered with dense jungle, or otherwise unsuited in their present state for cultivation, upon which no assessment is placed on the survey registers. In the event of portions of such fields being brought under cultivation, rates of assessment should be fixed by the mamlutdar upon the acres under tillage,

equivalent

Major *G. Wingate.*

15 July 1858.

equivalent to those of similar soils in the same village. This rule applies to all fields in the survey registers on which rates of assessment have not been fixed. 14. Unless special exceptions be made by the Collector, of valuable grass land, certain to realise rents in excess of the survey assessment, the grazing of all waste of Government and meeras land is annually to be sold by auction, field by field, at the commencement of the monsoon, a preference being given at the sale to the inhabitants of the village to which the lands may belong. The bidding, however, for any waste field should not be allowed to go beyond its assessment in the survey register, and when it reaches this point, the field should be entered in the name of the last bidder, as other cultivated land held at the full assessment, and the person so taking it is admitted to all the privileges of a holder of land under tillage. 15. The grass of fields especially excepted by the Collector from the operation of the preceding rule, may be sold by auction to any one, for sums in excess of the survey assessment. 16. The grazing of the unarable and other fields not subjected to assessment in the survey register, should be sold by auction by the Collector, as in the preceding rule, a reasonable proportion being set aside for the free pasturage of such villages as have hitherto enjoyed this right. 17. In some villages houses are attached to particular fields, and it has been customary to oblige a ryot, throwing up one of these fields, to relinquish his house at the same time. This custom, however, is now abolished, and every cultivator is at liberty to throw up any field without his title to his house being at all affected thereby. This rule does not apply to the case of alienated lands. 18. In the survey register, an assessment is placed on zoodee and enam, as well as Government fields, but the zoodeedars and enamdars are not bound thereby, and are at liberty to let out their lands on any terms they please. 19. In event of enam land being confiscated, or temporarily attached, it is to be let out, while under Government management, at the survey assessment, or sold by auction, if waste, exactly as Government land. This rule does not apply to the year in which the attachment is effected, for which the existing agreements made with the enamdar should be allowed to stand. 20. Cultivators wishing to relinquish fields, must give in written applications to that effect before the 1st of May; and with the view of ensuring this being done, the village officers are to assemble all the holders of Government land on the 30th of April in each year; and having explained to them that it is the last day on which resignations will be received, the koolkurnee shall then and there write out, in a prescribed form, which must specify the number, acres, and assessment of every field to be relinquished, the "razeenama" (or petitions to resign), for any parties requiring them. These petitions should be signed or authenticated, in the presence of one or more witnesses, by the parties making them, and countersigned by the patel and koolkurnee, who should forward them without delay to the mamlutdar or mahalkurree, by whom they are to be attested, and returned to the village officers as vouchers for any alteration made in the village accounts of the following year. When waste fields are wanted for cultivation, written applications must, in like manner, be taken from the applicants, countersigned by the village officers, and forwarded by them to the mamlutdar or mahalkurree, by whom they are to be attested and returned; and all these resignations of cultivated, and applications for waste fields, are to be produced at each jumabundee settlement for examination. But village officers, under pain of punishment, are not to make any alterations in the cultivation registers, except upon the authority of the vouchers mentioned above, or in obedience to written instructions from the mamlutdar or mahalkurree. 21. The revenue should be collected by fixed instalments, without reference to the proportion of early or late crops grown in any one year, and consequently no field inspection, for the purpose of obtaining such information, should be made. In districts where early crops prevail, we recommend the collections to be made in four equal instalments, falling due on the 15th December, 1st February, 15th March, and 1st May; and where early and late crops are nearly equal, or the latter predominate, we also recommend four equal instalments, but respectively falling due a month later, viz., on 15th January, 1st March, 15th April, and 1st June. 22. The field boundary-marks erected at the survey should be preserved with the greatest care, and when injured, timely repairs must be made by the cultivators in the case of cultivated lands, and by hired labourers in the case of waste, the expense of the latter being defrayed from a sum of 100 rupees, to be deducted for the purpose from the

Major *G. Wingate.*

15 July 1858.

proceeds of the grazing farms of each talooka, as sanctioned by Government. This amount should therefore be placed in deposit each year, and the order of the Collector obtained for its expenditure, as above explained, wherever necessary. The intervening strips connecting the boundary-marks, of a breadth corresponding with the latter, are constituted the boundary of the field, and forbidden to be ploughed over or otherwise injured; and in the case of dry-crop lands, before preparing any field for sowing, these strips are to be distinctly marked off each year, by the holder running his plough along the boundary. In the event of this order being neglected, and this space ploughed up or sown, the cultivator is to be made to connect the two contiguous marks, between which the boundary had been disregarded, by a continuous ridge of earth, a foot and a half in height, and should he fail to do so within a certain number of days, the village officers are to report the circumstance to the mamlutdar, who is to apply to the Collector for a notice, to be served on the holder of the field, according to the provisions of Act III. of 1846, and if this be disregarded, the boundary is to be put up by hired labourers, and the amount recovered from him as therein provided."

7893. *Chairman.*] You have said that the European settler acted beneficially as a purchaser from the native cultivator?—Yes.

7894. Are there not many other ways in which a European settler can benefit the cultivator, as, for instance, by introducing scientific and other improvements in the management of landed property, which can only proceed from a civilised state of society?—The presence of Europeans in India might very possibly conduce to improvements of that and other kinds; my idea is that the presence of Europeans in India would be very beneficial in various ways.

7895. Mr. *Willoughby.*] You have alluded to a vast quantity of waste land in Khandeish; in fact, in your report on Khandeish it appears that out of 12,078 square miles, 8,379 are waste; did they become waste before or after Khandeish became a British province?—Before; during the unsettled period which lasted for many years before our occupation of the country. Khandeish was reduced almost to the state of a desert, and it was in that state when we obtained possession of it; since we have obtained possession of it, population has considerably increased, and cultivation has greatly extended. The present Collector, Mr. Mansfield, has lately informed me in a private letter, that within the last seven years the cultivation of Khandeish has increased half a million of beegas.

7896. *Chairman.*] How many acres is that?—Perhaps about 400,000 acres.

7897. Mr. *Willoughby.*] In point of fact, the province was reduced to the condition you state by the inroads of the Pindarees, and the intestine wars of the Mahrattas?—Yes; it was overrun with tigers, and it was almost impossible to travel across it without danger to life from wild animals.

7898. Will you read, if you please, from your report upon the subject of the waste lands of Khandeish, dated the 29th of March 1852, the extract which I now put into your hands?—"In this talook, north of the Mahalkurry's station of Ravere, is a fertile valley within the Sautpoora Hills, which once contained a Cusba town, called Pal, and numerous villages besides. These villages still exist in name, and the whole circle is called the Pal Tuppa, from the chief town of Pal. But the valley does not contain, I was told, a single permanent resident, and not an acre of the soil is cultivated. It is overgrown with jungle, and infested by wild beasts. It is seldom visited, except by Bheels and Brinjarries, who go there to cut wood and graze their cattle at particular seasons. In the neighbourhood of the sites of the old villages mango and tamarind trees still flourish, and, along with numerous wells, attest that at no very distant date, and probably within the last century, the valley was crowded with industrious husbandmen. The soil is described as most excellent, and some years ago an attempt was made, with the aid of considerable grants of tuccavee from Government, to repeople the valley. A number of settlers went there, who cut down the jungle, and ploughed and sowed a considerable extent of land; but the climate proved deadly in the extreme. The cultivators died, or lost their health irrecoverably, from frequent attacks of jungle fever. The wild animals, especially the hog and neelgaee, which abound in the valley, ate down and destroyed the crops. After the lapse of a year or two, a miserable, emaciated remnant of the original settlers left the valley in despair, and never returned. Such was the story of the Pal Tuppa as told to me, and I mention it thus in detail to illustrate the present state of the province. The Pal Tuppa

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is an example of a once fertile and well peopled, and doubtless healthy tract of country, having become covered with jungle and most malarious, owing to the destruction of the population during the anarchical times that preceded our conquest. It is by no means, however, the sole instance. The whole Ambeh division of the Thalneir talook is nearly in the same condition. The only inhabitants are a few Bheels, who subsist chiefly by wood cutting, and pay a plough tax to Government for the few lands they cultivate; a division of the Chopra talook, called the Dowla Turph, is in the same condition. Large tracts of Sooltanpoor, and the Nuwapoor, Mahalkurries division, as well as other parts of the Pimpulneir talook, are in the same state. The climate of all these parts is reported to be most unhealthy. The native inhabitants suffer annually from fever and ague, and from enlarged spleen. To those who are not natives the climate is still more deleterious, and it would be almost certain death to a European to remain for any considerable time in the jungles between September and February. They become less unhealthy as the hot season advances, but are never quite safe for Europeans, or even for natives unaccustomed to the climate. These tracts are, of course, very thinly peopled. The inhabitants are chiefly Bheels, who pay a light plough tax, and cultivate as much land as they please. The annual beghotee measurement has never been carried into these dreary wastes. Again, even in the comparatively well peopled and healthy districts of the plain, large tracts of waste, extending for miles, sometimes without an intervening patch of cultivation, are to be met with. From the table following my 15th paragraph, it will be seen that there are a considerable number of uninhabited villages in all the talooks, and a large number of these are also uncultivated. But there is a still larger number of villages, with only a very small population. Out of the 2,758 inhabited villages of the collectorate, there are 587 with fewer than 50 inhabitants, and of these 181 have fewer than 20 inhabitants. In every such case the whole cultivation is confined to a few fields, and with this insignificant exception the entire area of the village is waste and covered with jungle. To sum up these descriptions we have, then, in Khandeish, 1st., large continuous tracts of jungle in the talooks north of the Taptee, towards the Sautpoora range, and also in the western talooks south of the Taptee, among the hills bordering the Dangs, which have a most unhealthy climate, and are either uninhabited or contain a sparse population, chiefly of Bheels, who have not yet learned habits of steady industry, and to whose limited cultivation the beghotee system of revenue management has not yet been extended. 2d. Large tracts are to be met with, even in the plain, with very little cultivation, and with a very scanty population, uninhabited villages being numerous. 3d. In all parts of the collectorate, excepting a limited portion of the eastern talooks adjoining the Taptee waste land, covered with thorn jungle, far exceeds in extent the cultivated area; and villages with very few inhabitants, or entirely deserted, are common." That is in my "Khandeish Report," at pages 5 to 6.

7899. Do you think it would be possible for Europeans to form a location in that part of Khandeish?—I have stated that I do not think Khandeish a favourable district for European location, in consequence of the paucity of inhabitants, and the unhealthiness of the jungle.

7900. Are not our troops forbidden to travel in that part of the country at certain seasons of the year by a general order of the Government?—Yes, they are forbidden to traverse the jungles of the western districts of Khandeish at particular seasons, on account of their very great unhealthiness for several months of the year; it would be almost certain death to Europeans to pass any time in those jungles.

7901. That order, I believe, originated in consequence of instances having occurred of great mortality among our detachments marching through that country?—I believe so.

7902. You are aware, are you not, of the attempt which was made by the firm of Ritchie, Finlay & Co., of Bombay, to form an agency in Khandeish for the purpose of purchasing cotton?—Yes; when I was in Khandeish they had an agency there, Ritchie, Stewart & Co., I think, was the name of the firm.

7903. Was not every support given by the Government, and by the local authorities to render that attempt successful?—Yes; of my own knowledge, obtained when I was in the district of Khandeish; I am aware that every support that it was in the power of the Collector to give them was afforded.

Major *G. Wingate.*

15 July 1858.

7904. Assistance was given to them by Government, was it not, in regard to realising their demands upon the ryots, and also in making their remittances?—I believe so.

7905. Nevertheless that enterprise did not meet with the success it deserved?—I am not aware of the causes which induced them to give up their agency; but I understand that since I left India it has been given up; up to the time of my leaving India, it was still there; I rather think it was given up in consequence of the difficulty of managing the system of advances to such a large number of cultivators, and the trouble and difficulty of finding qualified and trustworthy European agents to manage economically.

7906. You have expressed an opinion in favour of establishing asylums for children on the hills; to what hills do you refer, on the Bombay side?—I think that localities might be found on the spurs projecting eastward from the line of ghauts, sufficiently removed from the western face of the ghauts to secure a climate exempt from the very heavy rains of that region.

7907. Is there any particular locality which you could point out to the Committee as one suitable to the purpose?—I think the experiment would have to be made before you could pass judgment on its suitableness.

7908. The Mahableshwar hills themselves, you probably think are unsuitable?—Yes.

7909. The fall of rain there in fact is too great?—Yes; but a few miles eastward the fall of rain is not more than 50 or 60 inches.

7910. *Chairman.*] Have the spurs of the mountain to the eastward of the Mahableshwar range ever been thoroughly explored?—Yes; they are perfectly well known.

7911. All places which would suit European settlement have been thoroughly explored?—Yes.

7912. Mr. *Willoughby.*] There is a great sanitarium established near Poonah, is there not?—Yes, at Poorundhur, on the way to Mahableshwar from Poona.

7913. What are the obstacles to the settlement of Europeans in India, for whose settlement you have stated there is a field?—I am not aware of anything to prevent Europeans from settling anywhere in the Bombay Presidency, if they are inclined to do so.

7914. There is no hindrance offered on the part of the Government, or by the Government authorities, so far as you are aware?—No; on the contrary I believe that the Government authorities would gladly encourage their settlement.

7915. Do you not believe that the fact of Canada, Australia and the United States offering superior inducements, is one great cause why so few Europeans settle in India?—I think so undoubtedly; I think that the climate of India is not likely to tempt a European to go there, unless he is connected with parties who are already in India.

7916. Turn, if you please, to the 213th page of that book (*handing a book to the Witness*); I find there a statement in a few lines, showing the increase in the cultivation of cotton of the New Orleans species, and also native cotton in the Dharwar collectorate?—Yes; I have a more complete statement here which I have obtained from India; it is brought up to 1856-57, and I shall be happy to hand it in.

[*The Witness delivered in the following Paper:*]

EXTENT of COTTON CULTIVATION in the Collectorates of *Belgaum* and *Dharwar*, for a Series of Years between 1841 and 1857.

Major *G. Wingate*.

15 July 1858.

Tenure.	YEARS.	Belgaum Collectorate.			Dharwar Collectorate.		
		Native Cotton.	New Orleans Cotton.	TOTAL.	Native Cotton.	New Orleans Cotton.	TOTAL.
		Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Villages under Government Revenue Management.	1841–2 -	69,833	- -	69,833	—	—	—
	1842–3 -	69,757	- -	69,757	—	—	—
	1843–4 -	62,754	- -	62,754	—	—	—
	1844–5 -	65,829	- -	65,829	182,337	2,749	185,086
	1845–6 -	54,190	- -	54,190	164,591	11,176	175,767
	1846–7 -	110,103	2,017	112,120	167,502	22,331	189,833
	1847–8 -	115,888	2,617	184,505	179,229	20,177	199,406
	1848–9 -	107,793	4,150	111,943	201,579	3,238	204,817
	1849–50 -	116,892	3,052	119,944	225,685	15,573	241,258
	1850–1 -	181,728	2,332	184,060	223,315	31,669	254,984
	1851–2 -	158,372	2,212	160,584	221,676	42,648	264,324
	1852–3 -	168,427	1,950	170,377	251,114	28,011	279,125
	1853–4 -	192,284	1,386	193,670	252,006	41,403	293,409
	1854–5 -	167,317	1,911	169,228	210,261	63,299	273,560
	1855–6 -	124,888	1,728	126,616	191,196	50,803	241,999
	1856–7 -	183,091	4,461	187,552	196,931	82,351	279,282
Alienated Villages.	1851–2 -	82,278	707	82,985	—	—	—
	1852–3 -	90,504	7,801	98,305	21,252	989	22,241
	1853–4 -	99,759	7,343	107,102	19,117	2,517	21,634
	1854–5 -	- -	- -	- -	14,551	3,899	18,450
	1855–6 -	45,002	12,752	57,754	11,648	2,960	14,608
	1856–7 -	66,116	22,360	88,476	14,013	3,495	17,508
TOTAL -	1856–7 -	249,207	26,821	276,028	210,944	85,846	296,790

	Native Cotton.	New Orleans.	Total Acres.
TOTAL CULTIVATION in 1856–7, for both Collectorates - -	460,151	112,667	572,818

7917. You have stated that our imports from India of Manchester goods, have not affected the native manufactures?—I did not say they had not affected them; I said that they had affected them; that they had brought down the price of them very much.

7918. Are you aware that in former times very large quantities of the native piece goods were exported from the ports of Guzerat to the Persian Gulf, and to Africa?—I believe that to have been the case, but I have not the statistics here.

7919. And that trade has now almost entirely ceased, I am afraid?—I believe that the export trade of native goods has been very much injured, if not entirely put down by the competition of European goods; but it must be recollected that there has been a very great increase of consumption in consequence of the increase of population in India.

7920. *Chairman.*] But you think that this diminished export has not distressed the population much?—I mentioned in my former evidence that it had lowered the wages of the manufacturing population, but that I did not think it had greatly diminished the production.

7921. Mr. *Campbell.*] Do you not think that it has improved the condition of the population?—It has improved their condition generally, undoubtedly.

7922. In point of fact, what you would say is, that it is more to their interest to produce the raw commodity than the manufactured article?—No, that is not my impression at all; I think that the future wealth of India will depend upon the development of the manufacturing power of India.

7923. And not upon its productive power?—Yes, I think it will depend upon both.

7924–5. Mr. *Willoughby.*] Are you of opinion that India could, under any system of management, be made to render England independent of America in

Major *G. Wingate.*

15 July 1858.

regard to the supply of cotton?—I am not of that opinion; but I have not examined into the subject very closely.

7926. Have you any reasons to give for the view which you take of that matter?—In my previous evidence I referred to the productive capabilities of Khandeish, and estimated them at not more than one-eighth of the present production of America; and roughly judging the extent of the cotton fields in India, I should say that the total quantity of cotton capable of being raised in India, supposing the average produce to be such as the land is now capable of yielding, would be far short of the American crop. But I do not mean to say that the possible capabilities of India, in regard to the production of cotton, have been developed to the utmost. By means of irrigation, no doubt, an additional amount of produce might be obtained, though to what extent I am not able to form an estimate.

7927. The extension of irrigation to cotton will depend, I presume, on whether the profit to be derived from it would be greater than that of any other kind of produce?—Undoubtedly; the ryot determines the particular kind of crop he will cultivate by considerations of profit alone.

7928. Another reason, probably, why the supply of cotton from India to England is less than it might be, is the fact of the China market being closer at hand, to which large quantities of Indian cotton are exported?—I think that the production of cotton in India is determined entirely by the price, without reference to any other considerations whatever; it is simply the price that happens to rule in the market at the time that determines the ryot whether to extend or to contract his cotton cultivation.

7929. Sir *Erskine Perry.*] But surely some soils are much better suited to the cultivation of cotton than others, are they not?—There are no soils that I am acquainted with that can be said to be restricted to the cultivation of cotton; they are equally suitable to other products.

7930. Is it not the case in India, as it is in this country, that some parts are fit for the cultivation of one particular crop, as barley, while others are fit for the cultivation of wheat and beans?—I should not say that there are any lands in this country that a farmer would consider limited to the cultivation of wheat and beans, or any other particular crop; he is determined by considerations of profit in raising particular crops.

7931. Mr. *Willoughby.*] Does it not resolve itself into this, that it depends upon whether there is a short or a plentiful supply of cotton in America?—If there is a short crop, the price rises; if the price of cotton in the markets of the world falls, then the cultivation of cotton in India is immediately contracted.

7932. And perhaps there is scarcely any article that fluctuates so much in price as cotton?—It has fluctuated very greatly; for instance, within the last few years there has been a great increase of cotton cultivation in India, which I attribute entirely to the rise in price.

7933. You are aware of the Enam Commission which was established in Bombay; do you know anything of its working?—The revenue survey which I superintended in the Southern Mahratta country was originally associated with the Enam Commission, and the Enam Commissioners commenced their operations in the collectorate of Dharwar when I was there, so that I was thrown a good deal in communication with the department, and had opportunities of learning what they were doing.

7934. Are you acquainted with the Act under which the Enam Commission was formed?—Yes; I have a copy of it here.

7935. Do you consider that under that Act the *onus probandi* rests upon the party in possession?—No; I consider that it rests upon the Government, or rather upon the Enam Commissioner, to disprove the title of any enamdar in possession. I think that is distinctly shown by the second provision of rules 3 and 4 in Schedule B.

7936. I understand you to say that you are decidedly of opinion that the *onus probandi* does not rest upon the party in possession?—I am decidedly of that opinion, for if the Enam Commissioner does not disprove the claimant's simple assertion that his holding has been enjoyed for a certain number of years, his claim is confirmed under the law.

7937. And that is the practice that is observed, I presume, by those who are entrusted with the carrying out of this law?—That is my belief; I never heard anything to the contrary.

7938. This commission has of course frequently confirmed titles, as well as questioned them?—Very frequently.

7939. Do you think that the establishment of the Enam Commission was calculated to create a rebellion in the country?—No; I think that it undoubtedly was calculated, as every examination into titles must be, to make the holders of enam lands discontented; but I do not think that the population generally, not themselves holding enam land, cared anything about it.

7940. Sir *Erskine Perry.*] Any more than the peasants in Bedfordshire would care if the Duke of Bedford's title were questioned?—No; just the same.

7941. Mr. *Willoughby.*] With regard to the police in the Bombay Presidency, has not that been much improved of late years?—It has been altered, but I do not think that we have yet had sufficient experience of it, or at all events I am not sufficiently aware of the details of its working, to know to what extent it has been improved.

7942. The system of placing a European officer in charge of each district as a superintendent, with no other duty to perform, has been adopted, has it not?—Yes; that I believe has been done.

7943. With regard to the roads in Bombay, you have already stated, I believe, that great improvements have of late years taken place?—Yes, of late years.

7944. Mr. *Smith.*] Within what period?—There has been something doing in the way of road-making for the last 25 years, but there has not been much done until a comparatively recent period.

7945. *Chairman.*] Prior to the beginning of those 25 years what was the state of the roads?—We have only had the country for 40 years altogether, and there was little done.

7946. In what state were the roads generally in Bombay prior to that time?—When I first went to India, besides the road from Panwell to Poonah and Scroor, and one or two other roads of no great extent, there were no roads, so far as I can remember.

7947. The Bore Ghaut road was constructed in 1832, was it not?—In 1829, I think, by Sir John Malcolm.

7948. Sir *Erskine Perry.*] There are no metalled roads now in Bombay of any extent, are there?—Yes, there is one as far as Sholapore, 230 miles in length.

7949. Mr. *Smith.*] Is that a metalled road?—Yes.

7950. Is there, in fact, any metalled road in the Bombay Presidency, except the one from Poonah to Bombay?—Yes.

7951. Mr. *Willoughby.*] And bridged throughout?—Yes.

7952. Are there roads also constructed in the South Mahratta country?—Yes, there are roads from Belgaum down to the ports of Vingorla and Viziadroog; and there is a road from Dharwar to the port of Compta.

7953. And they are all excellent roads of their kind, are they not?—Some of them are good roads; the slopes are occasionally steeper than they ought to be, and there is a want of bridges in parts of them.

7954. Sir *Erskine Perry.*] Have you seen much of the system of education in Bombay?—I have not been directly connected with it in any way, but I have taken opportunities of looking at it.

7955. Your official business has been chiefly in the Mofussil?—Yes.

7956. Have you had in your office any of the young men who have been educated in the Elphinstone Institution, or in the Poonah school?—I have had many from the vernacular and English Mofussil schools, but I do not at this moment think that I have had any from the Elphinstone Institution.

7957. You have had none of the superior class of young men?—No, because the appointments that were in my gift were not sufficiently valuable.

7958. Have you any situations of 50 rupees to begin with, to offer to young men of that kind?—No, unless those of clerks in my own office, whose places were filled up; but on one or two occasions, when I was at Bombay, I visited the Elphinstone School, and some of the other educational institutions there.

7959. Does your experience of them, and your general knowledge of India, lead you to say that any considerable improvement in morality has been produced by the education they get under our system?—My own conviction is, that an improvement in morality will certainly result from English education; but I had not a sufficiently intimate acquaintance with the young men, who had received a higher English education at Bombay, to be able to state of my own knowledge that they have actually improved.

7960. Did you happen to hear whether within the last 15 years, during which it has been in operation, there have been many instances, coming before the criminal court, of immorality or vice on the part of the young men who have been so educated?—I cannot recall to mind any instances of the kind; my impression is, that they are in conduct and qualifications altogether superior to the ordinary run of natives.

7961. Do you not think that the effect of English education is to raise up a public opinion among themselves, of a higher character than that of caste influence, so as to keep men in the path of morality?—I think so undoubtedly; I think that access to English literature can have no other than an improving influence on the native mind.

7962. Is it not the case that, generally speaking, an uneducated native cares about nothing but the opinion of his own caste, and that if they are all satisfied with him he laughs at the rest of the world?—Undoubtedly.

7963. Whereas among educated natives education enlarges their circle, and by their example they influence one another?—Yes; and it promotes also a much more liberal tone of feeling among them.

7964. The young men I am speaking of, therefore, would be available for Government employment, would they not, and might be much more depended on than the uneducated natives, who we are obliged often to put into offices of trust?—Yes; I should hope that that would be the result, and I think it will, though I have not had any actual experience.

7965. Still, from general reasoning, you would arrive at that conclusion?—Decidedly.

7966. With regard to tenures in Bombay, your system is not the same as the North-west system, which also gives a tenure of thirty years, is it?—No, I have already stated that.

7967. We understand from the evidence we have lately had from India that the North-west settlement has generally been on too high a footing; is that the case?—I am not aware of it.

7968. In Bombay your assessment is apparently very much lower than it was previously?—Yes, it is very much lower; I think there is nothing in the assessment now to interfere with the progress of the Bombay Presidency.

7969. Is your assessment low enough to give any saleable value to the land?—Most undoubtedly.

7970. And are those transactions taking place in the Bombay Presidency?—I think so. I know of some instances in which sales have taken place through the Mofussil courts, and the practice of sub-letting obtains largely in all the surveyed districts. A native is exceedingly unwilling to part with his land under any circumstances, and therefore, of course, he will never sell readily.

7971. How many instances of the operation of the new assessment do you know of in your own experience?—I may, I think, have heard of a dozen sales, or more.

7972. At how many years' purchase would such sales be made?—That I do not recollect, but at a few years' purchase only, owing, I have no doubt, to the practice being new to the people.

7973. Could you approach nearer to the number of years; you say a few years?—I had a letter mentioning the number of years, but I cannot at this moment recollect the number; I think that there was nothing beyond six years' purchase.

7974. Is not a saleable interest in land being offered in the market in the Bombay Presidency rather a new fact?—No, it is not entirely a new fact; throughout the Bombay territories there are isolated instances to be found of land having been sold at various periods.

7975. Are those enam lands?—No, assessed Meeras lands, which the people have always conceived they had the power of selling.

7976. But those instances are very isolated, are they not?—Quite so.

7977. I think I remember, in a report made by one of your commissioners, the fact being stated of land commencing for the first time to obtain a saleable value; is not that so?—Yes.

7978. That may have been from one of your own reports perhaps?—Very likely; there have not been many instances of sales, because people have not been in the habit of selling land; but there are frequent instances of the occupants of land drawing a money rent from land cultivated by others.

7979. Do you not think that if land were capable of being sold out and out, with

with a perpetual land assessment, there would be a great commerce in land in Western India?—I think there will be quite as great a commerce under the present system. I conceive that there is nothing in the present system to interfere with the free sale and transfer of land.

7980. Is not a tenure in fee-simple much more attractive to landholders than a tenure for 30 years?—This is a tenure for ever; it is not a tenure for 30 years.

7981. But the assessment is capable of being raised at the end of 30 years, is it not?—Yes, on public considerations; but I do not think that the existence of the assessment would interfere at all with the sale of land in India, any more than the existence of a rent-charge interferes with the sale of land in this country.

7982. If land in Bengal sells for 20 or 22 years' purchase, and if in Bombay it sells for 6 years' purchase only, does not that show that there is a great desire for land with a perpetual settlement?—I do not think so at all; the sale of land in Bengal has been in operation under our Government for nearly a century, while it has been in operation in Bombay for only two or three years.

7983. Your opinion clearly is, that this kind of tenure is as attractive to a landholder, or to a man seeking to purchase land, as a conveyance of land in fee-simple or a perpetual settlement?—I think that the liability to increase of assessment at the end of 30 years may probably detract to some slight extent from the saleable value of the tenure; if it were totally free of such a liability it is natural to suppose that it would perhaps be of greater saleable value; my argument is, that there is nothing in the tenure to prevent the land from being fairly saleable, or to prevent a rise in the value of land.

7984. Did you ever know of any of our great parsees, or others desirous to possess land, going into the interior and being able to lay out money in land there?—I think that the natives of Bombay have exceedingly little knowledge of the interior, from their not having been until lately in the habit of leaving the island of Bombay; owing to its being an island, and to the country in the immediate neighbourhood of it having belonged to a foreign power during such a long period of our rule, the natives of Bombay have had very little intercourse with the interior.

7985. But the parsees are continually up the Poonah, are they not?—Yes, of late years. I have mentioned that the way in which I think capitalists could most advantageously employ themselves in the interior would be, not in the purchase of land, but in developing the resources of India in other ways, and by trading and carrying on manufactures of all kinds; the parsees have now settled themselves in various localities, and employ themselves in that way, in consequence of its being more consonant with their previous habits.

7986. Is it not the fact that the natives of India generally are extremely attached to land, and put great value upon the possession of it?—I think so; I have said so in several parts of my evidence.

7987. Is not that inconsistent with what you now say, that they are so addicted to habits of commerce that they do not pay much attention to the acquisition of land?—I was speaking of the natives of the island of Bombay; I do not think that they are particularly attached to land, for they have had no opportunities of owning land.

7988. Do they not in Bombay give high prices for land, and is not the acquisition of land one of the great desires of the people there; land being capable of being bought in fee-simple, and English tenures having prevailed there, to the exclusion of Government rights, is it not the case that the natives compete largely for the acquisition of every piece of ground that is to be sold?—Yes, for building purposes.

7989. And have they not, in fact, become the owners in fee-simple of nearly the whole of the island?—I think that is very likely; but I apprehend that the land-tenure of the island of Bombay is not a fee-simple.

7990. Do you not think that those same men, when they go into the interior, would buy land, if they had the opportunity of doing so?—If they had any fancy for the possession of land they would employ their capital in that way.

7991. Have they not done so in the Mofussil?—They have there employed themselves in the way they fancied they would succeed best.

7992. Do you know of any application having been made to the Government with reference to the investment of large sums in the purchase of land within the last few years?—I know many instances in which, in the interior, people who had previously been engaged in trade, and in banking, have taken largely, under

Major *G. Wingate.*

15 July 1858.

the new settlements, to the cultivation of land, and who own it now in considerable quantities.

7993. Do you know of any applications having been made to the Government in 1853 for the purchase of land, and of offers to lay out a large sum in its purchase, if a title in perpetuity could be given to the purchasers?—No.

7994. Did not Colonel Rathbone offer to lay out 150,000 *l.* in land if such a title as I speak of could be granted?—There was an anonymous offer of the kind made in the public papers; but I never heard of an individual having made a formal offer of the kind; at the same time I should state, that had the offer been made, it was quite out of the power of the Government to accept it; there was nothing in the world to prevent Colonel Rathbone, or any other capitalist, from going to any part of the country and buying up land from the actual owners of it; but the Government has no means of compelling them to sell their land.

7995. Is there such a quantity of land coming into the market as would enable a capitalist with that amount of money to lay it out in the purchase of land?—He has only to offer a price which the landowner will accept, and he will get the land.

7996. But he will only be able to buy it, subject to the assessment?—Yes; which I have already stated would not, in my opinion, deter a capitalist from investing his money.

7997. Government could enter into an undertaking, could it not, not to increase their assessment at the end of the 30 years?—Government might do so if it chose to give up all prospect of additional revenue from land at a future time.

7998. Therefore Government could give a saleable title to land to a capitalist seeking to invest his capital in the purchase of land?—I think it does give a saleable title under the present system.

7999. But suppose capitalists think otherwise?—That is a supposition which I do not agree with; I can see nothing in the present tenure to prevent a capitalist from investing his money in land.

8000. But I am referring to a special case of a communication in the newspaper, saying that 150,000 *l.* in money was ready if such a title to land could be given by the Government?—That was used to clinch a newspaper argument; I never understood that such an application was made to the proper authorities; but if such an offer had been made, I do not think that the Government had it in its power to comply with it.

8001. You did not make any reply to such an application, did you?—I engaged in the discussion at the time in the public prints.

8002. Was not your reply that the Government had no power to make such a title to the land?—I do not recollect.

8003. Did you not also say that Government could clearly make such a title, if it chose to say, "We will not increase your assessment at the end of 30 years"?—Government has the power, no doubt, to make a permanent settlement, if it chooses; but the policy and expediency of this course must be determined with reference to its power of raising an adequate revenue from other sources.

8004. But Government had it in its power to make such a title, had it not?—It had, of course, the power of making a permanent settlement; there is no doubt of that; but I do not think that it would be expedient to do so.

8005. Do you think that it would not be more attractive to a capitalist to have such a title, or do you think that a 30 years' settlement is sufficient to attract him to invest his capital in land?—I think that a 30 years' settlement, as regards the assessment, and the tenure being for ever, are sufficient inducements to a capitalist to purchase land; if he requires or wishes to possess land, I can see nothing in the tenure to prevent his obtaining it; on the contrary, I think it could be shown that the tenure would facilitate the acquisition of land.

8006. You are not able to mention any instance of a Bombay capitalist having made any such investment in land, are you?—I am not aware of any Bombay capitalists who have visited the interior with a desire to obtain land.

8007. Whether with a desire to obtain it not, do you know the fact of any man having made such an investment?—No.

8008. Mr. *Smith.*] Do you know that the Chamber of Commerce petitioned Government to allow them to purchase land in perpetuity?—No, I do not.

8009. Sir *Erskine Perry.*] It is mentioned in Mr. Bright's Committee on Cotton, that one great obstacle in the way of capitalists settling in India is their permanent inability to procure land in perpetuity?—I am not aware of it, but I should

should think that the only parties really competent to form an opinion upon that point would be the individuals who had endeavoured to settle in the interior; I think that the opinion of the merchants of Bombay, who had themselves no intention or idea of ever resorting to the interior for such a purpose, is not of much value.

8010. Are you not aware that the merchants of Bombay, or the Chamber of Commerce, sent agents into the interior to inquire into the subject?—I am not aware of it.

8011. Supposing that to be the fact, that perhaps would vary the opinion which you have expressed in your last answer?—No, I do not think it would.

8012. Would it not show a desire on their part to invest their capital in the interior, if suitable facilities were afforded them?—I think that there are ample facilities now; in fact some of the Bombay merchants and other merchants have attempted to settle in the interior, but not to acquire land; I do not think they conceived that any Bombay merchant, who had a practical knowledge of the interior, and of the difficulties attending a successful cultivation of the soil when in competition with the natives, would attempt to invest capital in the purchase of land.

8013. I am speaking also of native merchants as well as Europeans; if land were easily to be got by capitalists, do you not think that native capitalists would be rushing into the market to invest?—I think that the fact of land being obtainable anywhere, and that these men have not gone into the interior and purchased to any extent, tend to show that they have had no wish to do so.

8014. Is it not the case that the ryots in the Bombay Presidency are always under advances, for which they are paying exorbitant rates of interest?—Not in all parts; in some parts they are. In the South Mahratta country I think they are very free from engagements of that kind. I think it would be found, if the matter were inquired into, that they are there more free and independent than the farmers in most of the countries in Europe.

8015. But the ryots generally are in an embarrassed state, are they not?—In particular districts they are; and that, in my opinion, is due not to anything connected with the land tenures, but to the operation of our laws connected with debtor and creditor.

8016. Do they not pay for their loans interest at the rate of from 50 to 60 and 70 per cent.?—No, I think not, generally.

8017. Do they not pay 6 per cent. per month?—I have already given in evidence a letter from Mr. Frere, in which he mentioned that the ryots are able to obtain advances at a much lower rate than that.

8018. Whatever the amount of interest may be where they have to borrow on such terms, does not that show such a state of embarrassment as would induce them to sell their right to occupancy, if a good price were offered for it?—My belief is, that land might be freely purchased anywhere if a sufficient price were offered; but I think that a high price would be required to induce a native to give up his paternal field.

8019. But a great desire to acquire land in India would bring forth a high price, would it not, just as it does in this country?—That would depend upon whether there was great difficulty in obtaining land or not; it would depend upon whether the whole of the land was occupied. In a great part of the Bombay districts the whole of the land is not occupied; and as long as there is a considerable extent of unoccupied land, which anybody may get for nothing, that, of course, will interfere with the obtaining of a very high price for land which is in occupation.

8020. Is not the cause of that land being unoccupied dependent upon this, that it is too far from a village or from water to make it suitable to a cultivator?—It often arises from a want of population.

8021. Therefore that land has no value in the market?—But there is no obstacle to a settler from another part of the country going and occupying that land.

8022. Except that there is no population?—Of course.

8023. Mr. *Campbell.*] How do you account for the absence of population?—It is owing, I think, to the many disorders that prevailed in that country previous to British rule, and to other causes. As regards the value of land, I may add that many persons in the interior hold land to a very considerable extent which they underlet. I have no doubt whatever that an examination of cases coming

Major *G. Wingate.*

15 July 1858.

before the Mofussil courts in future years will show that land has been acquired by purchase to a very considerable extent and value; I am referring now to unimproved lands; I have known sales of improved lands, on which capital has been expended in digging wells and other expensive works, where the land has been sold for a great many years' purchase of the assessment.

8024. But you do not know more than a dozen instances of such sales of land, do you?—Not of unimproved land subsequent to the introduction of the new settlement; but the chief reason for land not coming into the market is, that the ryots do not desire to part with it.

8025. Mr. *Smith.*] Are you aware that a body of Parsee merchants made a proposal to the Government to purchase a large tract of pestiferous jungle, on condition that they should enjoy it for a term of 100 years without any alteration of the tax, and that the Government declined to sell the land for a fixed term?—No; I think I have heard that there was an offer to lease a portion of the territory between Surat and Khandesh, but I know nothing of the details of the proposal.

8026. Are you aware that the Government declined to make any change in their method of settlement?—I am not aware of the decision to which the Government came.

8027. Are you aware that the place to which I refer is still a pestiferous jungle?—I think that that is very probable.

8028. Is it not the fact, that if the Government had complied with the terms offered by the Parsee merchants, the probability is that they would have expended their capital upon the land, and that that pestiferous jungle would now have been in a flourishing condition?—That would depend upon circumstances; to do that they must have withdrawn the population from another part of the country which was paying revenue to Government; and if the proposition was to hold that land tax-free, I think that the Government had strong reasons for objecting to the proposal.

8029. The objection was to let it for a lengthened term; the Parsee merchants would not take it unless they could have a tenure for 99 years, and the Government declined to let them have it on any such terms?—I was not aware of it.

8030. What is the general character of the roads in Bombay?—They have, I think, been classed under three heads; first, roads completely bridged and metalled; secondly, roads made, but not bridged or metalled with a superior kind of metal, but made with such materials as are available in the immediate neighbourhood; and, thirdly, roads simply cleared by making the ordinary track available for cart traffic, by removing obstructions.

8031. Can you inform the Committee of the extent of each kind of road that you have mentioned?—No; I am not aware, but I think that Mr. Mackay mentions it in his book; I cannot state it from memory.

8032. Have all these roads which you speak of, which have been opened out in Bombay, been made for the purpose of facilitating the transport of merchandise, or increasing the means of intercommunication between one place and another?—Yes.

8033. They have not been made for military purposes only?—No, I think not; the great passages through the ghauts (of which we have three or four in Bombay) are of course available for military purposes; but they are chiefly useful for developing the agricultural and commercial resources of the country.

8034. You are referring, perhaps, to the road to Poonah?—Yes, and the road to Khandesh, and the roads to the South Mahratta country.

8035. As regards the road from Bombay to Poonah, is not that purely a military road?—Not at all, I should say.

8036. Is it not a fact, that Poonah and Bombay are the two termini of the head-quarters of the two divisions of the Bombay army?—Unquestionably.

8037. And is not Poonah the residence of the Commander-in-Chief of the Bombay army?—Yes, at times.

8038. Has not the road been made to facilitate military objects?—I think, if you refer to the minutes of Sir John Malcolm, under whose government it was constructed, you will find that one great object he had in view was the development of the resources of the country, which the opening of this passage through the ghauts would effect; and it has had that effect beyond all question, because the traffic between the Presidency of Bombay and the interior, by means of that road, has been enormously increased.

8039. And

8039. And therefore if these military roads had not been made, there could have been no commercial traffic?—I do not see why they should be considered merely as military roads; every road must be adapted to military purposes.

8040. Do you mean to say that if roads are desired for the purpose of opening out communications through the country, the roads which have been made are the best calculated for that purpose?—I think that our two chief ghauts are the best that could have been selected; the Bore Ghaut and the Tul Ghaut, and the one from the South Mahratta country is also good; but I think that many more passes might have been most advantageously opened if we had only had the money.

8041. Is not the road from Poonah to Amadnuggur made for military purposes also, and is not that the head-quarters of the Bombay artillery?—It is; but the road is also of great commercial importance.

8042. Can you mention any made road in the province of Bombay, at the terminus of which there is not some military station?—We have military stations all over the country, but I think you could not have selected three better ghauts to open up in the first instance than the three that have been made; one for the South Mahratta country, one for the central district, the Deccan, and one for Khandiesh; I do not think you could have selected three better localities, as is also, I think, proved by the fact of the railway being taken up two of these very ghauts; the railway is being taken up by the Bore Ghaut and the Tul Ghaut, showing, I think, that no better points could have been selected for opening up a means of communication.

8043. The roads which have been opened out appear so far to have been for military purposes primarily, do they not?—No, I do not think that; I have no doubt that military purposes were considered in opening those roads, as they must be of great advantage to the Government for military objects, but I have no doubt also that the development of the resources of the country had weight with the Government.

8044. How do you account, then, for the absence of roads in Guzerat, where there is a large trade?—Roads are by no means so much required in Guzerat as they are in the Deccan; our territory in Guzerat is all situated within a few miles of the coast, whereas our territories in the Deccan are divided from the coast by a barrier of mountains.

8045. Do you know the road between the foot of the Tul Ghaut and Bhewudy?—Yes, I do.

8046. What is the distance?—I should suppose about 200 miles.

8047. Is it as much as that?—I do not recollect; it may be less, but that can easily be ascertained by reference to the map.

8048. How long, by these military roads in Bombay would it take to travel 200 miles?—I do not exactly understand your question.

8049. You say there are excellent roads in Bombay?—No; I have not said that anywhere in my evidence; there are some good roads.

8050. Take the case of the road which goes from Bombay to Poonah over the ghauts, and which is a very difficult road; how long does it take a cart to travel that distance?—I think that a cart can go on that road about 20 miles a-day.

8051. Then it would take them about four days to perform the journey?—Yes; the distance is only 70 miles.

8052. How long does it take to ascend the ghauts?—I should think that that would take a day, owing to the difficulty of taking the load up the steep slope.

8053. Do you think that if the road were level from Poonah to Bombay the distance might be travelled in three days?—It is quite impossible that it could be level.

8054. I am supposing it to be level?—But it is impossible that it could be.

8055. Supposing it to be a tolerably level road, would a cart be able to travel the distance in three days?—I think that, if there were no ghaut, half a day, perhaps, might be saved.

8056. How many days do you think it would take them?—I suppose it would take three days and a half, instead of four.

8057. The distance being 70 miles?—Yes.

8058. We will suppose that the distance from Khangaun to Bheundi would be three times 70, or 210 miles?—No, I do not think it is so much as that; but I do not recollect the distance. It may be easily ascertained by a reference to the maps.

Major *G. Wingate.*

15 July 1858.

8059. We will assume that it would take about 10 days to go the entire distance, supposing there were a road between Khaungaum and Bheundi?—If the distance is three times as great, it would take three times as long, I suppose.

8060. Can you tell me how long it does actually take?—I do not exactly know; I think I mentioned it in my report on Khandeish.

8061. Does it not, in fact, take six weeks?—No, not with carts; I think it takes nothing like six weeks; it may take that time to go and come back again with a return load, perhaps; but, without knowing the exact distance, it would be impossible for me to say.

8062. What is the whole extent of roads in Guzerat?—It is very limited indeed, but I cannot state what the extent is.

8063. Mr. *Willoughby.*] Have you ever been in Guzerat?—Yes.

8064. How far?—As far as Ahmedabad; I am not aware of any extensive made roads in Guzerat at all.

8065. Mr. *Smith.*] Is not the province of Guzerat as large as all England?—Not that part of it which is British territory; I do not think that that is so large as the county of York.

8066. I think you state in your report that the roads are in a frightful and thoroughly execrable state, and that the road from the Teel Ghaut, through the Konkan, the most important line of road in the Presidency, with the exception of the Bore Ghaut, is almost in an impassable state?—Yes; I reported that a particular portion of it, below the Ghaut towards Bheundi was in that condition up to a late time.

8067. What would you say was the general state of the roads in the province of Bombay, with the exception of the military roads or roads leading to military stations?—I am not aware of any distinction that can be drawn between military and civil roads in the Bombay Presidency.

8068. Does not every road that has been made lead to a military station?—Yes; but it happens also to be a most important road for commercial enterprise.

8069. Mr. *Mangles.*] Is the commerce of the country sacrificed to military considerations in the matter of roads?—I think not; all the great roads in the presidency are very useful for commerce; and I do not think that better lines of road could have been selected for the developement of commerce, they subserve military purposes also, as military stations happen to be on these lines of road; but better roads for commercial purposes, I think, could not have been selected than the roads by the Tul Ghaut, Bore Ghaut, and Ram Ghaut.

8070. Is it the fact, that during a great part of the year the whole country is impassable?—In the Deccan, owing to the number of hills and watercourses, there are considerable obstables to cart traffic, but at a trifling expense in clearing away the chief obstructions, the whole of the country might, I think be made available for cart traffic.

8071. In Guzerat?—That is open at all times to cart traffic, except at particular periods of the year during the rains.

8072. Mr. *Villiers.*] What do you mean when you say it is open to cart traffic?—That the country is so level and open, that along country roads in all directions, carts have gone for ages, and go still; I have driven myself over the whole of the Deccan.

8073. In what?—In a curricle; but at the same time, I think that an immense deal more ought to have been done.

8074. Mr. *Smith.*] I understand you to say, that in your opinion, the land assessment is not a tax but a rent?—Yes; a portion of the rent.

8075. And that the people would derive no benefit if the Government levied no rent at all, inasmuch as if the Government did not do it, it would be levied by some one else?—Undoubtedly; I do not say that the people would derive no benefit from it, because of course they would derive the benefit of the assessment being given up; the landowner would, of course, take what the Government gave up, and if the Government could do without any taxation, the people would be benefited by the amount given up.

8076. But they would have to pay rent to somebody, would they not?—Yes; if they did not cultivate their own land.

8077. So that, in fact, the people of India are not taxed?—No, not at all.

8078. An untaxed people ought to be a happy and prosperous people; if the people of India are not taxed, how do you account for their being so poor and wretched?—I have not stated that they have always been untaxed, but simply, that

that under the new revenue settlement they are untaxed, and under that settlement I think they are exceedingly comfortable and well off; their occasional poverty is, I think, attributable to the changes which we have introduced in the relations between debtor and creditor; as regards the agricultural classes, we have introduced an entirely new system through the operation of our courts of justice and our laws, which system is not so suitable to them as their old ways.

8079. Mr. *Villiers.*] You would hardly say that the people are not taxed merely because they do not pay a tax directly to the Government?—I hold that the land tax is no tax at all; that they are not taxed in any way whatever.

8080. Are the people well off or not; because the question which was put to you just now seemed to imply that they are in a state of great poverty and wretchedness, while your answer assumes them to be very comfortable?—I say that an improvement has taken place in their condition and circumstances.

8081. *Chairman.*] You do not mean to deny that they are still badly off, do you?—I do, most distinctly. I say they are exceedingly comfortable; in many cases they have abundance to live on.

8082. Mr. *Villiers.*] Are you speaking of the peasantry?—Yes.

8083. Mr. *Smith.*] What part of the country do you refer to when you speak of the people being in such a state of comfort?—The Southern Mahratta country especially.

8084. Is that the only portion of the Bombay Presidency to which you refer?—No, I think that throughout the whole of the districts that have been settled, the peasantry are in a condition of very tolerable comfort.

8085. Does the system of assessment according to the crop exist anywhere at present in the Bombay Presidency?—No, not to any extent; if at all, it must be to a very limited extent.

8086. When did it cease?—I think it has ceased a good many years; it has not been in operation in my time in any of the districts with which I am acquainted. In the course of my experience I never met with any instance of assessment according to crop; there was a water-rent that used to be levied in the case of irrigated lands in Khandeish with reference to the crop grown, but that was not really a land-tax, but a mode, and I think a good mode of levying a water-tax, because certain crops require a larger expenditure of water than other crops do.

8087. We had it in evidence in 1848 before the Cotton Committee, that the practice then was to assess a man according to his crops; I want to know how long it is since that practice was discontinued?—The fact is this; the assessment before the introduction of the new settlement was generally heavy; very often it was beyond what the ryot could pay. In order to determine how much he could pay, the value of his crop was estimated, and with reference to that estimate, the amount of remission from the fixed assessment was determined.

8088. How long has that system ceased?—It has been superseded by the new settlement.

8089. But still the settlement is not complete?—It is not complete throughout the Bombay territory.

8090. Mr. *Mangles.*] Did not the Supreme Government in Lord Auckland's time expressly forbid assessment according to crop?—Yes; but this was not according to crop.

8091. Mr. *Smith.*] Has the 30 years settlement extended to Guzerat?—The survey operations are going on, but the settlements have not yet been introduced into Guzerat.

8092. Nor into Khandeish?—No.

8093. Is the settlement completed in Khandeish?—No; but the survey is going on.

8094. Under your 30 years settlement, as I understand, the ryots' engagement is only an annual one?—Yes; that is to say he is at liberty to relinquish any portion of his land when he likes.

8095. He may continue a fixed tenant from year to year at a fixed rent?—He continues for ever a fixed occupant; so long as he chooses to hold the land no one can dispossess him.

8096. He continues a tenant from year to year at a fixed rent of 30 years?—Not a tenant; he continues liable to pay an assessment fixed for 30 years, but the expiry of that term does not affect his title of occupancy; perhaps the Committee will allow me to state that there is complete information regarding all these points.

Major *G. Wingate.*

15 July 1858.

points already published in a Parliamentary Return of Revenue Survey (India), which was ordered by the House of Commons, to be published on the 20th of August 1853; Reports on the Bombay Settlements occupy pp. 294 to 452 of this Return.

8097. Do you not think that improved roads are indispensable to the success of the new land settlement?—I think they would be of great advantage to it; they would promote its success, and the development of the resources of the country, undoubtedly.

8098. Do you think they are indispensable?—The development of the country would be less without the roads of course, than with them; nobody can doubt that.

8099. Would the ryot, in point of fact, after a time receive any advantage from the new settlement unless there were outlets for the exportation of his produce?—There are to a certain extent outlets now; he would derive great advantages no doubt if additional outlets were made.

8100. But are not the outlets so expensive, and do they not add so much to the price of the produce as to make it impossible for that produce to compete with the produce of foreign countries?—No; in some parts of the interior it may be so, but not in the Bombay districts.

8101. Are you aware that the value of cotton at the place of growth is about 1¼ *d.* a pound, and that it costs 1¼ *d.* a pound to bring it to the market?—Not in the Bombay districts.

8102. Not in Guzerat?—No; nor in the Southern Mahratta country; the expense of carrying cotton to Bombay is by no means equal to the cost of its growth I should say.

8103. What is it in the South Mahratta country; do you know what it is from Dharwar?—I have not got Mr. Mackay's book, but I think that that question is investigated there; I have not any figured statements or other data to refer to.

8104. Is it the fact that in some cases the settlement has had to be reassessed?—Nowhere, that I am aware of.

8105. Is it not difficult in these surveys, where you are obliged to employ native agency, to assess the land justly?—No, I do not think it is, if you take care to make your assessment sufficiently moderate; I have a very high opinion of the qualifications of the natives in operations of that kind.

8106. Is there not great corruption among the subordinates?—Not under efficient superintendence; I think that an investigation of the surveyed districts of Bombay would show that the work has been done as it was intended to be done.

8107. Is it not the case sometimes that the richest lands are put down at a low price to those who will fee the surveyors?—Certainly not, in my opinion.

8108. Mr. *Willoughby.*] You employ various tests, do you not, to ascertain the accuracy of the estimated value?—Yes.

8109. Mr. *Smith.*] Do you think that any European would go there and build manufactories or houses for the cleaning of cotton on a tenure of 30 years, subject to the assessment being raised at the end of that time to an extent of which he is perfectly ignorant?—I have already said that I do; I think that the tenure would be no obstacle at all.

8110. Suppose a man were to lay out 10,000*l.* upon the land, would his rent be increased in consequence of that outlay?—No, certainly not.

8111. Not at the end of the 30 years?—No.

8112. *Chairman.*] Might it not be increased?—Not without the Government committing a breach of faith.

8113. What guarantee has a man that he will not be charged an increased rent in consequence of his outlay?—The guarantee of the good faith of the Government. I do not understand what greater guarantee a man has in this country; he has simply the guarantee of the good faith of the Government under which he lives, that it will not assess him unjustly on individual considerations; that whatever taxes may be required for the purposes of Government will be fixed on general considerations affecting the country at large, and which will be just to the whole community.

8114. May not Government be obliged to raise these taxes as has been the case in this country?—But not as regards an individual.

8115. Mr. *Smith.*] Do you know that when a man digs a well the Government

ment allow him the use of that well for a certain length of time, and that then they raise his assessment?—Yes.

8116. Mr. *Mangles.*] Is it the fact that they do raise his assessment?—In some parts of India they do.

8117. Mr. *Smith.*] Would they not, in the same way, raise a man's assessment, if, by laying out a large sum of money upon the land he occupied, he had greatly increased its value?—The case of the well is subject to a different consideration altogether, namely, the policy of imposing a water rate; it is the capability of the land to supply water, for the purpose of irrigation, that gives it its greater value.

8118. I want to know what security a capitalist, investing his money in land in India, and erecting buildings upon that land, by which its value is increased, has, that at the end of the 30 years his rent will not be raised by the Government?—I think he has the same security that a capitalist would have in any other country.

8119. What is that security?—The good faith of the Government; his conviction that Government will not assess him unjustly.

8120. *Chairman.*] The question is not the justice of the assessment, but the raising of the rent?—But will you permit me to ask, does the Government of this country enter into a contract with any individual in it that he will not be taxed hereafter for any improvement he may make.

8121. Mr. *Smith.*] Then the purchaser of land, under those circumstances, has no security, except an undefined notion that the Government will not raise his assessment?—That it will not raise it beyond the assessment of all other parties in a similar position; that he will not be taxed on individual considerations affecting himself, but on general considerations affecting all alike.

8122. Do you not think it is possible to devise a more simple plan of letting or selling land in India than the one which has been adopted?—I think it would be difficult to adopt anything more simple.

8123. *Chairman.*] Do you think it would be possible to adopt any system that would be more attractive to a European capitalist?—The Government have not the power of selling land anywhere.

8124. Mr. *Campbell.*] Does any European settlement at all exist in the Bombay Presidency?—To a limited extent; there are a few settlers.

8125. Have you any personal experience or knowledge of a person so engaged as a settler in the Bombay Presidency?—I have seen several; one is a witness who, I believe, is to be examined here to-day.

8126. Are you aware of the practical results of their settlement as regards the remuneration that the land affords?—They are not engaged, I think, directly in the cultivation of the soil.

8127. Are you acquainted with any man who is absolutely engaged in the cultivation of the soil as a settler in Bombay?—No.

8128. The case does not exist, in fact?—I cannot say that it does not exist.

8129. But, as far as your knowledge goes, it does not exist?—The only case I know of is the case of a Mr. Dickenson, who was a sugar-planter in the Poonah Collectorate. He commenced, I think, at first, by cultivating the land himself; but he soon gave that up, and bought the produce he required to use for the purpose of making it into sugar from native cultivators, because he found that a more profitable way of managing his business.

8130. You are not aware, then, of any proprietor of land in the Bombay Presidency who is engaged in its cultivation as a settler?—Not a European.

8131. Consequently, the evidence you have given us in relation to the laws and facilities of transport, and everything else, is based upon hypothetical conclusions rather than practical results which have come under your own observation?—Of course the only parties from whom you can get information upon those subjects, based upon actual experience, are the settlers themselves.

8132. But you tell me that there are none?—There are some European settlers.

8133. But no settlers who are engaged in agricultural pursuits?—There are one or two who are engaged in pursuits connected with agriculture; there is a witness here to-day who will tell you a good deal more upon these subjects than I can.

8134. You have gone very minutely into the question of producing and manufacturing goods in India; in the position which you held, did you pay particular

Major *G. Wingate.*

15 July 1858.

attention to the productiveness of the soil, and the advantages or disadvantages of the laws with regard to the carrying on of the commercial operations of the country?—Yes; and on many occasions I brought my views upon those subjects before the Government.

8135. You have expressed an opinion in an answer which you gave to a question put to you by Mr. Willoughby, that manufacturing industry is likely to produce greater profits, to the people of India than agricultural pursuits?—Yes.

8136. Are you aware that the agricultural commerce of Bombay, as regards export, has increased 400 per cent. at least within the last 30 years, and that Bombay, which was an export manufacturing country before that time, has ceased to export manufactures?—Yes.

8137. How do you reconcile those two states of things?—I do not see that there is anything antagonistic in those two states of things; I think that manufactures under European superintendence, with the advantage of European appliances, machinery, and so forth, owing to the great cheapness of labour in India, could be more profitably carried on there than perhaps anywhere; of course, experience alone can prove whether I am right or wrong, but that is my idea, viz. that the low cost of labour in India, and the advantage of having the raw material on the spot, would enable the manufacturers there to compete with manufacturers anywhere in the production of particular things.

8138. Having devoted considerable attention to, and taken considerable interest in the relative cost of the productions of the soil in Bombay, perhaps you may be able to tell us what proportion the market price of the commodity produced bears to its original cost of production?—That of course depends on the place where it is grown, or the distance, and the obstacles intervening between it and the market where it is sold.

8139. Are you aware that since 1853, the prices of linseed and other such commodities in Bombay, have risen 100 per cent.?—I am quite aware of that.

8140. Bearing in mind that in this manufacturing country, England, or the Continent of Europe, the manufacturers are content if they get from 5 to 10 per cent. upon the manufactured article, do you think it possible that any producer on the other side could at all compete with the production here, or that the employment of capital in Indian manufactures could be made as remunerative as agricultural pursuits, which show a profit of 100 per cent. within the last five years?—I think that if the raw produce has to be conveyed from the place of production to Bombay in the first instance, if it has then to undergo all the expense of warehousing, of being shipped to England, of being manufactured here, and all the expenses of re-shipment, and of coming out again manufactured to India, all those things will constitute so many disadvantages against the European manufacturer that the manufacturer in India would be in a better position for conducting the manufacture profitably.

8141. *Chairman.*] Does not the cheapness of a manufactured article depend more upon the substitution of machinery for human labour, than upon the cheapness of human labour in a barbarous country?—Yes; but in my reply I have supposed that all these aids existing in Europe are to be carried to India, and are to be employed there.

8142. And does not the substitution of machinery for human labour depend upon the abundance of capital in the country?—Of course it does.

8143. And, therefore, will not the advantage be seen in a country where the capital is, and not where the cheapness of human labour is?—I think that as India advances in capital it will also advance in manufactures; but I do not in any way mean to say that that will interfere with the development of the import of British manufactures into India; I think that that will go on increasing. I do not think that the two views are in any way antagonistic.

8144. Mr. *Campbell.*] Practically, as there are no European settlers in Bombay we have no results before us?—There are, as I have already stated, one or two instances of settlers.

8145. A sugar buyer?—Yes; and there is also a witness here who will speak upon the point.

8146. Are you aware that Sir Robert Grant, when he was Governor of Bombay, made efforts to encourage the purchase by, or the grant of land to, the officers of the military or civil services of the country?—No; he may have done so, but I am not aware of it.

8147. As regards the practical working of the laws, with reference to settlers generally,

generally, there being no settlers there, we can have, of course, no information, and you, being one of the Company's own servants, were of course under their particular care?—No; I am perfectly unbiassed, I am not in the Company's service, I have left it.

8148. But you were in their service when you were in India, were you not?—I was.

8149. Mr. *Willoughby.*] You were an officer in the army?—Yes.

8150. Mr. *Campbell.*] You never had any question as to land, or as to the production of commodities, to settle with the Government in your official capacity, had you?—No.

8151. So that you do not really know how the laws, if you had had such a question to settle, might have affected the settlement of that question?—I think I should know how they would affect it; but I have never owned any land in India.

8152. You have never transported goods of your own by the existing roads, and consequently of your own knowledge, as to the difficulty and the cost of conveyance, you are not prepared to give evidence?—Not evidence derived from my own personal experience.

8153. Carriage by carts drawn by bullocks is a very costly mode of conveyance, is it not?—If the distance is great, of course it is; but it is much cheaper than pack-bullocks.

8154. It is costly as compared with conveyance by railways, is it not?—I should think so; but I do not think that the comparative cheapness of that mode of conveyance is completely established yet.

8155. It is very tedious also, is it not?—Yes, very tedious.

8156. You stated, in answer to a question put to you by the Honourable gentleman who last questioned you, that 25 miles a day was about the speed of a bullock cart; are you prepared to say that that speed could be maintained for any length of time, or that it is a usual speed at all?—I think that 20 miles a day is about the usual speed on the metalled roads.

8157. For how long could that speed be maintained, do you think?—I conceive that that speed might be maintained for the whole distance; that produce has to be taken in the Bombay territories from the place of production to the coast.

8158. Are you not aware that the ordinary marches of any army, or the ordinary distances performed by carts going a month's journey, is not greater than from 10 to 15 miles a day at the utmost?—I do not think that that refers to first-class roads.

8159. In Bengal it does, if it does not in Bombay?—Men marching is not a test of the speed of bullock carts.

8160. Is it not the case, that with bullocks carrying freight from Calcutta to Delhi, 15 miles a day is the extreme distance they can go?—That is a much longer march than any they would have to take in the Bombay Presidency.

8161. Can you tell us to what extent good roads are open in the Bombay Presidency?—I do not know accurately, but I should suppose that there were about 500 miles.

8162. Can you form a more correct estimate of the length of bad roads?—The cross-roads are, of course, more extensive than the others.

8163. As compared with the roads existing in any civilised country, in this country, for example, what may be the extent of roads in Bombay?—It is very limited indeed.

8164. Is it a 10th or a 20th part?—I do not know what the number of miles of roads is in this country, but I should think that there is not more than one-tenth the number in the Bombay Presidency.

8165. You have alluded to the want of population in certain parts of Bombay; do you not think that the want of facilities for communication may have something to do with that want of population?—Undoubtedly, if there had been better means of communication, it would have promoted intercourse between different parts of the country, and would in that way have facilitated emigration.

8166. Because where there is production without roads, there are no means of transit, and therefore there is no object in the settlement?—That is so.

8167. I suppose you are of opinion that considerable advantage would result to the natives of India, by bringing them into closer connexion with European capital and enterprise?—I think so.

Major *G. Wingate.*

15 July 1858.

8168. You think it would have a surprising effect upon the people, do you not?—I do.

8169. Do you think it would have a beneficial effect also upon their moral and social condition generally?—I should hope so.

8170. And do you think that their material well-being would be advanced by it?—I think so; I hope so, at all events.

8171. Would not a larger settlement of Europeans, having identity of interest, feelings, and pursuits with the people of India be calculated to strengthen by natural means our power over them, and economise the European force that henceforth we must be prepared to maintain in that country?—I think there can be no question that the settlement of Europeans must have a tendency to strengthen our hold upon India, but I am not of opinion that within any short period it is at all likely to do so very materially.

8172. There is a very wide line of demarcation, is there not, between the governing and the governed, in consequence of their not being engaged in or mixed up together in the same pursuits?—Yes, I think there is, owing to their being foreigners, and having different habits, associations, and pursuits.

8173. In what terms do the natives of the Bombay Presidency generally address an officer in the civil or military service?—" Sahib.

8174. Do they say as they do in Bengal, Khodabang ape ka Gulam, My Lord, your slave" ?—No, simply " Sahib," that is the usual style of address."

8175. Are you of opinion that the line of demarcation, which exists between the services and the people of the country, is such as to prevent the services from arriving at a just appreciation of the wants, feelings, and condition of the people? —Of course, independent settlers would be able to form a better opinion, as regards all questions affecting themselves, but I do not know that they would be in a better position to form correct opinions, with regard to questions affecting the natives, and having perhaps an unfavourable operation on the interests of European settlers.

8176. You have stated, I believe, that in your opinion the production of cotton in India will never reach the point at which it has arrived in America?—That is my present impression.

8177. Are you acquainted with all parts of India which are capable of producing cotton?—No, I am not acquainted with all parts of India that are capable of producing cotton, but I am acquainted with those parts which do usually form the cotton fields. I believe that cotton may be grown over a great part of India, but I do not think that it could be grown profitably.

8178. But supposing the land to be put under a better system of irrigation, and to be subjected to a more judicious treatment, may not the production of cotton on the present cultivable soil be doubled in your opinion?—Yes, I should think it might be doubled, were it possible and profitable to produce cotton in the mode supposed.

8179. Then it is rather a sweeping assertion to make, is it not in the absence of such information, that India is not capable of growing as much cotton as America grows at present?—I have merely stated what my own opinion is, derived from such a knowledge of India as I possess.

8180. Mr. *Gregson.*] You have stated that cotton cultivation has been greatly extended lately, owing to an increase in the price of it; is that increase still going on?—I believe so.

8181. Do you know what quantity was produced a few years ago, and what is the present production?—No.

8182. Do you not think that Europeans will be gradually induced to employ their capital in the cultivation of cotton, or to make advances to the natives for the purpose of its cultivation?—They may do so; it will depend, of course, upon considerations of profit.

8183. Are there any impediments to their doing so?—I do not think there are any impediments, except, perhaps, the mode of administering the law.

8184. Is not the rate of interest paid a great inducement to Europeans to advance capital, with a view to the cultivation of cotton?—I do not feel myself competent to form a judgment upon that question.

8185. Are there any experiments going on at present with a view to the better cultivation of cotton, by the introduction either of better seed or machinery for cleaning the cotton?—Yes; I have before stated that the American saw-gin has been successfully introduced.

8186. Mr.

8186. Mr. *Danby Seymour.*] Do you think that the limit is now reached for reducing the assessment in Bombay?—I think so; I think there is no probability of the assessment having to be reduced further.

8187. Up to the present time, it has resulted in an increase of revenue to the Government, has it not?—Yes.

8188. Do you think that if it were reduced still lower more land might be cultivated, and that a larger revenue might be gained by the Government?—Certainly not; because already all land that is of much value has been brought under cultivation, the remaining waste lands are of inferior quality, and therefore any further reduction of assessment would involve a direct loss of revenue, without the possibility of increase.

8189. Do you mean that all the lands that can be cultivated in the re-assessed districts have been cultivated?—All except very inferior lands.

8190. How long has this re-assessment been making in the Bombay Presidency?—The first experiment commenced in 1835, and the work is still going on.

8191. It is not half finished yet, is it?—It has only been within the last five years that it has been carried on with any considerable vigour.

8192. Is it not the fact that the old assessed districts pay more than will enable them to cultivate the land with profit, while they produce the largest revenue to the Government?—Not always; the assessment has been reduced in some of the old assessed districts; for instance, in the Collectorate of Broach.

8193. Without a re-survey?—Without a re-survey.

8194. You have stated that the cultivation of New Orleans cotton is on the increase?—Yes, in one particular district.

8195. Which district is that?—The Southern Mahratta Country.

8196. Have you seen the reports which have been made within the last year or two to the Court of Directors from the collectors and other persons engaged in promoting the cultivation of cotton in that country?—No.

8197. You are aware, are you not, that there have been such reports, and that they are unfavourable to the experiment?—I am quite aware that up to the period of my leaving India the experiment had failed in most of the Bombay districts, with one exception, to which I have alluded.

8198. Are you not aware that the reports from the South Mahratta Country have all been unfavourable?—No; on the contrary, I have shown that the cultivation of that cotton there has been steadily increasing; if the Committee will allow me to do so, I will state what, in my opinion, is the cause of the success there. In Dharwar it arises from the climate suiting this variety of cotton better than the climate of other districts. There are some parts of Dharwar where this very cotton has been tried and failed, the climate being too dry.

8199. Your answer to a former question put to you on your last examination left an impression that the cultivation of cotton is on the increase?—In that particular district; I mentioned it as an instance of the capabilities of the natives to adopt improvements, and I put in a Table which had been sent to me privately by a friend there, bringing the information down to 1856-57.

8200. Are you aware that the discontinuance of the experiment was recommended to the Government on account of its failure?—No, I am not aware of it.

8201. You say that everything depends on the faith which the subject has in the Government; do you think there is that faith, of which you speak, entertained of the English Government by their subjects in India?—I think so.

8202. Do you think that allowing settlers to come more freely into the country would increase that faith?—I think that the longer the Government lasts and continues to act in good faith towards the people, that feeling will strengthen,

8203. Do you think, looking at all the petitions that have been presented to Parliament by natives of the various Presidencies, that they are contented with the state of things existing up to this time?—There is no doubt that throughout India many causes of complaint exist.

8204. Which might be remedied?—Which I hope might be, and which eventually will be remedied, I have no doubt.

William Thomas Thornton, Esq., called in; and Examined.

8205. *Chairman.*] HAVE you ever been in India?—Never.

8206. Then your experience is derived entirely from your position at the East India House?—Yes.

W. T. Thornton, Esq.

15 July 1858.

8207. What is that position?—I am one of the assistants to the examiner, and I conduct the correspondence regarding public works.

8208. Mr. *Mangles.*] Will you give the Committee, as briefly as you can, an account of the state of the grand trunk road from Calcutta to Lahore?—The grand trunk road is completely metalled as far as Delhi, and I think as far as Kurnoul; it is completed to Lahore, and portions of the distance between Delhi and Lahore are metalled also, but it is not continuously metalled. With regard to the character of the road, it is 30 feet broad, of which 14 feet are metalled between Delhi and Calcutta; it is metalled with what is called kunkur, nodules of lime-stone beaten together, and which form a complete hard substance as smooth as a table, and as hard as mortar.

8209. Mr. *Kinnaird.*] That is what is called a metalled road?—Yes; but it does not follow that every metalled road is metalled with kunkur; this grand trunk road is so metalled. There has been some question I believe made as to the bridges upon it. I saw the other day the way-bills that are given to every traveller along the road by the Transit Company.

8210. That is not a Government department?—No; it is a sort of mail-coach company. A dawk company I believe it is called. These way-bills give the name of every unbridged river, of which there are seven or eight between Calcutta and Delhi. No rivers are mentioned as unbridged beyond Delhi, but there is no bridge I think over the Sutlej at Loodianah, nor over the Beeas.

8211. Mr. *Campbell.*] When did you see this way-bill?—A few days ago.

8212. What date did it bear?—It was given to me by a friend who travelled from Calcutta to Lahore at the end of 1855, and returned by the same road the beginning of 1856. There was a column showing the unbridged rivers, the names of which I took down.

8213. Mr. *Mangles.*] Have you got the names here?—Yes; the Hooghly, the Muggra, the Barakur, which is now having a bridge made over it, of which there is a picture before the Committee; the Leelazam, the Boodia, the Morhur, the Buttanee, the Soane, and the Ganges, at two places, at Rajghaut and at Allahabad. Those are all the rivers that are unbridged between Calcutta and Delhi; every other river is bridged. I have some particulars also with regard to the rivers that are bridged. There is a bridge over the Barakur river, of nine arches, each of 50 feet span. I may mention that a gentleman who travelled lately along the road, told me, that he was struck, not by the paucity of bridges, but by their needless costliness in some places. He said he found bridges which had been apparently placed there rather to show the skill and taste of the architect than anything else. There is a handsome suspension bridge over the Pompon; and over the Kharmanasa, a river 300 feet wide, is a bridge built by Mr. James Prinsep, which the Calcutta Review calls a noble structure.

8214. Mr. *Villiers.*] You are now quoting from official documents at the India House, are you not?—Generally I am; but the notices of the bridges over the Pompon and the Kharmanasa I take from the Calcutta Review.

8215. Mr. *Mangles.*] Mr. Waller, in Question No. 5238, is asked this question: "Generally speaking, are the roads good which go from Calcutta to the interior of the country?" And his answer is, "There are no roads; there is but one road, which is called the Great Trunk Road; there is a want of bridges on that road, and you have to put your conveyance and yourself into a ferry boat, and get across in that way. That was the case even in 1854." What is your opinion with regard to the correctness of that statement?—I think that the plan behind me is a satisfactory reply to it; it is a plan, not of the whole road, but of a part only, and it gives sketches of the bridges upon that part of the road; it is a section which ends somewhere between Delhi and Calcutta.

8216. Have you counted the number of bridges which appear there?—No, I have not, but there is nothing extraordinary in the number of the bridges; it is quite a common thing on other roads. I could mention the names of roads on which you would find two bridges at every mile. There is a road from Rajghaut to Kuttack, 131 miles long, with 284 bridges upon it.

8217. Mr. Waller has stated that there are no roads; is there not a road from Calcutta to Kuttack?—Certainly.

8218. Is that road bridged throughout?—Yes.

8219. Can wheeled carriages go upon that road?—Yes; I perfectly recollect having seen it stated that they do.

8220. Mr. *Vansittart.*] Is it a fine large main highway road?—It is a large highway road. I do not think it is in good condition at all.

8221. In your opinion, except in the rainy season, might you not drive a buggy over it?—I have never been in India, and I have never seen the road.

8222. Mr. *Campbell.*] Are there no official reports that come under your cognizance in the India House, describing the condition of these roads and bridges from time to time?—I saw a report as to the road to Kuttack about two years ago, by Mr. Armstrong, a civil engineer, who was sent to survey it for the purpose of putting it in perfect repair.

8223. Mr. *Mangles.*] Then the whole way from Calcutta to Delhi, you find only eight rivers unbridged; and as to one of those rivers, I think there is a contract now for iron girders for a bridge?—Yes.

8224. Have those iron girders been shipped?—When I inquired a few days ago, I found that two-thirds of the iron girders had gone, and that the other third was under orders for shipment.

8225. Can you give the Committee any notion of the size of those rivers that are not bridged?—I can mention the Soane. The Soane is three miles wide.

8226. Then the bridge will require to be three miles long?—Yes.

8227. And that is one of the bridges that is not constructed?—Yes; and there is another wanting over the Hooghly.

8228. A witness (Mr. Mackenzie) has stated that, under the native governments, Bengal had much better roads than any that now exist in that country; what are the facts as regards that?—It is not an easy thing to prove a negative, and when any man says that there have been roads, of which there are now no vestiges, the *onus probandi* ought, I think, to be upon him; at the same time, there is some slight foundation for what he says. There are allusions in ancient laws and in other documents of that kind, which show that both the Hindoo and Mahomedan monarchs, down to the latest period, did take a great deal of interest in the main roads; for instance, in Mr. Elphinstone's history there is an inscription mentioned which dates from the third century before Christ, in which an order is given that highways should be planted with trees and provided with resting houses, and that wells should be made at certain intervals. Then, again, there is an Arab traveller, who travelled in India in the middle of the 14th century; he particularly speaks of a road along the coast of Malabar, and he says it is planted with trees, and that there are resting houses and wells at regular intervals, and he also says that on that road there was a good foot and horse post; and there are some similar allusions to other roads at subsequent periods. It is clear, therefore, that there were in ancient times roads of some sort or other; but there are two questions to be asked, first, whether these roads were numerous, and secondly, what kind of roads they were. Now, one thing that gives us reason to suppose that they were not very numerous is, that everybody who alludes to them does not speak of roads generally, but of some particular road, as if it were an exception to the general rule. Then considering that those were Government roads, and that it would be scarcely possible for Government to establish good roads in every part of the country, it may be presumed that it was only the large roads that they particularly attended to. Then, these main roads could not have been paved like the Roman roads, or there would be some remains of them, and no one pretends to have found any trace of an Indian Appian way; neither could they well have been Macadamized so many centuries before the time of Macadam. Probably, therefore, they were merely earthen tracks, or what are now called in India, kutcha roads. As to their condition, something may be gleaned from accounts given by travellers who visited India, after India became accessible to Europeans. It is a good many years ago since I read the travels of Sir Thomas Roe, or of Coryat, or Bernier, but I looked through them the other day. I do not observe that direct mention is ever made either of the goodness or badness of the roads, but there are some things said about them which throw some light on their condition; for instance, Sir Thomas Roe, who was ambassador from James the First to the Great Mogul, after landing at Surat, left that place on his way to Ajmeer, where the Emperor then was, on the 30th of October, and did not reach Ajmeer till 23d December. He states how many miles he travelled a day; one day he goes nine miles; nine miles of "rocky way," he calls them; this was soon after leaving Surat; another day he goes 15 miles; on another, 18; he scarcely ever effects 20 miles, and having left Surat on the 30th October, he does not reach Ajmeer for nearly two months.

W. T. Thornton, Esq.

15 July 1858.

8229. Mr. *Danby Seymour.*] Driving with his own horses?—He does not say how he travelled.

8230. Mr. *Mangles.*] But Bengal was the point that he particularly mentioned. Is there any trace of roads which existed in Bengal when we assumed the Government of it?—None of these travellers appear to have travelled in Bengal, because in those days Delhi was the capital of the Mogul monarchy. I do not think that any one of them went into Bengal; but if there were not roads near the capital, they would scarcely be found in a distant province.

8231. But you have never found in your researches any trace of roads which formerly existed in Bengal?—None whatever.

8232. Mr. *Danby Seymour.*] When you say that there are eight unbridged rivers, do you speak from official documents, or from communications which you have received from friends?—If the way-bills of the Dawk Company are official documents, then I speak from them.

8233. You speak then on the authority of the way-bills?—Yes; there are eight unbridged rivers between Calcutta and Delhi, a distance of 837 miles, and no unbridged rivers are mentioned as between Delhi and Lahore, but I do not know what that distance is.

8234. You only know eight cases where a traveller had to get out of his palanquin to be ferried across?—No, provided the bridges were not out of repair; they might have been injured by an inundation, or something of that kind.

8235. Mr. *Mangles.*] What are the orders which have been sent out to India repeatedly of late years with regard to the construction of midland roads, as feeders to the great stations of the railways?—The Court have taken every opportunity of pointing out the importance of it. I have here a copy of a despatch, printed by Order of the House of Commons, and in that despatch, in two places, the attention of the Government is drawn to the matter. The Court, writing to the Government of India on the 17th of April 1857, say, "We have already pointed out to you, on more than one occasion, how desirable it is, that, simultaneously with the railways, lateral roads, which may serve as feeders to them, should be constructed." In the same despatch, in another place, it is said, "In your correspondence in this department, both with the subordinate Governments and with ourselves, you have, on more than one occasion, alluded to the importance of specially regarding, in all new plans for common roads, the course likely to be selected for railways in the same vicinity."

8236. Then the attention of the Government has been specially and repeatedly directed to the importance of making these feeders?—Yes; not only that, but once or twice when the Government have proposed to make a road without regard to a railway that was likely to be constructed in the same direction, or near it, the Court have disallowed that road on that account; they have said, "However useful it might be otherwise, it would be undesirable to make it now, considering the railway is to take the same direction."

8237. You have mentioned one other road from Calcutta to Cuttack; what other metalled roads are there?—I might almost say their name is legion; it is impossible to state how many there are without referring to the books; in the whole of Bengal, independently of the roads which are made by Government directly, there are roads made by what is called the district committee of each district from funds placed at its disposal by the Government; these roads are sometimes earthen, but they are also very frequently metalled roads. No doubt they are very often in bad condition, but they are also sometimes characterised as too good for their purposes; as being better than it was necessary to make in such situations; that earthen or kutcha roads would have answered the purpose equally well in the Lower Provinces. I found this stated in a minute of Mr. Halliday's (the Lieutenant-governor of Bengal) the other day. He says, "If you had metalled roads in the Lower Provinces, those roads would not be used during the rains, because then the rivers are the best highways; and in fine weather the earthen answers as well as the metalled roads, and therefore he recommends that instead of metalled roads in Bengal, which cost at least 300 *l.* a mile, they should begin by making kutcha or earthen roads wherever roads are wanted.

8238. Mr. *Kinnaird.*] How much a mile would kutcha roads cost, as against 300 *l.*?—I cannot state the average cost; the cost varies very much in different places.

8239. Mr. *Mangles.*] Some witnesses have stated that roads can be made cheaply in Bengal; you say that they cost 300 *l.* a mile?—The cost of roads varies; it

it depends a good deal on whether there is metal near or not; in Madras, for example, a metalled road may be made in some places at much less cost; I find that one road cost only 90*l.* a mile; that is an unmetalled road: I do not know in what particular part that was; I am speaking now from some memoranda which I did not put down with reference to this Committee at all, but for my own general use. I find that another road, which is bridged all over except where there are considerable rivers, cost 133*l.* a mile; all these roads are in the Madras territories. Another road in Madras, metalled and bridged, cost 230*l.* a mile; then I have the cost of the Grand Trunk Road, that is said to have cost 1,000*l.* a mile, but that seems to have included the cost of bridges which have not yet been made; the real cost, up to 1848, was 584*l.* a mile.

8240. Can you speak at all as to the number, or can you give any approximation to the number of bridges that have been built upon the roads in Bengal?—I can give some particulars of particular roads: between Raj Ghaut and Cuttack, a distance of 131 miles, there are 284 bridges; then on another section of the same road, the Khoorda road, there are 200 bridges.

8241. Mr. *Kinnaird.*] What is the paper to which you are referring?—A despatch of the Court of Directors to the Government of India, dated the 17th April 1857.

8242. Mr. *Mangles.*] Are there in fact throughout Bengal a great number of roads, and a vast number of bridges?—Certainly; I do not say that there are nearly enough, there is a great want of roads no doubt, but there are certainly a very great many roads.

8243. Now with regard to the east of Bengal from Calcutta, has the engineer reported that a railway could be made more cheaply there than a metalled road?—I was not aware of that.

8244. Mr. *Danby Seymour.*] Did not Mr. Halliday write a minute upon the roads of Bengal a year or two ago?—No doubt he did; he probably writes one every year.

8245. Do you remember a minute in which he complained of the wretched state of roads in Bengal, and recommended the Government to set about a plan for making 300 miles of road?—I never read that minute, I have read a more recent one.

8246. Do you remember reading a minute in which he says, that going towards the interior, and richest parts of Bengal, there is not a metalled road six miles out of Calcutta from Jessore?—A road is under construction to Jessore now.

8247. But is it not the fact that in this year, 1858, there was not a metalled road to Jessore?—I will not undertake to say.

8247.* Towards the interior of the richest parts of the Bengal Presidency, how far is there a metalled road out of Calcutta?—There is a road from Rajghaut to Cuttack.

8248. Is that the most important part?—It is not.

8249. To the east of the Ganges, what roads are there?—There can be no question that there is a great want of roads.

8250. Are you sure that a wheeled carriage can go more than 12 miles on a metalled road in the direction of Jessore?—I do not know that the road to Jessore has been begun yet. I know its construction has been authorised.

8251. You read, do you not, most of the reports sent to the Government from your executive engineers about roads and public works?—Yes.

8252. Do you recollect last year a report from the executive engineer of the Assam district, in which he says that the Government are pursuing a very bad and wasteful plan, and one to which he thinks it his duty to call attention; that is, spending money for three or four months in the year in making roads which are immediately washed away; which are of no use to the people, and which only serve year after year to put money into the pockets of those who are engaged in making them?—I do not recollect such a report.

8253. Do you see the various communications, and do you see drafts after they are altered by the Board of Control?—Yes.

8254. Do you remember the draft coming up last year to the Board of Control on this subject?—I was away ill during great part of last year.

8255. Mr. *Campbell.*] You appear to have studied the question of roads, and to have had it under your peculiar department in the East India House, you, of course, are aware at what date the Grand Trunk Road was commenced?—I do not recollect the date; I know it was finished as far as Delhi some years back.

W. T. Thornton, Esq.

15 July 1858.

8256. With the exception of the eight bridges you have mentioned?—Yes.

8257. You have given us evidence showing a good deal of antiquarian research with reference to the ancient roads of India, and you have read an extract from a despatch from the Court, of as recent a date as 1857, but you have shown nothing that the Court did between 1831, when Lord William Bentinck commenced the Grand Trunk Road, and 1857. Now I should like to know what information you possess as to the construction of this Grand Trunk Road; its commencement and progress, and whether it is not the fact that the thousand miles from Delhi to Calcutta is not yet finished; that is to say, that the eight bridges you have mentioned are not finished, and that a great portion of the road itself was not finished up to a recent date?—If by saying that the road is not finished, it is meant that the eight bridges have not been made, that is admitted, but in every other respect I believe the road to be the most perfect road on the face of the earth; it is as level as this table, and the rise is only 20 inches in a mile.

8258. You are aware, are you not, that the first portion of the road from Delhi to Allahabad was finished during Lord William Bentinck's stay in India; but that the portion from Allahabad to Calcutta was in no state of progress eight or ten years ago, ten years after he left India?—No, I was not aware of that.

8259. Mr. *Villiers.*] I understand you to say you are wholly incapable of giving us information as to the state of these roads before 1855?—I do not feel myself competent to give evidence as to any earlier period.

8260. *Chairman.*] Until within a certain number of years there has been great inattention to roads, has there not, on the part of the Government of India?—That question must be answered comparatively, with reference to what takes place in other countries.

8261. But do you not think, speaking fairly, that there has been great inattention paid to roads?—I cannot answer such a question simply with yes or no. The Government may have done little in one sense, but they have done as much as it was possible to do with the means at their disposal.

8262. Do you not think that until within a more recent time there has been a great neglect of the means of communication in India?—Scarcely neglect; the Government has done what it could, and more than any other Government ever did.

8263. Mr. *Vansittart.*] Do you suppose that there is less care bestowed upon roads in India than there was previous to 1845?—Quite the reverse.

8264. Previous to 1845 were not the roads principally under the management of the magistrates of the different districts?—I believe they were.

8265. Is it not the fact that there is scarcely a single district throughout India that is not connected with another district by means of a good road, and that that road is generally made by the two magistrates of the two districts; for instance, the magistrates of Bhaugulpore and Monghyr, a distance of 40 miles, would each send out a few hundred convicts, and by means of these convicts you would have a good road between those two districts. And is not this the system generally pursued with reference to all our districts in India; I am speaking of previous to 1845, when I was magistrate of Monghyr?—That is the kind of thing that is still done now by district committees.

8266. The result is, that what Mr. Waller says as to there being no roads is not borne out by facts?—It is not.

8267. Mr. *Lowe.*] You have mentioned two roads out of Calcutta; do you know any other?—Yes, there is a road from Calcutta to Benares.

8268. Any other?—There is one to Barrackpore, and another to Baraset, in the direction of Jessore.

8269. Is there any road to the sea?—I do not know that there is.

8270. Mr. *Willoughby.*] Did I understand you rightly to say you considered that public roads had been neglected by the Government of India?—Surely not; I think that an answer to that question ought to be comparative; I think that, compared with what other Governments have done, not only has there been no neglect on the part of the Government of India, but their conduct with regard to roads has been most exemplary. The British Government never made any roads, except those in the Highlands, whereas all the roads in India have been made by the Indian Government.

8271. You have spoken of eight rivers that are unbridged on the Great Trunk Road; can you assign any reason why they have remained unbridged?—It has been owing, in a great measure, to the great difficulty of bridging them.

8272. On account of the enormous width of the river?—Yes; or in some instances from the want of a good foundation, or shifting sands. I feel assured that such rivers would have remained unbridged in any part of Europe, except Great Britain. *W. T. Thornton, Esq.* 15 July 1858.

8273. Are not six of the unbridged rivers in the lower provinces?—Yes.

Veneris, 16° die Julii, 1858.

MEMBERS PRESENT.

Mr. Willoughby.	Sir Erskine Perry.
Mr. William Vansittart.	Mr. Mangles.
M. Danby Seymour.	Mr. Lowe.
Mr. Gregson.	Mr. Kinnaird.
Mr. Campbell.	Mr. Villiers.
Mr. J. B. Smith.	

WILLIAM EWART, Esq., IN THE CHAIR.

James Landon, Esq., called in; and Examined.

8274. *Chairman.*] IN what part of India have you been?—In Bombay and Guzerat. *J. Landon, Esq.* 16 July 1858.

8275. Have you been anywhere else besides Guzerat?—Not to reside.

8276. How long were you in India?—About 11 years.

8277. In what capacity?—As a cotton merchant.

8278. When did you return to this country?—I returned about 12 months ago.

8279. Have you ever turned your attention to the question of the settlement of Europeans in India?—Yes.

8280. You are a settler yourself, are you not?—Yes.

8281. Do you propose continuing to reside in India?—My property is still there; at least I have a cotton factory there, besides other interests.

8282. Do you go there now and then to look after it?—Yes.

8283. What class of settlers are most required, do you think, in that part of India in which you have been?—I think that mercantile men are most required in western India. I know of no other class of settlers that could find profitable employment in India. I do not expect to reside there for any length of time hereafter, though I intend returning there in two or three months, to look after my property.

8284. Where and how do you think settlers could be best employed?—I think they could be best employed in the districts in which produce is grown for exportation. I think those would be the only places where they could be advantageously employed.

8285. And how do you think they could be employed?—In purchasing the produce from the cultivators when it is ready for market; in instructing them in improved methods of preparing produce for market.

8286. What do you think is most required to attract settlers to the interior?—I think that that which is most wanted, is the development of a system of roads and railways; railways particularly, as affording the readiest and speediest means of access to the interior, and the transportation of produce from the interior to the sea coast.

8287. And canals also?—I am not aware of any districts in which canals could be constructed with a view to promote that object.

8288. Nor irrigation generally?—Irrigation in some districts may be introduced with advantage upon certain kinds of crops.

8289. Could it be introduced with advantage in the part where you have been?—Not for the purpose of general crops, such as are cultivated at present; but in the

J. Landon, Esq.

16 July 1858.

the alluvial soil on the south bank of the river Nurbudda opposite Broach, irrigation might be advantageously introduced to a limited extent.

8290. Mr. *Willoughby.*] Is not irrigation from wells and tanks now extensively practised in Guzerat?—For particular crops, for sugar cane, plantains, &c., to a very limited extent opposite Broach.

8291. What is the state of the roads in Guzerat?—There are no regularly constructed roads, strictly speaking, in Guzerat; but within the last few years, the roads have been so much improved, as to answer every purpose of the cultivators under existing circumstances.

8292. You say within the last few years; within how many years would you say?—Within the last seven or eight years.

8293. What was the state of the roads before those improvements were effected?—They were in the state in which roads would be which were never constructed or repaired; they were natural roads.

8294. Trodden ways, I suppose?—They were cart roads.

8295. What sort of cart roads were they?—Very bad in some places: where the soil was soft the ruts were very deep.

8296. The roads are very good now, if I understand you rightly?—In some places, a pecuniary appropriation has been made by the Government for the repair of the roads, which is renewed every year; and where that appropriation has been so used, the roads have been made almost as good as could be desired for the native carts.

8297. Can you give us any idea of the extreme mileage of these improved roads?—I think all the leading roads in the Broach district might have been repaired, if the officers in charge of them had felt so disposed, as the appropriation has been ample for that purpose.

8298. Was there any fault on the part of the officers who were entrusted with the charge of these roads?—Different officers take different views of the subject. I have known in one or two instances officers repudiate the idea that, with the small appropriation that was made a road, which could be called a road, could be constructed, or that the sum was sufficient to repair the road to any appreciable extent.

8299. Is there a want of combined action on the part of the officers?—The appropriation is placed at the disposal of the collector, who distributes it among the districts in charge of his assistants, by whom it is expended or not at their discretion.

8300. You are speaking of the roads in Broach at present?—Yes; to give an idea of the extent of the improvement that that small appropriation made, which was only about 30 rupees a mile, I may mention that the road, before being repaired, consisted of ruts so deep that, if two carts met, it was quite impossible for either of them to get out, and that condition extended for some miles in certain places, whereas, after the expenditure of the small sum appropriated, the roads were made as smooth and as convenient as a road need be for the purposes required.

8301. Were they passable in all weathers?—In the monsoon they are not necessary, inasmuch as the natives lay up all their carts during the rains.

8302. Employing their bullocks in agriculture?—Yes.

8303. *Chairman.*] What is the material of these roads?—Black soil.

8304. Is that good material for roads?—In the dry season it forms a perfectly hard and smooth road, and in the wet season it is quite impassable.

8305. Does it require renewal after the wet season?—The roads are generally repaired after the wet season has closed, and that is sufficient for the whole of the next dry season.

8306. What is the black soil?—Alluvial soil on which the cotton is grown.

8307. What is the condition of the roads in Guzerat?—The Surat district is very much the same as the Broach district, and the roads have been repaired in a similar way; I am not able to say whether they have been repaired to so great an extent as in the Broach district; but the main road leading from Surat to Broach, which is about 40 miles, has been so repaired, and is what may be termed a very fair road.

8308. Are all the roads made of this black soil?—Yes, as far as the black soil extends. There are districts containing other kinds of soil. In the red or goorat soil, as it is called, the roads are never bad, because that is a hard soil, and does not cut up like the black soil, consequently these roads require less repair.

8309. Do

8309. Do you think that the trade of that part of the country has suffered much from the want of roads in former times?—No; I do not think it has suffered to any extent. When I speak of the trade of that country, I mean the local trade.

8310. My question applied not to the local trade, but to the external trade, beyond the mere local trade?—That has been interrupted to some extent, inasmuch as carts could not travel so fast over bad roads as over goods roads, nor could they carry such heavy loads.

8311. You said, I understand before, that merchants are the best settlers; I suppose they would be best situated near places of export?—They are.

8312. What are the ports?—In Guzerat the chief ports are Surat, Broach, Gogo, Dholera, and Tunkaria Bunder.

8313. Is there any improvement required in those ports?—Yes; they are just in the same state as they always have been.

8314. Which are the best ports of those you have mentioned?—Gogo is considered the best port, but perhaps it possesses the least trade; it is on the north side of Cambay, on the coast of Kattiwar.

8315. Do they require anything to be done to them to make them better harbours than they are?—It is possible to dredge the river, but all the rivers in the west of India are very shallow; even the largest rivers are not navigable except for small craft such as the native boats.

8316. Do you think that an improvement in the ports would be an advantage to British settlers in that part of the country?—I do not think it would have a very great effect upon the interests of European settlers.

8317. Has the production of Guzerat increased much within your memory?—Not a great deal.

8318. It is principally cotton, is it not?—Yes.

8319. What is there besides cotton?—Grain, some seed, and a little hemp.

8320. Is the grain of a good quality?—The wheat of the Broach district is the best in western India.

8321. Is it exported?—To a limited extent, shipments have been made, but the state of the English market has seldom been such as to offer inducements; I have tried the experiment myself. Bombay is nearly altogether supplied from Guzerat.

8322. Has the cultivation of grain much increased?—No; I do not think that the cultivation of grain has much increased, there being no external demand for it.

8323. Has the cultivation of cotton increased?—The cultivation of cotton has increased.

8324. Within your memory?—Yes; more cotton is exported from Bombay now than there was when I first went to India.

8325. My question applied to that part of the country with which you are most conversant, Guzerat?—For a long time, I believe, a due proportion of the cultivable soil of the Broach district and of the Kattiwar district have been under cotton.

8326. Mr. *Mangles.*] The full proportion?—Yes; allowing for the proper rotation of crops, cotton can only be cultivated once in three years, to advantage, on the same land. The quantity cultivated depends upon the state of the English and the China markets.

8327. Mr. *Willoughby.*] You mean it depends upon the prices obtainable there?—Yes; if the prices are high, a greater proportion than one-third of the land is placed under cotton, as, when prices are high, it will answer the purpose of the ryot to cultivate cotton for two years in succession, on the same land, rather than any other crop.

8328. *Chairman.*] Does not great uncertainty prevail as to the supply required from India in England?—Prices fluctuate a good deal in England; but the average price of cotton has been permanently raised within the last few years, so as to afford, on the average, a higher remuneration to the cultivator.

8329. Will not such uncertainty prevail as long as your cotton comes merely as supplementary to the American cotton, and not as competing with it?—I do not think that the East Indian cotton influences the prices to any appreciable degree in England.

8330. But is it not influenced itself by the superior quality of the American cotton

J. London, Esq.

16 July 1858.

cotton which makes the East India cotton merely supplementary, and places it at such disadvantage that it cannot come into competition with American cotton?—The East India cotton is of an inferior quality to that of America; it can only be manufactured to a certain extent; that is to say, if there were none but East India cotton in the world, all the fine fabrics would cease to be manufactured.

8331. Therefore it is merely supplementary to the American cotton?—Yes.

8332. Is the quality of the cotton cultivated in that part of India much improved within your memory?—The quality of the cotton is much the same that it has always been; it is largely affected by good or bad management.

8333. But has the management and cleaning of the cotton, and the application of what you may call science to the production of cotton in the market, improved its quality?—It has; it has been raised in value considerably by the greater care that has been taken with it within the last 10 years.

8334. What are the great improvements which have been made?—The improved methods of preparation; the greater care in the preparation, I may say, as far as the natives are concerned.

8335. Will you detail the improvements that have been made?—They have not altered their processes, but they have taken more care.

8336. Mr. *Willoughby.*] In packing?—In packing and in cleaning their cotton.

8337. *Chairman.*] Do they use the American saw-gin?—They do not.

8338. Do you think it would be an advantage if they did?—It would be a great advantage if they could be induced to use it.

8339. Do you think that if there were more European settlers there, and if more European capital were introduced, they would be likely to use it?—I have been using the American saw-gin ever since I have been there, but I am the only person in Guzerat who has used it: and my cotton has always, without any extra care, commanded a higher price, both in the Bombay and the English markets, than the native cleaned cotton.

8340. Then you have derived advantage from the use of it?—Yes.

8341. Mr. *Mangles.*] You say without any extra care; surely you have taken more care, have you not, in cleaning and packing your cotton than the natives do?—Yes. When I said extra care, it was with reference to the mode pursued in America.

8342. *Chairman.*] Do you not think that other cultivators of cotton will be inclined to follow your example, if you have been so successful?—I am not a cultivator of cotton. I see no reason why my example should not have been followed to a far greater extent than it has been. I know of but one instance in which it has been followed.

8343. Do the native producers show any intention to imitate your example?—No; they avail themselves of the use of my machinery.

8344. You let it out, do you?—When I am not using it myself, I allow native dealers to use it. I purchase cotton in common with native dealers from the ryots, who bring it in their carts from the fields, and when the state of the market is such as to induce me to operate on my own account, I employ my machinery in that way. Frequently, when I am not induced to purchase cotton, and the natives are, they will use my machinery to clean it.

8345. Mr. *Mangles.*] Is your saw-gin worked by steam?—Yes.

8346. *Chairman.*] Is it moveable?—No.

8347. Then they send their cotton to you to be cleaned?—They send their cotton to me. They pay me so much for a given weight, for "ginning," as it is called.

8348. Then you use it as a threshing machine is used in this country; you let it out, in fact?—Yes; I have a large establishment there. I have machinery which, with the employment of 30 hands, does the work of about 3,000 natives.

8349. Do you think that the employment of English capital in giving the natives the advantage of this and other improvements might be advantageously extended?—Undoubtedly the establishment of Europeans in the districts is greatly to the advantage of native cultivators.

8350. I mean in accordance with the instance you have given in giving the advantage of improved machinery?—Yes, in that respect.

8351. Is that your case?—Yes; and in purchasing, the ryot has a much better chance in dealing with Europeans than he has in dealing with the natives.

8352. Do

8352. Do you think he has more reliance upon them?—Yes; and he gets a better price from the Europeans than he does from the natives.

8353. How many European settlers are there besides yourself in that part of the country?—None.

8354. Do you find that your intercourse with the natives goes on in a satisfactory manner?—At first I found what many persons would have considered insuperable difficulties to contend with, but ultimately I surmounted them, and since then my proceedings with the natives have been on a very satisfactory footing.

8355. Do the natives appreciate the benefit which you confer upon the country?—Yes; I believe that, if I wanted to purchase kuppas or cotton, they would give me the preference over any native dealer.

8356. May we assume that the condition of the natives is improved by the introduction of your capital into that part of the country, so far as its influence extends?—The natives themselves have made a calculation of the difference between the price which they have obtained for their crops on account of my competition and the price they would have obtained if I had not been there, and it has amounted to two or three lacs of rupees per annum.

8357. The increase?—Yes, which is a clear gain to the ryots.

8358. That advantage they clearly understand?—Yes.

8359. And appreciate?—Yes.

8360. Are they tolerably quiet in that part of the country?—They are very quiet and very well contented indeed in all respects, inasmuch as their crops have been amply remunerative, and they have not been oppressed or molested by anybody.

8361. Is there much destitution in that part of the country among the people?—No; I do not think there is any real destitution.

8362. Mr. *Mangles.*] And the land assessment; is that satisfactory to the people?—That is quite satisfactory to the people; I am speaking of the land assessment of the Broach district.

8363. *Chairman.*] Is that the new assessment?—It is not under the survey, but the assessment was altered about 10 or 12 years ago by the then collector. It was reduced; the reduction was at once acceded to by the Government, and since that time the ryots have been perfectly satisfied.

8364. Mr. *Willoughby.*] Are you alluding now to the time of Mr. Davies?—Yes.

8365. *Chairman.*] Is it settled for a fixed term of years?—No, but they feel perfectly satisfied that the Government never will interfere with them.

8366. Then is it fixed from year to year?—It has been assessed according to the quality of the land; that has been ascertained, and the assessment is regulated every year accordingly.

8367. Does the assessment vary?—It varies according to the quality of the land, but it is fixed for a given quality of land.

8368. It varies *quoad* the land, but it is fixed in its amount?—There are as many rates of assessment as there are qualities of land.

8369. But the amount does not change?—No.

8370. Mr. *Mangles.*] It does not vary with the crop?—No.

8371. *Chairman.*] But I suppose they will introduce the more extended system described by Major Wingate?—I believe an assessment with a similar object has been commenced in Guzerat.

8372. Would the natives welcome the additional security which appears to be given by the new system?—They do not require any additional security.

8373. They feel so confident in the continuance of the present system?—They feel perfect confidence in the continuance of the present system.

8374-5. You probably would agree with the witnesses who have given evidence before the Committee, that the colonization generally, in the usual sense of the word, is not to be contemplated in India?—Yes, I agree with them.

8376. But using the term in a more restricted sense, to what extent do you think it is practicable?—It would depend upon the locality, and the requirements of the commerce of the country; there is no doubt that the commerce of the country would be very much increased by the establishment of Europeans in the interior.

8377. Do you think that in the parts in which you have been, a European could

could reside for a term of years in a state of health?—I never enjoyed better health in my life than I did at Broach; indeed not so good.

8378. To what do you attribute your good health?—I attribute it to the climate principally.

8379. Is the climate good?—It has not a good reputation, but I believe it has unjustly acquired a bad reputation.

8380. Were you much in the air?—I was very much more exposed to the air than any other Europeans there.

8381. Do you think that that may have been the cause of your enjoying such good health?—I believe that early rising, a moderate amount of exercise, regular habits, and going to bed early, will secure a very fair amount of health in any part of Guzerat.

8382. Europeans therefore observing ordinary rules, and ordinary precautions, and possessing sufficiently good constitutions, could, in your opinion, reside there for a considerable portion of their lives with safety?—Yes.

8383. Have you ever had reason to complain, or to approve of the administration of justice in that part of the country?—I have had reason to complain of it, but not to any great extent, inasmuch as I have never had any litigious disputes since I have been there, of any consequence.

8384. Do you attribute that to your own caution, or to the excellence of the mode in which justice is administered in the courts?—I had not been there long before I saw that the best course I could pursue would be to avoid getting into the courts.

8385. Why?—Because I believe that the administration of justice in the Mofussil is calculated to shield rogues and thieves, rather than to secure justice.

8386. Why is it calculated to do that?—Because the forms of proceeding are so tedious, vexatious, and procrastinating, and the facilities of appeal are so great.

8387. You complain, if I understand you rightly, of delay in the administration of justice?—Yes; and I complain, though I do not know that I ought to complain myself, of the operation of the system; justice is administered in inferior courts by native judges, which is I think a great disadvantage to both natives and Europeans, and if it is admissible, I would mention an instance or two that have occurred to myself. One is this; a person in my employ, a European, was sued for the rent of his house by my landlord. The suit ought never to have been instituted, inasmuch as I was the tenant, and not the party sued. The suit was taken into the Sudder Ameen's Court, who at first said that he would decide it in favour of the plaintiff without hearing the case at all. The vakeel employed by the defendant came and told me of it, upon which I took the liberty of writing to the European judge, to inform him of the fact, when he directed the Sudder Ameen to receive testimony, and try the case properly; this, after a time, he did. The evidence for the defence was as clear and as strong as it was possible for evidence to be, while the plaintiff did not adduce a single particle of evidence of any kind. The Sudder Ameen gave the plaintiff's vakeel, in my presence, a severe wigging, for coming into court with such a slender case, and refused even to take all the testimony that was ready on the part of the defendant, on the ground that it was quite unnecessary. To my astonishment he afterwards gave judgment for the plaintiff.

8388. Mr. *Willoughby.*] Did you not appeal from that decision?—Yes, and got the decision reversed, of course.

8389. Who did you appeal to?—To the assistant judge.

8390. Not to the principal Sudder Ameen?—No; to the assistant judge.

8391. Mr. *Mangles.*] Was no notice taken of this conduct?—Not that I am aware of. I felt so uncontrollably indignant, that I addressed a note to the Sudder Ameen to inquire whether he had given such a decision, for which I was very near getting into a scrape.

8392. *Chairman.*] Was nothing done to the Sudder Ameen who had decided so unfairly?—Nothing that I know of.

8393. Mr. *Willoughby.*] Did you ever complain against him?—No, except that my letter was forwarded to the superior judge, who asked me to withdraw it.

8394. *Chairman.*] Who was the superior judge?—A European gentleman.

8395. Was the conduct of the Sudder Ameen brought before any authorities who were competent to correct him for his injustice?—No; I did not think it worth while to do so, as it was conduct that any other native judge would have been guilty of.

8396. Then you think that these malpractices are common among the native judges?—I believe it is next to impossible to obtain impartial justice in a native court.

8397. In the case you have alluded to, the injustice seems to have proceeded from the partiality of the judge; are any of the courts open to corruption?—I have no hesitation in saying deliberately that the native courts are scandalously corrupt.

8398. In the case you refer to the judge acted unjustly?—No doubt it was an unjust decision.

8399. Do you complain at all of the corruptness of the native courts; do you think they are open to bribery?—I have said they are corrupt generally; and with respect to bribery, I think that the native courts, from the native judges down to all persons connected with them, are as corrupt as it is possible to be.

8400. You say there were two cases in which you complained of the conduct of the judge; you have mentioned one of them; will you state, if you please, what the other was?—In the other case I did not complain so much of the conduct of the court as I did of the dilatory system of administering justice in civil suits. That was a case in which I had advanced money to a cotton dealer under a contract for cotton to be delivered at a future time, which contract specified that, in the case of a failure to fulfil the contract on his part, the money which I had advanced should be returned with interest, and that the difference, if any, between the then market value of the article and the value at the date of the contract should be paid to me. When the time arrived for the fulfilment of the contract, the price of cotton having gone up considerably in the meantime, he refused either to deliver me the cotton or to return me the advance which I had made him, and, after waiting some time, I sent for him; he came over to my office, and I asked him why he did not return me the money according to the agreement. He said he did not choose to do so. I said, "Is it because you are a poor man that you do not fulfil your contract?" "A poor man," said he, "I have more money in my house than would sink you to the bottom of the river and keep you there." "Then," I said, "why do you act so dishonest a part in respect of your contract?" "Why," said he, "all you can do is to go into the Sirkar Court, and I can keep you out of your money there for four or five years, and, in the meantime, you or I may be in a position not to want it;" and upon that view of the subject he acted. I had to sue him before I could get the money, and in about nine months, I think it was, I obtained a verdict in the native court; but what appeared very extraordinary to me was, that part of the evidence was taken some three or four months before the case was concluded. The Sudder Ameen would examine one witness to-day, as it were, and then postpone the case for a month, when he would examine another witness, and then again postpone the case at his pleasure, so that from the time the proceedings commenced until the decision was given, a lapse of several months occurred. The decision was given in my favour. The defendant appealed to the Superior Court. (I should mention that the Sudder Ameen gave a decision in my favour for the principal sum, but not for the interest.) The Superior Court affirmed the decision; but though the defendant was a man of wealth, I could not find any property to attach, and I had to wait a year or two, and then received just what he thought proper to give me, which was about 75 per cent. of the sum which I had advanced, without interest; that would be the course that I should have had to pursue had I had any number of suits. I have known many instances of transactions between natives themselves where money has been advanced and property pledged for its repayment, the repayment has been refused and the parties have gone into court, and, after very vexatious delays, have obtained a decision, but when they have gone to put the execution into effect, the property which had been pledged was corruptly proved to have belonged to another person, and the creditor got no redress, and I believe has not to this day. That is the course, unfortunately, which nearly all suits take.

8401. Mr. *Mangles*.] It was not the fault of the Court, was it, that you could not find any property?—No; but the delay which took place had given the parties ample time to divest themselves, nominally, of their property, and when that is the case, any number of witnesses can be procured to prove anything that is required.

8402. That arises from the corruption of the natives, does it not, and not from any fault in the courts?—No; but if there were a summary process, by which

J. Landon, Esq.

16 July 1858.

judgment and execution could be speedily obtained, property could be reached. The more respectable natives of the country complain very much indeed of the Company's system of administering justice. They avoid as much as they can going into court, and submit to great sacrifices to keep out of court.

8403. Is not that the case in every country?—It is, and ought to be the case in every country; but they do it, not because they have not justice on their side, but because they feel that the forms of procedure are so dilatory, and the result so uncertain on account of the delay and bribery, that they would rather lose a great portion of the sum at stake than go through the ordeal.

8404. Is it not the case in this country, for example, that men often submit to loss and injustice even rather than incur the expense and the uncertainty of law?—I should be disposed to do so myself; but if I went into court in this country, and had justice on my side, I think I should have a much better chance of obtaining my rights than I should in India.

8405. Mr. *Willoughby.*] What period intervened between the institution of your original suit, in the case to which you have referred, and your obtaining a decree from the court of appeal?—About two years altogether, I think.

8406. Are you certain of that?—I think it was about that time.

8407. *Chairman.*] If you had had a more summary process, do you think you could have obtained payment of your debt out of the property of the defendant?—I have no doubt I should have recovered my money without any trouble.

8406. Mr. *Willoughby.*] Do you think that a summary process would overcome the corruption which you say prevails?—It would to a very great extent.

8409. *Chairman.*] You seem to think that the delay which occurred in the case to which you have referred gave the defendant time to secrete his means of paying?—Yes.

8410. You are sure of that?—I have no doubt of it.

8411. Have you any reason to suppose that that delay was contrived by collusion with any one?—No; I do not think there was any collusion on the part of court in respect to delay. The court is unable to decide the case as soon as the suit is instituted, on account of the press of business, and I think that in the case I have just mentioned there were other cases which, in point of time, should have had priority over mine, but which were set aside in order to take mine up.

8412. Therefore, some cases were even more delayed than yours?—Yes.

8413. Mr. *Smith.*] In cases of debt, can you by law seize the person?—You can.

8414. Why did you not in your own case seize the person of your debtor when you knew that he had property?—I did not wish to proceed to extremities.

8415. *Chairman.*] You are of opinion, therefore, that European settlers in that part of the country are at a great disadvantage in civil cases?—Yes; and I think it would be greatly to the advantage both of Europeans and natives if all the Mofussil courts were presided over by Europeans.

8416. Would they be competent to understand the native language?—There are European moonsiffs and European Sudder Ameens.

8417. Then you must use them or some persons as interpreters, must you not?—Interpreters are very easily obtainable.

8418. Mr. *Willoughby.*] Trustworthy interpreters?—If they are European interpreters they are trustworthy.

8419. From what class would you select them?—The Mofussil judges might be selected from the uncovenanted Europeans, I think.

8420. I am speaking of the interpreters?—They would not require interpreters generally.

8421. *Chairman.*] Do you think that they being Europeans, would understand the native languages so well as to enable them to dispense with interpreters?—They would understand the language as well generally as the European judges of the superior courts do. All the civil officers in the Company's service, covenanted and uncovenanted, have to pass examinations in the native language.

8422. Your complaints have been hitherto directed against the administration of the civil law; how in your opinion is the criminal law administered?—The criminal law affects the natives only; they complain of it very much indeed, and heinous crimes are frequently suppressed, though the perpetrators are well known to every man in the village, in order to avoid the disagreeableness of attending the courts.

8423. Are

8423. Are the crimes to which you refer crimes perpetrated by the ryots themselves?—By all the lower classes of natives.

8424. Do you mean that criminals escape because witnesses will not come forward?—Witnesses will not come forward if they can help it.

8425. Why?—The courts are situated frequently at great distances from the places at which the crimes have been committed. Witnesses are first examined by the police amildars, or other subordinate officers; then they are carried before the European magistrate, or the deputy-magistrate; they are detained perhaps days before that tribunal; the accused is then committed for trial, which will not take place perhaps until four or six months afterwards, and then the witnesses are again called upon to give testimony, and they are kept at the place of trial during the whole sitting of the court; they are taken away from their occupations at a time when their services are most required, and the technicalities of the Company's rules of criminal justice are such, that in a majority of cases, there is a greater chance of the escape of a prisoner, than there is of his conviction. In the interval which elapses between the time of the committal and the trial, all the friends of the prisoner are threatening every person who has to give evidence against him, and whether he escapes or not, they will manage to revenge themselves.

8426. Then criminal justice is defeated in two ways; first, in consequence of the trouble it gives witnesses to come forward; and secondly, from the fear of consequences?—Yes.

8427. You complain in criminal, as in civil cases, of the tardiness of justice?—Yes.

8428. And you think that a more summary system of justice is required both in criminal and civil cases?—Yes.

8429. Mr. *Willoughby.*] Do not witnesses receive remuneration according to a scale fixed by Government?—Yes; but that remuneration is totally inadequate to compensate persons who are engaged in agriculture for their absence from their homes at a time when their services are imperatively required for their crops.

8430. That would depend on the season of the year when they were summoned, would it not?—It generally happens either at the time of sowing, or in harvest time; that evil is more extensively felt in large districts.

8431. *Chairman.*] Does bribery prevail in criminal in the same way that you have described it to prevail in civil cases?—Yes; bribery is just as rife in the one court as it is in the other.

8432. Mr. *Willoughby.*] Do you mean bribery of witnesses?—Yes, and of the subordinate officers of the court also.

8433. *Chairman.*] Does bribery prevail not only with the witnesses, but with the members of courts of justice?—With the native subordinates of the court.

8434. In criminal, as in civil cases?—In criminal, as in civil cases.

8435. Mr. *Willoughby.*] Do you apply that to the European judges?—No; of course it does not prevail with them.

8436. Did you ever hear any suspicion of it?—No, never; but there is no doubt that European judges have been tempted by some very high people there when they have had cases in court.

8437. Did you ever hold a situation as a judge?—No, but as a witness I have been asked for my interference or intercedence. The uncle of the Guikawär of Baroda once offered me a bribe; it was in a case of adoption; a child had died a minor, and another child was substituted in its place. As I had seen the real child, the parties who had substituted another attempted to bribe me to say that the substituted child was the real one.

8438. *Chairman.*] The idea of the potency of bribery is very prevalent among the natives of India, is it not?—Yes; the natives never think of prosecuting any case, however much justice may be on their side, without employing bribery and falsehood. To show the extent to which falsehood is practised in the native courts, I may mention that on one occasion I was interested in a case of a very trifling nature, in which I had to employ a Vakeel or native lawyer. I told him the facts of the case, and requested him to prepare it accordingly, which he did, and he brought it for my signature; before I signed it he read it over, and I found that there was not a single word of truth in the whole case that he had drawn up; I asked him how it was that he should have left out the truth entirely, he said, "Sir, we never think of stating the truth in our pleadings, and if you persist in doing so, you will never gain a case in our courts; our practice universally is to tell the most plausible lies we can possibly invent, and then to let the other side beat us at it if they can.

J. Landon, Esq.

16 July 1858.

8439. Mr. *Mangles.*] Is it not very difficult then to administer justice at all?—Yes, particularly under the Company's forms of proceeding.

8440. *Chairman.*] Where there is successful bribery such as you have described, there must be also frequent perjury, I presume?—They think nothing of perjury, they think it a merit rather than otherwise if they can gain an object by it.

8441. Mr. *Villiers.*] Do you apply that observation to the natives of India generally?—Yes, I apply it to the natives of India in the districts with which I am acquainted unhesitatingly, from common report, and from the general history of the natives. I have no hesitation in applying it also to the natives generally, they consider it a merit rather than a disgrace to tell a lie, if it will serve their purpose better than the truth.

8442. Mr. *Willoughby.*] If a man is found out in telling a lie, however barefaced, he is not shunned by his friends or acquaintances?—So far from being considered a disgrace, it is held up by their caste as a meritorious act to tell a falsehood in order to screen their caste folk.

8443. You do not mean to say that there are not many honourable exceptions, do you?—No, there may be honourable exceptions.

8444. For instance, you would not apply your observation to the higher classes of the people of Bombay, with whom you, of course, are acquainted?—There is no rule without exceptions, but I think that the exceptions in this case are as few as the exceptions are to any rule.

8445. Do you apply the general opinion you have expressed to the higher and better educated classes of the inhabitants of Bombay who mix in European society?—I apply it to the common people generally; but if it were thought necessary, I do not think that even the highest class of natives would hesitate to tell a falsehood.

8446. Mr. *Mangles.*] How could you carry on your business at all with people in such a state as you describe; how could you make any bargain, or buy anything of them, or sell anything to them, if they are so bad and corrupt as you describe them to be?—When I first went to India I had a piece of advice given to me which I found to be invaluable; it was given to me by a respectable and well educated native. He said to me, "Sahib, you have come here to do business with the natives; if you will allow me, I would advise you never to trust a native out of your sight. If you do not do so you will succeed, but if you do your end will be defeated; it is the custom with us never to trust each other." He was one of the most respectable natives in the place. He also said, "If we give a man a bag of money we count it to him, if we tell him to take it into the next room we count it from him; we never trust him further than that; we never trust each other in our dealings." And I have found by experience that that was the best advice I ever received in my life, and I have acted upon it.

8447. *Chairman.*] What is your opinion of the native judges generally?—There may be exceptions; but the native judges generally are, in my opinion, unfit for the administration of justice impartially, and are unfit to preside in courts where it is intended that justice shall be administered.

8448. If I understand you rightly, you say they have no idea of justice?—Yes, that is my opinion.

8449. You seem to agree with other witnesses who have gone before you, in thinking that a very desirable remedy would be the infusion of a certain number of European judges into these local courts?—Yes; in my opinion it would tend vastly to the benefit of all classes, both Europeans and natives, if all the Mofussil courts were presided over by European judges. In the district in which I resided we had one European moonsiff; I did not know him personally, though he was there for some time; but I know his character from the natives, and I know that he was more respected on account of that European integrity which he took upon the Bench with him than any native, or than all the natives put together, who had ever presided in a native court.

8450. Mr. *Villiers.*] Do they respect those qualities in other people which they do not possess themselves?—They respect them particularly in judges, or persons who have to decide between them and their neighbours.

8451. *Chairman.*] They feel, you think, the good effects of the impartial administration of justice?—Yes.

8452. And though they might not appreciate them morally, they would be able to appreciate them merely with reference to their own interest?—Yes; where their

their interest is concerned they feel they can get justice from a European without bribery, whereas they cannot obtain it from a native with it.

8453. Mr. *Mangles.*] How, in your opinion, should the natives be employed if they are put into offices of trust?—As far as my experience goes, I think it would be decidedly to the interest of the country if a native were never admitted to the head of an establishment; natives make very good subordinate officers when they are well looked after, but they are utterly unfit, as a class, whether educated or uneducated, to be at the head of any department; that is my decided opinion.

8454. *Chairman.*] Then are you of opinion that in the transactions of commerce, as in the administration of justice, an infusion of European superintendence would be a benefit to the natives themselves, as well as to any European residents who might be settled there?—As far as the heads of departments are concerned, however unimportant, in my opinion European superintendence would be a decided advantage; but I believe that natives can be employed in subordinate situations to greater advantage than Europeans can.

8455. Mr. *Willoughby.*] The question put to you had reference to superintendence in commercial transactions?—I did not so understand it.

8456. *Chairman.*] Do you think that a greater infusion of Europeans in higher places, whether in commercial or manufacturing pursuits, would be an advantage?—I would undoubtedly place a European at the head of every commercial establishment; but except in places involving responsibility, I would prefer a native. I have never in my own business trusted a native to do anything for me by which he could take advantage of his position; that is, I have never allowed him to transact any business for me in the transaction of which he could take advantage of me; I have either attended to everything of that kind myself, or else I have employed Europeans to do it.

8457. Do you think that an infusion of European superintendence generally would by degrees have a beneficial effect on the character of the natives, as well as on the interests of the European employers themselves?—Yes; I think it would.

8458. Do you think that that would be one mode of inculcating better principles into the minds of the natives of India?—Yes; if you have good Europeans the natives will respect them, and will themselves be improved by their example.

8459. Do you approve, from what you have seen, of the conduct of the members of the uncovenanted service?—Yes.

8460. Mr. *Willoughby.*] Are not many of those natives?—I would except the natives; my experience of the uncovenanted native officers at the head of establishments is decidedly unfavourable, either as judges or as deputy collectors and magistrates; even the best educated natives are as unfit for such high and responsible offices as those who are not educated at all.

8461. *Chairman.*] Then education in that instance, such as it is, does not seem to have produced any good moral result?—None whatever, as far as efficiency in the administration of the duties of their office goes. On the contrary, I think that it impairs their efficiency as officers.

8462. Then another species of education must be resorted to in order really to improve them, if education will improve them at all?—The native system of education is well calculated to fit men for business transactions; but instruction in English arts and sciences, or in general literature, unless for particular purposes, is of no advantage.

8463. You think, do you not, that their moral character must be elevated by education if any good result is to be obtained?—Yes.

8464. Are the Government and local authorities, in your opinion, well disposed or otherwise to European settlers in that part of the country in which you have been?—As far as my experience goes they are undoubtedly well disposed towards them.

8465. I infer from your evidence that you do not think the cultivation of the soil could be advantageously engaged in by Europeans?—No; not in Western India.

8466. You think that the proper position for a European to take is one of a superintending character in this as in other cases?—Yes.

8467. What is the relative value of European and native labour in the part of India in which you have been?—I think that in some respects there is an advan-

J. Landon, Esq.

16 July 1858.

tage in the price of native labour; in other respects European labour, if it could be made available, would be the cheapest. For instance, I am quite satisfied that if mechanical labour by Europeans could be introduced, it would be cheaper, and more beneficial and satisfactory than native labour. I believe that in India the value of labour bears as great a proportion to the labour itself, as it does in this country.

8468. What is the character of the police in the part of the country in which you have been?—The police of Guzerat are considered, I believe, superior to the police in any other portion of India; at least, I have heard those who are conversant with the subject say so.

8469. What in your opinion is the cause of that superiority?—They are better and more efficient men, and I fancy that on the average they are rather less corrupt than they are in many other parts of India.

8470. Have they been selected, do you think, with greater care?—The class of people from which they are selected is a superior one, I fancy.

8471. Who have the credit of that selection?—The superintendents of the police now, but up to within the last few years the collectors of the district had.

8472. Mr. *Willoughby.*] A change took place in 1849 or 1850?—Yes.

8473. *Chairman.*] Does the system resemble that which is adopted in the North Western Provinces, where you have a superior sort of superintendent?—I believe that the system adopted in Scinde has been introduced into the Bombay Presidency.

8474. Mr. *Willoughby.*] Is not that partly grafted on the native system of police; that is, there are hereditary police, who are useful in tracking thieves?—Yes, the puggies.

8475. They are responsible for any harm that can befall travellers, are they not?—There are members of the police who are called puggies, whose duty it is to track thieves and murderers, but I am not aware of the existence of such responsibility.

8476. And the grassias are obliged to assist, are they not?—They are considered as being obliged to assist; but I believe they are very seldom called on to do so.

8477. *Chairman.*] In this, as in other cases, the natives best perform the subordinate parts of the duty, if I understand you?—Yes.

8478. But in this, as in other cases, you think that the superior position is best filled by Europeans?—The whole character and efficiency of the police in any district depend entirely upon the character and efficiency of the European superintendent.

8479. Then you approve of the general principle of an infusion of the European element into this as into other departments?—That element is already infused generally into the police.

8480. And you think with highly beneficial results, do you?—With highly beneficial results when the superintendent is himself an efficient and energetic man; otherwise I believe that the police was better administered by the Collectors of the districts before the present system was introduced.

8481. But you think, *cæteris paribus*, that a European superintendent is likely to be more efficient than a native superintendent?—I should not consider it desirable under any circumstances to employ a native as a superintendent.

8482. Do you think that the interests of European settlers are likely to be promoted by the transfer of the Government of the country to the Crown?—That would depend upon the character of the transfer. I believe it would be beneficial to the interests of settlers in India if the present system of government were continued there.

8483. What do you mean by the present system of government?—The system which has been pursued by the East India Company, with such alterations as have been suggested. But if India is to be governed on the principles of the colonies, I should consider that it would be alike unsafe for life and property in India before the lapse of very many years.

8484. What would be unsafe?—Life and property.

8485. Why?—I do not think that the colonial system of government is at all adapted to the circumstances of India; I think it is quite impossible for anybody to attempt to administer the affairs of that country who has not been educated, as it were in the country, as an administrator of affairs.

8486. Then you think that a local administration is very desirable?—Yes; I think

I think the political administration of the affairs of India is wonderfully well adapted to the circumstances of the country and the character of the people.

8487. Are you of opinion that a greater infusion of local knowledge into the Government of India would be desirable, or do you think the present Government is sufficiently acquainted with the local wants of different parts of India?—The present system would be better adapted to the local wants of different parts of the country than any other system could possibly be until it had acquired the experience possessed by the present authorities.

8488. Then you do not approve of a greater local distribution of Government than there is at present?—I scarcely understand you.

8489. Do you think the present system is too centralising?—I believe it would be advantageous if the different presidencies were independent of the general Government.

8490. Do you think so because they would thus have a greater knowledge of the local wants of the several presidencies?—Yes.

8491. Then you think that in the present system of government there is not a sufficient knowledge of the wants of the different distant localities?—I do not think there is so much a want of knowledge as a want of power to apply that knowledge with advantage, on the part of the local authorities.

8492. Mr. *Smith.*] Is there, in your opinion, a large field for European settlement in Guzerat?—There is no field for European settlement, except for purposes similar to those to which I have already referred.

8493. Are there any other persons engaged in the same trade as that which you have yourself followed?—There are no other Europeans engaged in a business similar to my own; and with reference to that, perhaps the Committee will allow me so say that when the question about cotton cleaning by the improved processes was put to me in an earlier part of my examination, I omitted to state that there is a native establishment there on the principle of my own, which has been set up in imitation of mine.

8494. Is that a native establishment for the purpose of cleaning the cotton?—For the purpose of purchasing the kuppas from the ryots, as I do myself, and of cleaning and preparing it for market.

8495. In their establishment do they use steam power?—Yes.

8496. To what extent?—Very nearly to the same extent as my own.

8497. What quantity of clean cotton can you turn out per day?—About 25,000 lbs. weight when in full work.

8498. Do you pack the cotton upon your own premises?—Yes; I pack it with presses similar to those which are in use on the plantations in America, but not for exportation; I pack it for shipment to Bombay, to be repacked there for shipment to England.

8499. Mr. *Willoughby.*] Your cotton is screwed in Bombay, I suppose?—I pack it in large bales, with presses similar to those which are used on the plantations in America; in those bales the cotton is shipped to Bombay, and there it is rescrewed, either on my own account, if I ship it to England, or on account of the purchaser who ships it.

8500. Mr. *J. B. Smith.*] Is it screwed so hard as to prevent any frauds?—Yes; bales packed in my presses are screwed much harder than bales packed in the native presses, and the character of the cotton is so entirely different from that prepared by the native process, that frauds on the passage, which frequently occur with respect to the native cleaned cotton, are impracticable in the case of my cotton without a certainty of discovery.

8501. Do you put your own mark upon all the cotton that is cleaned by you?—Yes.

8502. So that that mark is known in every foreign market?—Yes; in addition to the cotton I purchase from the ryots, I have always been a large purchaser of native cleaned cotton; I have sometimes purchased for shipment on my own account to England, native cleaned cotton, and sometimes I have purchased for merchants in Bombay, that is, I have executed orders for merchants in Bombay for cotton at a price previously agreed on, and that cotton I have purchased and delivered to them in Bombay; but in all cases my purchases have a distinguishing mark and have been shipped to England, whether by myself, or purchased under that mark, which I believe is generally known in the Liverpool market now.

J. Landon, Esq.

16 July 1858.

8503. The cotton you purchase from the natives is cleaned by the "churka," is it not?—Yes.

8504. But your own cotton is cleaned by the saw-gin?—The kuppas which I purchase from the ryots is a separate produce, and is cleaned by my saw-gins; that is called "ginned cotton," in contradistinction to the native cleaned cotton, of which I purchase large quantities in the bazaars.

8505. What is the difference in price in Bombay between your cotton cleaned by the saw-gin, and that purchased and cleaned by the churka?—The difference in price in Bombay used to be from about 10 to 12 rupees per candy; that would be from 8 to 12 per cent., according to the price which cotton bore in Bombay. There has always been that or a greater difference in the English market, but of late years on account of the difficulty which certain parties found in selling that description of cotton in Liverpool, I have not been able to obtain that difference in Bombay, and have therefore found it advantageous to ship it to England on my own account.

8506. What is about the yield per acre of cleaned cotton in Guzerat?—It depends altogether upon the quality of the land; it varies from five to forty dhurrees.

8507. How much is that in English weight?—Twenty dhurrees are 1,000 lbs.; a dhurree is 50 lbs. I am speaking of the seed cotton, and one-third of that would be clean cotton; it varies from 250 lbs. to 2,000 lbs. in extreme cases.

8508. Per acre?—Yes, according to the quality of the land; in the Dhej district near the sea shore, and under the influence of the salt air, the yield is exceedingly light, and gradually diminishes till you come to land which will not bear cotton.

8509. Of the seed cotton, how much clean cotton would be produced?—On an average, I should say about 30 to 31 per cent.; about 31 per cent. I think would be the average.

8510. The weight would be something like 60 lb. to 70 lb. per acre of cleaned cotton, would it not?—It would vary from 50 lb. to 600 lb., but the latter is a very extraordinary yield indeed; the average yield is about 200 lb. per acre I think.

8511. Of what?—Of clean cotton in a good season; it is impossible to ascertain exactly what is the yield of the district under the Company's rule, inasmuch as it is mixed up with that grown in the Baroda district, of which we have no statistics at all; but on questioning the ryots, which I have done frequently, I have ascertained from them that they get from 125 lbs. per beegar up to 1,000 lbs. per beegar, a beegar being half an acre. In Guzerat 100 beegars would be perhaps 104 or 105 acres; the kuppas vary from 3 dhurrees or 160 lbs., to 1,000 lbs. of seed cotton a beegar.

8512. About 30 per cent. of that is cleaned cotton, is it not?—Yes.

8513. Then it ranges from 100 lbs. to 600 lbs. an acre?—Yes, in very extraordinary yields; it would be about 200 lbs. an acre on the average.

8514. What quality of land is that which produced 1,000 lbs. weight per acre?—The black soil.

8515. Is it moist land?—In the wet season it is very moist; it has scarcely any bottom to it.

8516. And is it to that condition of the soil that you attribute the large production?—Yes; and its being allowed to lie fallow.

1517. How much of this cotton which yields so largely is produced?—Not a very large quantity, except in some particular villages, where they have a better system of cultivation; where they regard the rotation of crops more than they do in other villages, and allow their land to lie fallow more generally than they do in other places. The ryots are of opinion that they gain, though they pay the rent every year, by allowing their land to lie fallow occasionally; but at the same time that they feel conscious they are gaining by allowing the land to lie fallow, they feel more satisfaction in seeing the crop on the ground, and consequently they cultivate it oftener than they ought to do.

8518. Mr. *Willoughby.*] What with?—Cotton.

8519. You say that cotton is grown once in three years?—Yes.

8520. In the intervening period what do they grow?—Wheat and other kinds of grain.

8521. Mr. *Smith.*] Is the quality of the cotton that produces so large a yield better than the other?—Much better.

8522. What

8522. What is the difference in the value per pound?—No difference is made in the price, except the first picking of that kind of cotton is brought to market separately, when the cultivator obtains a little higher price for it.

8523. It is a longer staple, is it not?—Yes.

8524. And more silky?—Yes.

8525. It approaches more nearly, does it not, to the quality of the American cotton?—Yes.

8526. And for the same cause, that it is grown on a moist soil?—It is owing to its being grown on a fallowed soil, not on account of its being grown on different soil from the rest; of course the richness of the soil in different parts of the district varies; where cotton is grown on the richest soils, and on soil which has been allowed to lie fallow for one year, they have excellent cotton, but it is not grown in sufficient quantities to render it an object to separate it from the bulk of the crop.

8527. What is the present price of cotton?—By the last accounts the price was 150 to 156 rupees per candy.

8528. Per candy of seven hundred weight?—Yes.

8529. Is not that a high price?—That price has been obtained for more than a year now.

8530. At those prices is there anything else they could produce that would be equally profitable?—No, I should think not.

8531. And if those prices continue, do you not think the production of cotton will increase very considerably?—It cannot increase in those districts to advantage, because if they force it beyond the present ratio of production, they will impoverish the soil, inasmuch as they have to cultivate it two or three years in succession upon the same land, which would cause a dimunition in quantity and a deterioration in quality.

8532. There is not, you think, sufficient land to extend the cultivation in that district?—No; the cultivatable land, or rather the land that was in cultivation in the Broach district, consists of about 1,080,000 beegars, I believe, and in seasons of high prices, such as the present, I have known as much as 440,000 beegars to be planted, which was more than the ratio; but the average for five years of land under cotton has been about 320,000 beegars.

8533. Do you know anything of Khandeish?—Yes.

8534. Is not Khandeish capable of producing cotton also?—Yes.

8535. Is not the cotton grown in Khandeish of a superior quality?—No; it is inferior to the Broach cotton.

8536. But still it is a good quality of cotton, is it not?—It is among the most inferior cottons in India. The relative value of Indian cottons varies in the different districts; the Broach and Surat districts, which are the same thing, produce the best cotton in Western India, except little Tinnevally perhaps.

8537. Mr. *Willoughby*.] Does not the saw-gin cotton of Dharwar bear a higher price?—That is American seed cotton; I am speaking of the indigenous cotton of the country; the Broach and Surat districts produce the best indigenous cotton in India; but although the Broach and Surat districts produce generally the best cotton, there are seasons in which the cotton of those districts is inferior in market value to the cotton of some of the other districts, though, as a general rule, the reverse is the case; for instance, it may happen that they have a very bad season in Guzerat, when they have a very good season in Khandeish or the Southern Mahratta country.

8538. You mean in consequence of the want of rain?—From various causes; they may have rain enough, but it may not be distributed over a sufficient length of time to bring the crop effectually to maturity; in those cases the qualities of the cotton is so much affected as to change its market value.

8539. Have you any idea of the difference in value between the best Broach cotton and the American upland cotton?—The best Broach cotton is intrinsically of the same value, though it does not always realise the same price as the middling uplands.

8540. Have you had an opportunity of seeing any cotton that has been cultivated by means of irrigation?—No, except by way of experiment.

8541. Was not the quality of that cotton which you did see very much improved?—As far as I have had any experience and knowledge of the subject, irrigation has been unsuccessfully applied to the cultivation of cotton.

8542. Sir *Erskine Perry.*] The produce has not met the expenses?—The experiment has resulted in failure.

8543. There has been increased produce, has there not; but the expenses have also been greater?—I repeat, the experiment has failed.

8544. Mr. *Villiers.*] You are only speaking of Guzerat as being within your own personal experience?—Having been exclusively engaged in the cotton trade, I have some little knowledge of all the cotton districts in Western India.

8545. But you have an establishment in Guzerat, have you not?—Yes.

8546. You have referred to a native establishment that is also there?—Yes.

8547. Is that establishment entirely superintended by natives?—No; it is superintended by an Englishman who was formerly in my employ.

8548. Why do you distinguish it as a native establishment?—Its proprietors are natives.

8549. Are we to understand that the cotton they turn out is of inferior quality?—The cotton they turn out is entirely similar to the cotton I turn out, or at least, it ought to be, inasmuch as the machinery is precisely similar.

8550. Do the proprietors export cotton to Europe, or do they merely send it to Bombay?—They generally sell it in Bombay, I believe; but they have shipped cotton to England through Bombay houses.

8551. But it is pretty much the same business as that which you have conducted yourself, is it not?—To that extent it is.

8552. Have you any remark to make upon the manner in which they conduct their business? Would you say that they are not esteemed as much as any European who is a proprietor of a similar concern?—I do not wish to make any remarks about other establishments of a similar kind to my own; but notwithstanding they are in opposition to me, they have not affected my interests in any way that I am aware of, inasmuch as the natives pass by their establishment to bring their kuppas to me.

8553. Mr. *Willoughby.*] There is room for both of you, in fact?—Yes.

8554. Sir *Erskine Perry.*] What you mean is, that the natives rather prefer dealing with you, is it not?—So they say themselves; if a native dealer wants kuppas cleaned and my gins are at liberty, he gives me the preference.

8555. Mr. *Villiers.*] But the productions of the native merchants are not esteemed less than yours in the market of Bombay, are they; there is no fraud suspected, is there, in the making up of their goods?—In their gin cotton I have heard of none; they could not very well perpetrate a fraud in gin cotton, as it would be so palpable that it would be inevitably detected.

8556. But you do not know of any of that want of integrity in the commercial houses that you spoke of as generally prevailing in the case of the natives?—From the character of the native at the head of the establishment to which I have referred, I have no hesitation in saying that, if he could get a chance of perpetrating a fraud, he is the very man to do it, for he is notoriously the greatest native rogue in the district.

8557. But you have had no experience or proof yourself of his being a rogue, have you?—I have had no experience of it, and I never heard of any complaints of his gin cotton.

8558. What are the frauds on the passage that are practised in the case of native cotton?—The frauds on the passage are committed between Broach and Bombay. You allude to the frauds on board the boats, I presume?

8559. Yes; what are those frauds?—The lascars tamper with the cotton by pilfering from the bales, and by putting water in to make up the weight.

8560. Do you mean they are paid to do so?—They do so for their own plunder.

8561. They extract the cotton?—Yes.

8562. But that is a fraud that any people might be exposed to who send their goods by vessels having lascars on board?—The native cotton is so loosely packed, that a large quantity might be extracted from a bale without leaving any visible hole.

8563. However those are frauds of a kind such as you have heard practised in other countries besides India, I dare say?—I believe that frauds are practised in all countries; but I do not think they are so general elsewhere as they are in India, where fraud is the rule and fair dealing the exception.

8564. If I understand you rightly, you say you are satisfied with the system of Government that prevails in that Presidency; that it is admirably suited to the circumstances

circumstances of the country, and that any change would, in your opinion, be attended with injury and danger to those who are settled there already?—I think so.

8565. Will you tell us shortly what you mean by the system of Government there as distinguished from what you have called, I think, the Colonial system; what are the leading principles of that system of government which you say is satisfactory as contrasted with that which you have represented?—I believe that the present system of government is administered more with a view to the wants and circumstances of the country than it would be under any change that might take place. I am speaking, of course, of the system as administered by the East India Company. I have no more partiality for the East India Company than I have for any other company, but I believe that the servants of the East India Company are a set of trained and educated men, men trained especially for the administration of that country; their rules of administration have grown up with the growth of the Company's rule, and they have been adapted from time to time to the wants of the country in a much greater degree than any other rules would be that could be adopted by parties having less experience.

8566. All that is very general, and does not convey any very definite idea to the mind; I understood you to say that, particularly with reference to the country with which you are acquainted, the administration of justice is extremely defective?—I believe that if the whole of the country were administered upon the principle adopted in the non-regulation districts it would be much better.

8567. Did you, or did you not, say that the administration of justice was very defective?—Yes.

8568. The police, you said, were extremely bad in Guzerat?—I think I said that the police were better, or were allowed to be better in that district than in almost any other district in India.

8569. Does not your general remark as to the untrustworthiness and fraudulent disposition of the natives, apply to the police?—Undoubtedly, when they are left to themselves; I have known a period in which the Broach police, of which I speak more particularly, has been as efficient as any police need be, owing entirely, however, to the superior vigilance and efficiency of the superintendent of police.

8570. Was he a native?—He was one of the Company's military officers.

8571. But was he a native?—He was a European officer; all the police in every district are superintended either by a covenanted or uncovenanted European officer; generally by a military officer.

8572. Are you alluding now to Guzerat?—Yes.

8573. You are not talking of other parts of the Presidency?—No.

8574. Who organised that police?—It was organised by Captain Hodgson.

8575. Of the Company's service?—Yes; he was the superintendent who brought it into such a state of efficiency.

8576. Is it part of the system of the Company's Government to employ natives?—Yes; to a much greater extent, I think, than is conducive to the interests of the country, or of individuals.

8577. They are so untrustworthy, you think, that nobody feels secure of getting justice, or of having their contracts fulfilled?—Wherever confidence and trust are necessary I never would employ a native.

8578. Mr. *Willoughby*.] If you could help it?—If I could help it.

8579. Mr. *Villiers*.] Is that what you call adapting the Government to the wants and circumstances of the country, when you say they are employing natives to a great extent, and that you have no confidence in natives?—The employment of natives I have always considered as injurious to the interests of the mass of the natives and the interests of Government; it has only been a very recent measure, the employment of natives in important and responsible situations.

8580. It is rather a leading feature in the present system, is it not?—It is becoming a leading feature, unfortunately; for instance, in the case of an officer and deputy magistrate of the district who has criminal jurisdiction to a certain extent, and whose decision up to a certain amount is final I have known instances of his being abused by the common coolies who have appeared before him, in a way that was calculated to bring him and his office into contempt, without his suppressing it or taking any notice of it whatever; and in cases of conviction upon the clearest evidence of offences for which under the regulation he should have inflicted heavy punishments, he has adjudged one day's imprisonment, or a fine of one rupee.

8581. Do you ascribe that to the circumstance of his being a native?—To the circumstance

circumstance of his being an incompetent person for the position which he occupies.

8582. That is, that in his views of the proper measure of punishment that ought to be awarded, he differed from you?—I think he differed from justice, and I am not alone in my opinion. I believe that my opinion was shared in by every person in the district, both European and native from the highest to the lowest.

8583. He was an instance of an incompetent functionary?—Yes; and I have heard many complaints of the incompetency of the officers similarly employed.

8584. Mr. *Willoughby.*] Of what caste was that man?—He was a Parsee, the most respectable and altogether the most superior caste in India.

8585. Mr. *Villiers.*] Does it often happen that incompetent persons are put into these situations?—The natives are very clever frequently, but in this instance the officer was totally unfit for the high situation he was placed in, though a very well educated man.

8586. My question was, does it often happen that incompetent persons are put into these situations?—It often happens that either incompetent or corrupt persons are found in those situations.

8587. By whom are they appointed?—The Government; with the best intentions in the world, I suppose.

8588. Are they so incompetent or corrupt as to make people feel insecure as to their property?—As far as my experience goes they are more unpopular with the native than they are with the European portion of the population, because there is a desire among the European community to see natives put forward. The Europeans wish them to have a fair chance in that respect, but the natives do not feel the same confidence in them as they do in Europeans, even of inferior grade.

8589. But Europeans who want to put them forward do not feel insecure under their rule, I suppose, and cannot share in your opinion of their incompetency and corruption?—Yes, many have shared my wish to see them put forward, and in my disappointment at the results of their having been put forward.

8590. Do you state it to be a matter of notoriety that there is disappointment felt in regard to the manner in which the natives conduct themselves?—Yes; that they have not realised the expectations formed of them at the time when it was decided to appoint them.

8591. Mr. *Smith.*] That is not so much on account of their fitness, is it, as on account of their want of morality?—You may put it in almost every sense. I say the natives have not the same confidence in native officers that they have in Europeans; they much prefer that there should be a European at the head of every establishment, however inferior that establishment may be.

8592. Mr. *Villiers.*] I understand you to say that you have not suffered at all from trusting to the natives yourself?—No, for the reasons I have before given.

8593. You speak from what you have heard and not from what you have experienced then?—I am not speaking from any sense of absolute suffering on my own part; I am only, I believe, uttering the universal sentiment in the district in which I have known native officers employed.

8594. You have no reason to complain of the natives you have trusted or who have been under you?—No; I have had a great many obstacles to contend with, and have suffered a great deal at their hands, but I have overcome them. There are some very excellent openings for Europeans in India, but I am apprehensive that not one in ten will be able to overcome the difficulties they will have to encounter in establishing themselves. There has been an attempt made by one of the principal European houses in Bombay to establish a concern similar to my own in a district where all the circumstances were vastly more favourable for success than they were in my case, but that concern, I am sorry to say, has been obliged to abandon the enterprise at great loss.

8595. Have you any connexion now with India?—Yes, my establishment is still there. I have not withdrawn any of my interests from that Presidency.

8596. But you would not recommend any other persons to go and establish similar concerns to your own there, owing to the difficulties with which they would have to contend?—I would not discourage anybody from doing it. I only mention the difficulties with which they would have to contend from the knowledge of what I have gone through myself. For instance, the first season that I went

I went to Broach I was utterly unacquainted with the language and with the people, I received an order for a thousand bales of cotton from a house in Bombay, which order I accepted; that is to say, they offered me a certain price for a thousand bales of cotton to be delivered in Bombay. I found the state of the market was such as to enable me to accept the order, and I did so. I purchased the cotton, and sent it forward in boats as fast as I could purchase it, and heard nothing more from the parties to whom I consigned it until I received a letter containing a report of a survey, and a protest declining to receive the cotton.

8597. Was that a European firm?—Yes; it was one of the first houses in Bombay; they were total strangers to me, but through the recommendation of a friend of mine in Bombay they sent to me for the cotton, and said, "If you can lay us down a thousand bales at such a price, we will take it." I found that the state of the market just enabled me to do so, and I did it; two of the leading members of the chamber of commerce, one of them a friend of mine, had been called on to survey this cotton after it arrived in Bombay, and their report was to the effect that it was dirty, leafy, and of a bad colour, and altogether an inferior lot of cotton, such as they would not buy in the Bombay market. I immediately, upon the receipt of that certificate, went to Bombay and had the cotton re-examined, and it turned out to be the best cotton there was in Bombay at that time; the fact was, that a most cunning fraud had been perpetrated both upon the parties to whom I consigned the cotton, and the gentlemen who had examined it; they had been cheated before their eyes. I mention this in illustration of the difficulties European settlers have to contend with in the country.

8598. Do you wish us to believe that it is peculiar to Bombay, that a gentleman should make an unfortunate contract with persons of whom he knows nothing, to whom he undertakes to send goods, and that when he sends them under his contract they should not be accepted, because some person is knavish enough to interfere and say that they are bad, when they are good; you do not wish the Committee to believe that that is peculiar to Bombay, do you?—All I wish to convey is, that that is the kind of chicanery which persons who want to establish themselves in India have to contend against.

8599. Did you happen to see the "Times" newspaper yesterday?—Yes.

8600. Did you see a statement as to a person who had contracted to supply goods to one of the clothing departments, but who could not get any of the goods supplied under his contract, though complete and perfect, accepted, because he had not paid the requisite fee to the person who had to inspect them?—I did not; but I do not see any analogy between the two cases.

8601. In order to illustrate your opinion of the dishonesty of the natives in Bombay, and the difficulties that people would have to contend with who went out to settle in India, you describe to us an ordinary case of fraud?—I think it is an extraordinary case of fraud; the fraud I refer to was perpetrated by native brokers in Bombay not on me only, but on the parties to whom I sold the cotton; the object of the fraud was to prevent my success as a European merchant in the country, and it was perpetrated by natives whose business it was if I did not intervene, to purchase cotton for the house to whom I sold it.

8602. You fix on a motive which perhaps it would be rather difficult to prove; they may have wished to favour some other firm; but if I understand you, the person with whom you contracted was a European?—Yes.

8603. And there must have been gross negligence on the part of that European house if they rejected your good cotton?—They objected to the cotton on the report of their own native servants.

8604. Sir *Erskine Perry*.] Is not that to which you have referred a sort of fraud that is likely to be perpetrated in any country where foreign agency is so much resorted to as it is in India?—No, I never heard so.

8605. In this country, if Greeks were doing business with Europeans, and they had to call in the assistance of Greek agents, do you not think that those Greek agents might lend themselves as much to frauds as the agents you speak of in India?—I never heard of any instances of such atrocious frauds.

8606. Mr. *Villiers*.] You have experienced no difficulty in acquiring land in India, have you?—I never acquired an acre of land there.

8607. Have you ever desired to do so?—No.

8608. Do you know whether there is any difficulty in it?—None; but I consider

J. Landon, Esq.

16 July 1858.

sider it very undesirable for a European to acquire an acre of land there, unless he wants to build a house upon it.

8609. You must have land to put your machinery on, must you not?—Yes; but that is not the sort of acquisition of land to which I have been referring.

8610. Do you know anything about the difficulty of getting good title to land?—I believe that if I wanted any unoccupied land in the district I could have it on the most favourable terms, and for any length of time I wished it.

8611. Do you allude to Guzerat?—Yes.

8612. You have said that, in your opinion, it would excite considerable alarm among Europeans disposed to settle in India, if the system of Government that has obtained in India were to be changed to the colonial system, and that if the power were to be transferred from the Company to the Crown, it would be highly injurious to the interests of the country; will you tell us what your idea is of that colonial system which you imagine is to be substituted for the present system of government?—That is better known to you than to me. I do not wish to express any opinion on the merits of the colonial system; I only say that it is not adapted to the circumstances of India.

8613. Will you have the goodness shortly to state to the Committee the leading principles of the colonial system to which you object?—It is a system of self-government in a great measure.

8614. Do you allude to Ceylon?—Not particularly.

8615. That is a case in point, is it not?—Ceylon has always been a colonial government.

8616. Sir *Erskine Perry.*] But that is the case most analogous?—That is an analogous case; but the people of Ceylon are different from the people of India.

8617. Mr. *Villiers.*] They are Asiatics?—Yes, but Asiatics of a different character, and of less indomitable prejudices than the people of India.

8618. But looking to the system of government in Ceylon, do you think it ill adapted to the wants and circumstances of that island?—I do not think that the system of government pursued in Ceylon would answer for India.

8619. But is it ill adapted to the circumstances of the Asiatics occupying that island?—No, I do not think it is.

8620. Do you know of any place where there is more prosperity and more security, or where everything is better adapted to the wants and interests of the country than Ceylon at present?—The products of Ceylon are entirely under the control of European superintendents, which is not the case in India.

8621. But that, you say, is required in India?—Only for products suitable for exportation.

8622. But you say that European superintendence is desirable in every department of business in India?—Yes, I say it is desirable that a European should be at the head of every department in India, whether a Governmental department or any other.

8623. And that is what you say is the case now in Ceylon?—The system which obtains in Ceylon, if I understand it correctly, is similar to that which obtains on the indigo estates in Bengal, a system utterly unadapted to any other portion of India.

8624. As far as I understand you, they have in Ceylon that which you say is required in Bombay, namely, European superintendence, and a system of Government suited to the interests and feelings of the country?—In Ceylon I believe there is European superintendence over agricultural pursuits, but in India that is not the case.

8625. Sir *Erskine Perry.*] What is there in the Ceylon system that you think would make that system applicable to India?—Ceylon is a small island with comparatively very few aboriginal inhabitants; all the productive interests of that country are under the control of Europeans, therefore the European system of government would be far more applicable to the circumstances of that country than it would be to the circumstances of India.

8626. What is there objectionable in the Ceylon system of government, that you think would make it inapplicable to India?—It is a system similar to that of other colonial Governments, and therefore inapplicable to India.

8627. Mr. *Villiers.*] What are the leading features of our colonial system that make you apprehend it would not be suitable to India?—The Governor, the Secretary, and

and all the officers are appointed by the Crown; they are sent out to Ceylon and all the other colonies without any experience or previous knowledge of the country, and are utterly unacquainted with the habits, customs, and manners of the people. In Ceylon, which is a small island with a comparatively few natives, there are but few difficulties to contend with. There is there a productive interest that is entirely under the control of European superintendents, as contrasted with the circumstances obtaining in India; and I apprehend that any person who has had any experience, or who has had a long residence in India, would say that such a system would be utterly inapplicable there, and, in my humble opinion, it would be eminently calculated to subvert the Government of the country.

8628. Do you know what the proportion is of the population that we may call native in Ceylon, as compared with Europeans?—I am not aware what the population to a square mile is in Ceylon.

8629. Have you the least doubt that all the labour is performed by the natives?—A great portion of the labour in Ceylon is performed by imported labour from the Malabar coast.

8630. You do not mean to say that there are European labourers?—There are no European labourers; if I am not mistaken, there is not one in Ceylon; the Cingalese are the only natives of Ceylon; they are a peculiar people, it is true, like the rest of the Asiatics, but there is a difference in their peculiarities from the inhabitants of India; they have been made available partially, but not wholly, for the purposes of cultivation in Ceylon. The planters of Ceylon have found it necessary to import very extensively labour from the Malabar coast, and at this moment there is a society organised by all the planters in Ceylon, for the purpose of extending the importation of Indian labour.

8631. However, you will admit that the natives of Ceylon are different in race, religion, and circumstances, from the Europeans, and that the country, which is a Crown colony, is perfectly well governed, under what you call the colonial system, and you do not deny that it is in a prosperous condition?—I admit that Ceylon is prosperous, though I have never been in Ceylon.

8632. Have you ever been in any of our colonies?—Yes.

8633. Which?—I have been in Canada, and in some of the West India Islands.

8634. Have you anything to complain of in the system of Government pursued there?—No; it is now admirably adapted to the circumstances of the country, but until the last few years it was the reverse.

8635. Your objection to the colonial system is, that we send out persons to govern our colonies without any regard to their fitness for the offices they fill, and who are wholly unsuited to the people they have to govern?—In many instances that has been the case.

8636. Sir *Erskine Perry*.] Is it consistent with your information, that judges and civilians are sent from this country to Ceylon, without special reference to their former training?—No, that is not my impression. In what I said, I had reference to the Colonies generally. I did not include the judicial officers in my answer.

8637. What officers do you embrace?—I include the civil officers of Government. What I wish to convey as my opinion is, that India, if governed by the system obtaining in Ceylon, would not be as prosperous as it now is; and I would further remark, with regard to a change of government for India, that if the colonial system should be introduced into India, I should be anxious to with draw my property from that country as soon as I possibly could.

8638. Mr. *Villiers*.] I understood you to refer to Ceylon as an instance of the working of the colonial system?—No, I had not Ceylon in my mind when I gave my answer to the question put to me.

8639. You have condemned the colonial system generally; I have referred you to one colony containing Asiatics, and therefore a case in point in this matter: you say it is well governed, and that it is everything it ought to be; can you give us now an instance of a colony which is not well governed, and the system pursued in which you think ought not to be applied to India?—I should like to hear my former answers read, because I am not aware that they would bear the meaning you put upon them. I have not objected to the efficiency or appropriateness of the colonial system of government as applied to the colonies; my objection applied exclusively to the application of the colonial system to India.

2640. You are aware, are you not, that the colonies which are dependent on this

this country are governed under very different forms in various parts of the world? —Yes, they are to a greater or less degree self-governed.

8641. The forms are different?—Yes.

8642. And the circumstances are different?—Yes.

8643. Can you say that they are not adapted to the circumstances of those different colonies?—I have not said so; I have merely said that in my opinion the colonial system, in any of its forms, is not adapted to the circumstances of India.

8644. Do you know anything of the Mauritius?—I do not personally.

8645. You do not know whether that island is ill or well governed?—I do not.

8646. You do not know anything of the state of the Mauritius?—I do not.

8647. Whether it is prosperous or not, you do not know?—Not of my own knowledge.

8648. Did you go out originally in the service of the Company?—No; originally I went out, not to establish myself as a merchant, but for the purpose only of acquiring some local information. I was offered and accepted an appointment under Government in the district, and it was upon that spot that I established myself afterwards.

8649. Did you remain for some time in the service of the Company?—Yes.

8650. Mr. *Willoughby.*] What situation did you hold?—I superintended some experiments that were instituted by the Government.

8651. Sir *E. Perry.*] In the opinions you have expressed with regard to Ceylon, you do not speak, I think, from personal information?—I have never been in Ceylon; I have had relatives there.

8652. I gather from your evidence generally, that with regard to the natives of India, you have a very low opinion of their morality?—Yes.

8653. And you think that every office of trust throughout the country should be filled by Europeans?—Yes.

8654. Do you know enough of the history of India to be aware that native states have flourished without Europeans, and that native merchants have made great fortunes?—The few have been enriched to the impoverishment of the many, in all the instances I have known.

8655. Do you think that native merchants who have made large fortunes have in all cases been great rogues?—I do not say that; I am only speaking of the native character generally. There may be honest men among them; I myself know some honest natives, but they form exceptions to the rule.

8656. Do you think that the native merchants who made large fortunes were exceptions to the rule?—I know instances of men who are notoriously supposed and reported by the natives themselves to have acquired their property by fraud and corruption.

8657. Have you not heard instances of a like character in this country?—I have heard of such instances; but I believe that those instances bring on people who act in that way the execration of every good man in the country.

8658. Do you think that in the native circles in India, dishonesty is not disapproved of and reprobated?—I do not think that dishonesty brings upon the person who is dishonest that degree of reprobation in native society in India that it would bring in any other society.

8659. In the case of native governments which have existed, have not the people been tolerably well ruled in some cases?—They have been ruled to the exclusive advantage of the rulers.

8660. Is that consistent with the evidence we have had before us, that in the native states now existing in India the masses of the population are as well off, and some say better, than the people in our own territories?—I have heard it remarked that there is an appearance of comfort and competency in some of the villages in the native states, greater in extent than there is in some of the Company's villages; but if we may judge from the circumstances of the two countries, that cannot be in consequence of the native government being a more lenient one or less oppressive than the European government.

8661. But still you have heard from good authority that the fact is so, have you not?—I have never heard that the mass of the people were as well off under the native as they are under the English government.

8662. Have you ever been through the Sattara territory?—I have been through part of it.

8663. Have you ever seen in our own territory more instances of thriving villages

villages and better cultivation than you have seen there?—I have remarked appearances of comfort in the villages, but on inquiry I have found that the people have been compelled to keep up a sort of appearance, and that that appearance has not been the result of their being placed in more comfortable circumstances.

8664. Therefore their appearance of prosperity was fallacious?—I have been riding through the native districts adjoining the Company's districts, when I have been followed by villagers who have implored me to intercede to get their village transferred to the Company's Government, and I have ascertained from them, while they have been following me, the conditions under which they lived.

8665. Do you believe that all the appearances of prosperity that you saw in the native states were fallacious, and that they were only put forward with a view to deceive travellers?—I believe that those appearances appertained to other than the working classes. I believe that under the native Governments all except the working classes are as well, or better off, because they can with impunity plunder the lower classes.

8666. Your remedy would be to substitute in every case, in offices of trust, European agency?—European superintendence.

8667. How do you think it would be received by the nation at large if no opportunity were given to a native to rise above a low estate, and if every office in the country yielding any emolument were occupied by a foreigner?—It would be appreciated by the mass of the people, but it would cause discontent in the expectants of office, undoubtedly.

8668. Do not those form a large class of the community?—The objection would arise principally from the educated classes.

8669. Do you think that the country can be safely held if the educated classes are repressed in that manner, and if every avenue to their getting on in life is shut out from them?—In 19 cases out of 20 I believe that the natives seek education with a view to obtain public employment.

8670. And with what motive do you think the bulk of the European people seek it?—For its own sake.

8671. Do you not think that a desire to rise in life is a great motive, inducing parents to give a good education to their children?—The object of parents in India, I believe (and I have made many inquiries on the subject), has been to get their children into employment. They do not set any value on education for its own sake; on the contrary, were it not for the prospect of their children obtaining public employment, parents would not allow them to be educated, as they rather discourage than encourage education.

8672. You think that the principles of human nature are altogether different in the Hindoo bosom from what they are in our own?—I believe that the customs and the caste rules of India are so permanently fixed upon their minds, that they have no desire for change, and that they cannot change their views of life, or their conduct in life, without violating the rules of their caste.

8673. Is not the objection to change the distinguishing feature of a very important class in this country?—There may be an objection to change, but there is no class of people in any other country who are bound down to the rules of their caste as they are in India; they are prohibited from change.

8674. Mr. *Willoughby*.] You have established a factory in the Broach district?—Yes.

8675. Will you state what its nature, objects, and uses are?—I have two establishments in Broach: the one is a cotton ginning establishment, and the other is a cotton spinning establishment; the spinning establishment is still an experiment.

8676. Are the Government and local authorities, as far as your experience goes, well disposed or otherwise towards European settlers?—As far as my experience goes, they are very favourably disposed towards them.

8677. Is there any obstacle, that you are aware of, to other persons settling in the Broach district, if they think it advisable?—None whatever, that I am aware of.

8678. Do you not think that, in general, European settlers, unless they are well experienced in the country, as you are yourself, would successfully compete against the native merchants or middlemen?—In nine cases out of ten they would fail, in my opinion.

8679. That is an obstacle which, of course, the Government could not remove?—Yes; it depends solely upon themselves; but from my knowledge of business men, and the difficulties they would have to contend with there, I believe that

J. Landon, Esq.

16 July 1858.

nine out of ten would give up rather than contend against the numerous obstacles they would find standing in their way.

8680. Is the climate of Broach suited to the permanent residence of European settlers; is it not very unhealthy after the rains?—It is subject to fever; but since I have been in Broach the station has been, what may be considered for India, healthy. In my own case I have never had the least illness there; indeed, I enjoyed better health there than I ever did in my life elsewhere.

8681. You have alluded to roads in Guzerat; is not there in the parts with which you are acquainted a great scarcity of cheap material for making roads?—There is no material whatever for making roads.

8682. You mentioned some roads, but you have not mentioned one that exists from Tunkaria Bunder, or from Broach to Baroda?—I am not aware that that road is better than any other road in the district; it has been repaired in the same way as the other roads in the district have been.

8683. You are aware, are you not, that the Government, for a series of years, established experimental farms, and adopted other measures for the improvement of cotton in the Broach district, are you not?—Yes.

8684. And that they incurred considerable expense in doing so?—Yes; the Government expended in Broach about 10,000 *l.* in the pursuit of experiments, which resulted in a total failure.

8685. The New Orleans species of cotton did not succeed in Guzerat?—No.

8686. Was that owing to want of skill, or to the climate, do you think?—It was owing to the climate. I may mention, perhaps, an important fact bearing on that subject, that I myself distributed American cotton-seed among 72 villages one season, and it proved a total failure.

8687. But there was no failure on the part of the Government of an attempt to produce an improved species of cotton?—No; Government adopted every means within its power, and refrained from incurring no expense to promote that object.

8688. There was a law passed to check adulteration, was there not?—Yes, at my instance.

8689. And it was enforced, during Mr. Davis's time, in several cases?—Yes.

8690. And with good effect?—Yes.

8691. Can you state whether, generally speaking, all the ground in Broach that could be profitably cultivated with cotton is not under cultivation?—Yes, I believe it is.

8692. The quantity could not be profitably increased?—No.

8693. You were in America, were you not?—Yes.

8694. And there you gained your experience, or part of your experience, which enabled you to conduct your experiments in Guzerat?—Yes.

8695. What is your opinion as to the condition of the general mass of the population in those parts of the Bombay Presidency with which you are acquainted?—I believe that their condition is one of comparative prosperity.

8696. You have alluded to the corruption and bribery which you say prevails in the native courts of justice; can you suggest any remedy?—In my humble opinion, the best remedy that could be applied would be an abrogation of the regulations, and the introduction of European judges in all the courts, whether the regulations are abrogated or not.

8697. Do you think that a policy which excluded natives from employment in offices of trust and emolument would be just and fair?—I am no advocate for the exclusion of natives from general employment. My objection simply is to their appointment as heads of establishments. In subordinate capacities they are useful and efficient servants.

8698. Do you think that the millions of natives of India would quietly submit to the rule of a few thousand foreigners, if we were to exclude them from all but subordinate employments?—I believe there is no measure so eminently calculated to strengthen the influence of the English Government in India as the exclusion of natives from the heads of departments, and the substitution of Europeans.

8699. With regard to these great defects which you think prevail generally, the natives are the greatest obstacles to good government under any system, are they not?—I believe that a native is utterly unfit for a post which would place him in a position of trust and responsibility.

8700. Is it possible, under any system of government, whether that of the Company or any other, to overcome those defects in character which you have ascribed

ascribed generally to the natives; and is not that the great difficulty of our position in India?—It may be a difficulty; but if I understand the sentiments of the natives, it is not a difficulty that is at all insurmountable; and far from weakening the influence of the Government, it would, in my opinion, strengthen it.

8701. You state that bribery and corruption generally pervades the native character; that is, the material from which, under any circumstances, we must draw at all events the subordinate agents of the Government, even in your own opinion; how can those defects be overcome in any system of government; is not that the great difficulty with which we have to contend?—I have said, and I again repeat it, that the natives make efficient subordinate servants when well overlooked; but they are neither fit for, nor to be trusted in, posts of responsibility.

8702. You say you think the first step to improve the Government of India should be to abolish the regulations; why?—Because you would get more summary proceedings, and a state of things more adapted to the wishes and circumstances of the people.

8703. What do you think of the proposition advocated by some of the witnesses who have been examined before this Committee; to have a system of justice introduced into the mofussil of India, to be administered by English barristers, with English modes of procedure, and through the medium of the English language by interpreters?—I do not know what part of India that would apply to.

8704. Your own district, Broach?—I should say it would be the very worst thing that could be introduced.

8705. Do you think it is practicable?—I am not prepared to answer that question, as it would be a measure of the Government.

8706. Mr. *Mangles.*] You would have perhaps no objection to state generally whether you have thriven and done well under your operations?—Yes, I have no hesitation in saying generally that my expectations have been realised.

8707. Do you not think there is room for others to follow in your steps?—Yes, I have stated so, I think.

8708. I think you have said the only impediment is the difficulty of overcoming the inherent obstructions arising from the opposition of the natives?—Yes.

8709. But you think, do you not, that a man of equal energy and perseverance with yourself might succeed there?—Success is quite possible.

8710. Are there any obstructions in the way of procuring cotton in any quantity that the country will supply which do not equally exist as to any other description of produce?—No, I am not aware of any obstructions; the only obstructions that interpose to prevent a supply being obtained to the extent of which the land is capable arises from the deficiency of roads and the expense of transportation.

8711. With the railroads, which are now in the course of formation, particularly in the cotton districts, that difficulty will be greatly, if not altogether, removed, will it not?—I believe that when railways penetrate into the interior in any direction it will be the means of introducing a much greater quantity of European manufacture, and of bringing to the seaboard a vast amount of exportable produce, which is now utterly unavailable.

8712. Mr. *Smith.*] Do you mean cotton?—Yes; and all other produce suitable for exportation.

8713. Mr. *Mangles.*] Is there anything in the system of land revenue which is peculiarly opposed to the production of cotton?—I believe the ryots understand their own interests sufficiently well to cultivate that kind of crop which will yield them the largest profit; and whether it be cotton or pebbles, they would pursue the same course.

8714. And therefore if cotton has not been more extensively cultivated, it has arisen (except in Guzerat, where you say the whole amount of land suitable for cotton is in cotton) from the circumstance that other crops have been found more profitable?—It is because other crops have been found more profitable; but at the same time, owing to the want of the means of cheap and speedy transportation from the place of growth to the place of exportation, cotton has not been cultivated in some districts to the extent to which the land is susceptible.

8715. Do you not suppose that if factors were sent out by English merchants to fix themselves in the different great cotton marts, with money to make advances, and with saw-gins like yours to clean cotton, they might obtain any reasonable quantity they desired?—There would not be the means of extending the cultivation of cotton, except under the circumstances I have just mentioned. I apprehend you must be able to pay the ryot a price which would remunerate him for his

J. Landon, Esq.

16 July 1858.

crop, and you cannot do that unless it will bear the price in Bombay or in the English market.

8716. Therefore the want of communication is the real obstacle?—To a very great extent. There are some districts in which, under any circumstances, I believe the cultivation of cotton could not be extended.

8717. From the circumstance of their being too far from a port of shipment?—Yes; and the character of the soil is not so well suited to the production of cotton as of other crops, therefore cotton, under any circumstances, would not be extensively cultivated; but there are, on the contrary, districts the land of which is highly suited for the production of cotton, which at present is not produced there, in consequence of the ryots not obtaining a remunerating price for it, as compared with other crops.

8718. Do you think that when railroads penetrate the districts suitable for the production of cotton, there will probably be a great increase?—When railways penetrate the interior of India in any direction, the cost of transport to the seaboard will be so much reduced as to enable supplies to be contributed by districts which are now beyond reach of the market; and there will be a very much greater amount of English manufactures introduced into the country.

8719. You have stated that you have done pretty well in India; how was it that you managed to get on and thrive there, in spite of all the obstacles arising from bad laws and regulations, and the bad administration of justice?—I happened to understand the business I was engaged in, and have generally been successful in contending with obstacles of whatever nature.

8720. You think, therefore, that a person having the same qualities that you yourself possess might succeed there, do you not?—Yes; success is equally possible.

8721. Is it not very difficult to administer justice to a people in the state you describe these people to be?—Yes, exceedingly difficult.

8722. Ought not great allowance to be made there for the great difficulties which are admitted to exist?—Yes; the wonder to my mind is, not that the Government has done so little, but that it has done so much.

8723. How would it be possible to fit the natives for the higher offices, unless you first trained them, and tried them in the more subordinate offices, watching them as well as you could?—It is an experiment well worth the trial, but it will not be carried into effect, in my opinion, until after the lapse of a very considerable time.

8724. Would it be possible, do you think, to govern the country by means of Europeans alone?—I believe that if India is to be held by the English, it will have to be governed by Europeans; that is to say, if it is to be under the English Government, it must be governed by Englishmen; and I am satisfied that the moment the natives are admitted to a share of the government to a sufficient extent to give them influence, they will exert that influence for the purpose of driving the English out of the country.

8725. Do you approve of the plan by which the service is fed from the bottom, by appointing young men, and sending them out as it were as apprentices, to rise gradually to the higher offices?—That system has its disadvantages undoubtedly; I believe that it has not conduced to the efficient administration of either justice, or of the civil service, to employ very young men in very responsible situations. The system of training men for India I believe to be a good one, but I believe that that training should go on for a series of years in India, as well as in England, and that a civilian should be first placed in a secondary situation; that he should not be allowed to have charge of any department of responsibility until he had acquired sufficient experience and knowledge of the language and of the people to enable him to discharge to the best advantage the duties that would devolve upon him.

8726. Is not that so now as a general rule?—I would add further, before answering the other question, that I believe it would be very advantageous to continue to employ a civilian in the department in which he enters on the service; that is to say, if he is first apportioned to the judicial branch, he should be allowed to continue in that branch; and so as to the revenue and any other branch. I believe, indeed I may say it is consistent with my own knowledge, that both the Government and the people of the district in which I have lived have suffered by the frequent changes of official persons which have taken place from one branch of the public service to the other without any previous knowledge of the

the new duties which were assigned to them. I believe that that is alike injurious to the interests of the country and to the character of the public servants.

8727. How do you reconcile your opinion of the general untrustworthiness and dishonesty of the natives with the system of banking and remitting money by Hindoos, which is so universally prevalent throughout India?—In their monetary engagements, that is, in their exchange operations, the natives are particularly honourable and faithful; but that forms an exception to their general character. It is a remarkable fact that you very seldom hear of an act of dishonesty in exchange operations.

8728. What is your experience of the knowledge of the civilians generally in the native languages?—I know some civilians who are, comparatively speaking, great proficients in the native language, and fully qualified to transact any business they may have in the language of the district.

8729. *Chairman.*] The question was put generally?—Generally, I think they are as proficient in the native language as any other class of men in similar circumstances; where they are not so in our part of India, it is an exception.

8730. Mr. *Mangles.*] You have been asked about the state of the native Governments; has any native Government ever attempted to put down such things as the system of Pindarees and Thugs, as the British Government has?—I believe, as far as I know from history or from hearsay, that no native Government ever busied itself about anything, except its own aggrandisement and the plunder of the people; they never attempted to put down any evil.

8731. Mr. *Campbell.*] Your practical experience has been confined to the Presidency of Bombay, has it not?—Yes.

8732. But you have instituted comparisons between other Presidencies in India and Her Majesty's colonial possessions, and you arrive at certain practical conclusions in reference to them, which may not be borne out by fact, unless you had a practical knowledge of the places of which you have spoken?—I am not aware that I have instituted any comparison between the part of India with which I am acquainted and other parts.

8733. You have said that the Bengal indigo planting system is unadapted to the rest of India?—Yes, inasmuch as there are no indigo plantations in the rest of India.

8734. How is that system unadapted to the rest of India?—Because, if I understand rightly, in Bengal an indigo planter, or any other private individual, can acquire land to a great extent, and become virtually the proprietor of the land, and exercise entire control over the cultivators of it; but nothing of that kind obtains in Western India that I am aware of; to that extent only it is that I wish to institute a comparison between the two parts of the country.

8735. Are you not aware that in Madras and in the north-western provinces of India indigo is grown upon the same system as it is in Bengal?—I am aware that it is grown in the north-western parts of India, but I am incorrectly informed if it is grown on the system which prevails in Bengal.

8736. Cannot you have the ryots' rights transferred to you, or have a lease of their land, so as to enable you to grow anything in which you may wish to embark your capital?—I do not think you could have the ryots' rights assigned to you; that is to say, so that you could occupy an intermediate position between the ryot and the Government. I know that in the districts in which I have resided, if a European or a native, or any other individual, were to offer to the Government to pay the assessment, on condition that the interests of the village should be consigned to him, the ryots would one and all rebel against it.

8737. Have you ever held land yourself in Western India?—No.

8738. As regards the statements you have made with reference to the appointments of governors and other officers to the colonies, as compared with the mode of appointing governors and other officers to the possessions of the East India Company, you say that the system obtaining in Her Majesty's colonies is totally inapplicable to India?—Yes.

8739. You are aware, are you not, that the Governor-general of India and the governors of the presidencies are appointed in almost precisely the same way as the governors of our colonies?—Yes, I am aware that the governors are, but there you stop.

8740. You arrive at deductions rather antagonistic to the system of appointment of governors to the colonies; are you aware of the position of Ceylon 30 years ago in reference to its products?—No, I am not.

J. Landon, Esq.

16 July 1858.

8741. Do you know to whom we owe that large and important branch of commerce, coffee, which at this moment Ceylon chiefly produces?—No; I only know that the coffee interest has been an exceedingly fluctuating one.

8742. Perhaps you know that the first coffee estate in the island of Ceylon was created by the then Governor of the island, Sir Edward Barnes?—I am not aware of that fact.

8743. And that to him we are indebted as the pioneer of that enterprise, for the important staple commodity we now receive from that island?—I would say also, with respect to the introduction of coffee into Ceylon, that Indigo, I believe, was first introduced in Bengal by a civil servant.

8744. It grew wild in Bengal first, did it not?—It was first successfully cultivated as a merchantable article by one of the civilians of that Presidency.

8745. Would you name the gentleman?—Mr. Prinsep.

8746. In what year was that?—I do not know. He was the father of the present Mr. Prinsep; that was the foundation of the present prosperity of the indigo cultivation.

8747. Are you aware of the condition of the roads in Ceylon?—No, I am not.

8748. Are you aware that, 30 years ago, one of the finest roads existing in any country was made there by the then Governor, Sir Edward Barnes, in the face of the greatest possible natural difficulties?—I was not aware of it.

8749. You say that the production of Ceylon is entirely under European superintendence, is that so?—Coffee is the staple production of Ceylon.

8750. The staple export production, but it is only a tithe of the general production of Ceylon?—That is, the exportable production.

8751. Cinnamon, spice, and so on; the production of that is not under European superintendence, is it?—They bear very little proportion to coffee.

8752. Do you adhere to the opinion you have expressed, that the entire production of Ceylon is under European superintendence?—The coffee production is.

8753. But you said that in Ceylon everything is under European superintendence; such, however, is not the fact?—I am very happy to be corrected.

8754. As to the difference between the condition of the Cingalese, as compared with the people of India generally, to what do you attribute that?—I am not sufficiently acquainted with the condition of the Cingalese to be able to institute a comparison. I believe that Ceylon is well governed.

8755. Would you not attribute the advancement of the Cingalese to the fact that the Dutch, in governing that island, endeavoured to teach them their own language, to imbue them with their own habits, customs and manners, and that that system has been followed up by the English since?—That may be the case, but it is not a subject that I have interested myself in.

8756. You are aware, are you not, that Ceylon has naturally fewer advantages than India generally has, as regards soil and labour?—I believe it has not.

8757. And that labour has to be imported, and manure has to be resorted to in Ceylon, which is not resorted to in India, from the richness of its soil?—I believe that is the case.

8758. Are not the prejudices of the Buddists as great in Ceylon as regards progress, as the general prejudices of the Hindoos are in India?—As far as I have heard, I believe they are not. Bhuddism is not a caste religion. I have heard that the Cingalese are a more tractable and improveable people than the Hindoos.

Martis, 20° *die Julii*, 1858.

MEMBERS PRESENT.

Mr. Gregson.	Mr. J. B. Smith.
Mr. Kinnaird.	Mr. W. Vansittart.
Mr. Mangles.	Mr. Villiers.
Sir Erskine Perry.	

WILLIAM EWART, Esq., IN THE CHAIR.

Andrew John Moffatt Mills, Esq , called in; and Examined.

A. J. M. Mills, Esq.

20 July 1858.

8759. Mr. *Mangles.*] YOU were a member of the Bengal Civil Service?—Yes.

8760. When did you go to India?—I arrived in India in May 1826, and left in 1855.

8761. Were you never at home in the interval?—Yes, for two years and a half.

8762. What appointments did you hold after you ceased to be assistant?—I filled appointments both in the Revenue and Judicial Departments.

8763. Will you mention, if you please, what they were?—In 1828 I was appointed joint magistrate of Pubna; I was selected by Government. A new district was constituted, taken from part of the Rajshai and Jessore districts, and I was appointed the first magistrate.

8764. *Chairman.*] In what part of India was this?—In Bengal; a new magistracy was established in consequence of the disturbances in that part of the country; affrays between the indigo planters and zemindars, and among the zemindars themselves were freguent. The country was in a very lawless state at that time.

8765. Mr. *Mangles.*] Was it on the banks of the great Ganges?—It was near the Ganges; I was sent to Jessore for a year and a half in 1833, as magistrate and collector, and then I returned again to Pubna; in 1835 I was appointed magistrate and collector and salt agent at Cuttack, and in 1838 I was appointed commissioner of revenue and circuit of that division, and superintendent of police. I remained at Cuttack till the year 1847, when I came home to Europe on furlough. I returned to India about the latter end of 1849, and in 1850 the first appointment that I held after my return from furlough was that of chief magistrate at Calcutta. In 1851 I was appointed a judge of the Suddur Court, and in the year 1854 I was appointed member of the Legislative Council of India.

8766. And that office you retained till you came home?—Yes. I may mention also that I was selected by the Governor-General in 1853 to make a tour of the north-eastern part of Bengal, to report upon the state and condition of the different zillahs that I was desired to visit, preparatory to Lord Dalhousie himself going into the interior, and satisfying himself of the state of affairs in those districts; I was ordered to report on each district, and to lay my report before his Lordship when he should arrive in those parts.

8767. What were the districts you visited?—First, I went to Serajgune; then I went to Bogoora, then to Rungpore; then to the different districts of Assam; to Myménsingh, Sylhet, Cachar, and Cherra Poonjee.

8768. Did you go to Dacca?—I have been there, but not officially.

8769. What was the opinion you formed from that visit, combined with your former experience as a magistrate and collector, of the condition of the people in that part of India?—I think, considering all the circumstances of the country, that the condition of the people is on the whole good.

8770. I am speaking now of the whole of the east of Bengal; according to your experience in the indigo districts, of which you have been collector and magistrate, and which you visited, are there any impediments to the free settlement of Englishmen there?—I am not aware of any impediments whatever; the indigo planters complain, and with reason, of the administration of justice and of

A. J. M. Mills, Esq.

20 July 1858.

the state of the police; there may be annoyances to Europeans settling in those countries, but I do not think that there is any real hindrance or impediment to their settling there, nor have I heard, in conversation with planters, any objections of that kind stated.

8771. You never heard of anybody who was either prevented from settling there, or who was driven away after he had settled there, by the state of things existing in that country?—Certainly not.

8772. It has been stated here that the life and property of Englishmen are not safe in the Mofussil; is that consistent with your experience?—Certainly not.

8773. Did you ever learn of an indigo planter settled there losing his life, or having been in any danger of losing his life?—No, not that I remember; I recollect instances of an indigo planter being seriously maltreated by the people, and disputes and affrays occurring.

8774. What experience have you had of the affrays arising between rival indigo planters, or indigo planters and zemindars, and zemindars and indigo planters?—Affrays of both kinds were very prevalent at the time when I went to Pubna; but I believe that affrays between indigo planters and zemindars have of late years greatly decreased, though they do still occur.

8775. What was the cause of these affrays?—There were various causes; the sowing of land by force, or one cutting the indigo plant of another, disputes regarding land, cattle trespass, and so on.

8776. Was it a common thing to sow land by force?—Occasionally; frequent complaints were made of it, at the time I am speaking of.

8777. And cutting crops by force?—I remember disputes of that kind, too.

8778. And taking possession of land?—Yes; disputes regarding land were very common.

8779. In the district in which you were magistrate, you had indigo planters of all descriptions, I suppose; some of them were good and peaceable men, were they not?—Certainly.

8780. And others were not so?—Others were of a turbulent character; people who took the law into their own hands more than others did.

8781. Was it not a common thing for a man to establish a factory on the skirts of another factory, and settle down as a sort of interloper, to steal the land in the cultivation of another?—I do not myself recollect any instance of that kind; it is many years back now that I am referring to, the years 1828, 1829, 1830, and 1831, and I cannot call to mind any instance of the kind, though there may have been such.

8782. In your judgment, was the administration of justice such as to prevent the successful carrying on of indigo planting or any other description of commerce in the Mofussil?—Certainly not.

8783. Was there anything in the state of the police to prevent it?—No, certainly not.

8784. In any of the districts in which you have been settled have you known any foreign gentlemen, Frenchmen, or Italians, or Spaniards, settled as indigo planters?—Yes, I remember one or two; Doctor Salano, for instance, he was a Spanish gentleman.

8785. Was Signor Larulletta in your district?—I recollect him, he was not in my district.

8786. And did you know the Count de Fremont?—No.

8787. These foreign gentlemen were entirely subject to the Mofussil courts, and were not under the Supreme Court at all, were they?—Certainly.

8788. They had no means of redress in the Supreme Court if they were wronged, but were subject to the Mofussil courts, exactly like any native?—Yes.

8789. Were they under any difficulties or impediments in carrying on their business, as compared with the British planters?—Not that I am aware of.

8790. Were they as successful as others?—I believe so.

8791. Did you ever hear Mr. Larulletta speak of his success and prospects, and what he thought of the country?—No, I have not seen him for many years.

8792. I believe he is dead?—I do not know.

8793. But your experience is that the foreigners who were subject entirely to the jurisdiction of the Mofussil courts, carried on business as easily and as successfully as English planters who were under the Supreme Court?—Certainly.

8794. Are you aware of the new system of examinations in the native language and in the laws of the Government?—Yes; I was one of the Board of Examiners, and

and can speak upon the subject, though I have not given my attention to it of late.

8795. Were those examinations conducted strictly?—Most strictly.

8796. Was it not the object of the examination to ascertain whether the students, after they had been for some years in the service, had acquired a competent knowledge of the native languages?—Quite so; before an assistant could obtain promotion, he must pass the lower standard; and before he could exercise the powers of a magistrate, he must pass an examination in the higher standard.

8797. There were in fact three examinations, were there not?—Yes; one on entering the college; then the first examination for the lower standard, and the second examination for the higher standard.

8798. To pass those examinations, was it necessary that a young man should have a real knowledge of the native languages?—Certainly.

8799. Was it not one of the tests that a paper should be written by a darogah or a thasildhar, or an ameen, in the native language, in a running hand, either in Bengalee or Hindoostanee, or both, and that he should be required to read and translate it without having seen it before?—Yes.

8800. And then and there to write an answer to it?—Yes; he was to translate a paper from the native language into English, and then to have either a criminal or a revenue case read to him, and the decision being withheld, he was required to write his decision upon the case.

8801. Was he not required to read a paper written in the running written hand of the natives?—Yes.

8802. And to write an answer to it?—Yes.

8803. And write an answer to it?—Yes, to the extent of writing off a decision upon the paper read to him.

8804. And write an order upon it?—I think he was generally given an extract from some case in English, and he was then required to put that into the native language.

8805. Was the examination such that no man could pass it without having a thorough knowledge of the language?—Certainly.

8806. It has been stated that very few civilians are competent to hold a conversation of any length with a native gentleman or with a ryot; is that your experience?—Certainly not; quite the contrary I should think.

8807. Could you have carried on such a conversation?—I should hope so.

8808. Was it not often the case that you had nobody to speak to at all but natives for weeks together?—Yes; I was nearly four years in a district in which there was no European at all, and no doctor.

8809. Therefore you never spoke English?—Except in my own family; or to indigo planters coming to the station.

8810. It has been stated that the Government and its officers discourage English settlers, and show them the cold shoulder, and throw cold water upon their efforts; is that your experience?—Certainly not; my impression has always been that the Government has done everything it possibly could to encourage the settlement of Europeans in India.

8811. For example, when the Government took up the tea cultivation in Assam, as an experiment, did they not announce that as soon as anybody would take it off their hands, they would be happy to hand it over?—Yes.

8812. And did they not so hand it over?—They did.

8813. Did they not then seek to encourage European settlers to come and take these matters in hand?—Certainly they did.

8814. Is it true, as has been stated, that young men are employed now more than they were formerly in the office of magistrate?—Of late years that may have been so.

8815. What is your opinion as to the union of the offices of collector and magistrate?—I approve of the union, and the natives like the union, I think, generally; they like the power of the district being united in one centre.

8816. Do you think that the natives like the system of the division of authority; do they understand our notions of the separation of the judicial from the revenue departments?—No; I do not think they do.

8817. They like the system of one ruler having all power?—Yes; they like one ruler having all power in the district.

8818. Do you think that that is a prevalent feeling in the Asiatic mind?—Yes; I think so, certainly.

A. J. M. Mills, Esq.

20 July 1858.

8819. You are of opinion that they do not understand our nice distinctions of authority and power?—No, they do not.

8820. And our complicated system of judicial administration?—No.

8821. Does it appear to you, that in those districts you have been in, to the eastward, there is much opening for European capital and enterprise?—I have the report here that I made on the district of Assam, and with the permission of the Committee I will refer to such parts of it as relate to this subject; it was a report made by me on the state and condition of Assam, and it was printed for the use of Government.

8822. Is there any part of it that relates to the settlement of Europeans?—Yes; there are some parts of it which bear upon that subject.

8822.* Will you read those parts, if you please?—First as regards the rules for granting waste lands; I may say that in Assam there is a great quantity of land at the disposal of Government. It is a country with a very rich and varied soil, and there are no talookdars or zemindars. In former times, not only the soil, but the subject was the property of the state; and when we took the country, we did not introduce the zemindary system, so that it is open to the Government to grant land in any quantity, almost, to persons settling in that part of the country. There is a superabundance of land, but a great deficiency of labour in the province; few grants have been made, and the grantees of waste lands have mostly failed.

8823. *Chairman.*] From what cause have they failed?—They have failed partly from the want of capital, and the impossibility, in the present abundance of land, of renting any land whatever, and partly because cultivation of the common crops of the country by hired labourers, who are themselves all holders of land, and indifferent to working for wages, will not repay, in the low state of agriculture amongst all Assamese, of either the lower or upper classes; when land is taken out by speculators involving outlay and a distant return, I think the terms cannot be too liberal. Colonel Jenkins states, "That every European speculator expresses himself dissatisfied with the rules, and that nothing but the absolute rent-free tenure of the land will induce people to bring English capital largely into the market." I stated that the best plan would be to sell the waste land at once; but this I always understood was opposed to the orders of the Court of Directors, I therefore proposed that waste land be granted to speculators on the following conditions: "That no grants be for less than 100 acres; that they be rent-free for 15 years, to be assessed at one anna per beegah for ten years, and thenceforward for the remaining period of the lease (the whole term being fixed for 99 years) at two annas per beegah; and that, on pain of resumption, one-fifth of the land be brought into cultivation by the expiration of the tenth year."

8824. Mr. *J. B. Smith.*] How long ago is it since this report was made?—It was made in 1853.

8825. Mr. *Mangles.*] But the Assam Company pay rent for their land still, do they not?—Yes. I would also beg leave to read the 80th paragraph of my report, regarding European settlers. "I have noted above the encouragement which I would give to European speculators to take up waste land. Want of labour is the great impediment to persons undertaking such enterprises, and on this subject I have received through you a memorial from the Assam Company."

8826. Mr. *J. B. Smith.*] To whom is this report made?—It is addressed to the Government of India. "I visited their tea barrees, and from personal observation can testify to the present advancing position of the company, and to the great benefit which their expenditure has been in reclaiming parts of Seebsagur. They have cleared a great deal of forest, and are ready to clear more, and have established, I think, a claim for that degree of aid which, as they truly observe, operating chiefly for the benefit of the general interests of the country, would, by removing radical difficulties, greatly tend to the advancement of this undertaking. They accordingly submit the subjoined propositions for the consideration of Government: That the existing steam communication be extended to Debrooghur, in Upper Assam. That the steamers plying be accompanied by cargo flats, for the conveyance of goods and passengers, and for produce downwards. That the rate of passage charged for coolies by the steamers be fixed upon such a moderate basis, as would be calculated to encourage and promote their introduction to the province. That a monthly communication be maintained with Gowhatty. That the trips to Debrooghur be periodical, at intervals not exceeding two months."

8827. Mr.

8827. Mr. *Mangles.*] They do not appear to have complained of having had to pay rent for their land?—No, not at all.

8828. Then why should you think it necessary for others to have their land rent free, if these parties succeeded so well on the leasehold principle?—The country wants labour so much, that the most liberal encouragement that can be given to settlers is necessary in a country like Assam.

8829. Could anybody reasonably be expected to succeed better than the Assam Company, which has succeeded in spite of all impediments?—No.

8830. Do you think that an individual would more willingly go and settle there if he had to pay no rent for his land?—Yes; it is such a waste that you must give them all the encouragement you can to induce them to go there, or they will not go.

8831. Are not individuals successfully establishing tea plantations there, besides the Assam Company?—There were a few there.

8832. Mr. *J. B. Smith.*] What were the terms of the Assam Company?—I will read the 44th paragraph of my report on the district of Seebsagur, in which the principal cultivation lies: "Appendix 1 is a return of grants of waste tracts, made in the district under the orders of Government, dated 6th of March 1838; the total quantity of the grants is 3,782 poorahs."

8833. A poorah is about an acre, is it not?—An acre and a quarter, I think. "The total quantity of the grants is 3,782 poorahs, and with one exception, viz., No. 15 grant, for 108 poorahs, have been allotted to the Assam Tea Company; the terms of the grants are, rent-free for 20 years, and on the expiry of this period, the lands are to be taxed for the next three years at 12 annas a poorah, and for the remaining 22 years of lease at one rupee eight annas per poorah. I visited the tea plantation, and was much gratified to find that the clearance of the lands was steadily advancing, and that the company are commencing to reap the fruits of their enterprise; with more economical management at the outset, it is certain they could have derived a fair profit long since; the difficulty they have to contend with is the want of labour, arising not only from the scantiness of the population, but the natural indolence of the Assamese. The company give employ to 3,000 men, and of these only one-third are inhabitants of the district. The remainder are Cacharees from Durrung and Bengallees." (Durrung is one of the districts of Assam.) "The importation of labourers from Bengal is very expensive, and I am informed it costs the company 15 rupees per head to land them at Nazeera. The collector has furnished the following statistical information regarding the operations of the company. The Assam Company now number 15 factories, with cultivation varying from 15 to 400 acres each, and the aggregate cultivated area is 2,500 acres, of which 1,000 acres are plants under four years old. The outturn of manufactured tea, for the season of 1852, amounted to 267,000 lbs., which, valued at 1*s.* 9*d.* per lb., gives a return of 23,362*l.* In the Appendix (J.) the collector has shown the outlay, produce, and profits, in a small baree of 100 poorahs, cultivated at the rates in force in the Assam Company. It seems to me to offer an advantageous investment of capital to persons of substance; but the outlay at first being considerable and the produce small, it would not answer to establish a factory with borrowed funds. There are in the district three plantations belonging to private speculators. Two are the property of Moneeram Doss, an Assamese gentleman, formerly in the employ of the Assam Tea Company; and the other is owned by Mr. Mornay, who has applied for a grant. Moneeram has not obtained a grant for the land forming one plantation. The land composing the other he has leased from a mouzahdar. These plantations are, it is stated, on a small scale."

8834. Sir *E. Perry.*] How many Europeans are there there besides the Assam Company?—There are three plantations belonging to private speculators in this district, and one or two higher up, I think.

8835. Mr. *J. B. Smith.*] What was the whole term for which the land was let?—Ninety-nine years I recommended. "The terms of the grants are rent free for 20 years, and on the expiry of this period, the lands are to be taxed for the next three years at 12 annas a poorah, and for the remaining 22 years of lease, at one rupee eight annas per poorah."

8836. What was the date of that lease?—I am not aware; I forget when the company was established; but I believe it was about the year 1838.

8837. Mr. *Mangles.*] What is your opinion of the trustworthiness of the natives

A. J. M. Mills, Esq.

20 July 1858.

natives as judges, or as officers of the police?—I think that the character of the native judges is very much improved of late years.

8838. What, in your opinion, has been the cause of that improvement?—The higher pay they receive is one great cause of their improvement; they have been paid better than they used to be paid, besides which, education, of course, has had its due effect.

8839. Has there been a stricter supervision?—Yes; a stricter supervision.

8840. Some of the witnesses have recommended that Europeans should be much more largely employed than they are, and that the natives should be to a great extent excluded; do you think that that would have a good effect both as regards the administration of justice and the police?—I should certainly not advocate that system; I do not understand in what way it could practically be carried out.

8841. Sir *E. Perry.*] Some of the witnesses have advocated the employment of Europeans in every office of superintendence throughout India; do you fall in with that theory?—All the higher offices are at present held by Europeans.

8842. *Chairman.*] As superintendents of police, for instance; an infusion of a certain number of Europeans into the police would lead them to correct and detect crime in a superior way to what they do now, would it not?—It might do so.

8843. Sir *E. Perry.*] Do you recommend that there should be a greater employment of Europeans in any offices of trust in India than there is at present. That has been recommended as a remedy for existing evils; do you agree in that view?—No, I do not. Europeans are generally employed, I believe, as deputy magistrates.

8844. Mr. *Mangles.*] Do you think it would be possible to fit the natives for judicial administration or for the police without employing them, and allowing them, as it were, to work themselves forward. Can you, in fact, fit the natives for offices without employing them?—Certainly not.

8845. Do you think that having sudder ameens, and principal sudder ameens, and using the European judge and the district judge as superintendents, in a great measure, to watch them and revise their proceedings, and receive appeals from them, is the most likely way to render them efficient, pure, and upright?—I think so.

8846. You think that that is a good system, and one that should be persevered in?—Yes.

8847. It has been stated in evidence before this Committee, that the effects of higher pay upon the darogas has only been to make them demand higher bribes; do you believe that?—No, I do not; I believe that since their pay has been raised the character of the darogas has been better than it was formerly.

8848. Sir *E. Perry.*] At the same time the class from which they have been taken is not much improved; they are not taken from the educated classes under the modern system of education, are they?—Some are.

8849. But that is not the rule generally?—The magistrate would have reference to that as well as to other qualifications that the candidates might possess.

8850. Mr. *Mangles.*] Practically, do they not take the best man they can find?—Certainly, whether he is an educated native or otherwise.

8851. Sir *E. Perry.*] Is it not the general course of employment in India that, from the offices of the different collectors and magistrates, they take persons who come in as candidates, and who are found to be industrious and deserving, and promote them gradually?—I think that a magistrate tries to get the best man he can find.

8852. Do you think that the modern educated natives have been much brought forward hitherto?—When I left India they were being brought forward certainly more than they had been before; there was a greater number of them, and a greater field for selection.

8853. *Chairman.*] Might not a European introduce among them rules for taking evidence and for detecting crimes which probably would not be known to the inhabitants of India?—I think he would be entirely dependent upon the natives for the detection of crime; when I was chief magistrate of Calcutta there were European policemen, who were excellent officers for preserving the peace, but they could not detect crime without the aid of natives.

8854. But could they not set the natives in the way of doing it?—I do not think that the natives want aptitude in that way; they will trace out a thief better than a European can, because they are so well acquainted with the habits and

and customs of the natives; in such a case a European would be at fault immediately.

8855. Are Europeans as open to bribery as the natives are?—As to the lower class of Europeans who had been employed, it was established, I believe, in the inquiry which was held into the conduct of the Calcutta police, that they were as open to bribery as the natives themselves were.

8856. In your opinion, would a properly selected European be so likely to be under the influence of bribery as a native?—Certainly not, I think.

8857. Mr. *Mangles.*] You say the Calcutta police, before your time, were English?—When I was chief magistrate of Calcutta, there were several European policemen, and I believe it came out in the course of the inquiry which was instituted respecting the conduct of the police, that bribery and corruption had taken place among them.

8858. Sir *E. Perry.*] A witness has stated that the native mind is not calculated to deal with circumstantial evidence, and that they are not acute in tracing crime; what is your opinion as to that statement?—I do not agree with it.

8859. Do you not think, on the contrary, that they are extremely acute in their reasoning, and that circumstantial evidence has perhaps more weight with them than it has with us?—Certainly.

8860. They know, do they not, how inconclusive and unsatisfactory direct evidence is?—Yes. A native, no doubt, when he seizes a criminal, will press him to confess; but he is expert at tracing out crime from the surrounding circumstances.

8861. Mr. *Mangles.*] Do you think it would be safe or not to employ Europeans of a humbler grade as officers of police at a distance from the magistrate?—I would not employ them at a distance from the magistrate, but I think that good men might be introduced into the police with advantage, and they might have the superintendence of the preventive police.

8862. *Chairman.*] You mean by "good men," good Europeans?—Yes; good Europeans might, I think, with advantage, be put at the head of the preventive police, but I do not think that in the detective police they would be of so much use.

8863. Mr. *Mangles.*] What has been the effect, in your judgment, of the exemption of Englishmen in criminal matters from the jurisdiction of the Mofussil courts?—I would not subject Europeans criminally to the orders of the natives.

8864. You are of the same opinion as Mr. Hawkins in that respect?—Yes; I have read his evidence, and I quite agree in the opinion expressed by him upon that point.

8865. Would you not subject them to English magistrates?—Yes, I would subject them to English magistrates.

8866. In all criminal matters?—No; not in all criminal matters; it might be necessary to enlarge the jurisdiction of the magistrates in some cases; they are now subject to the jurisdiction of the magistrates in all petty cases.

8867. Would you subject them to be committed by the magistrates to the Sessions Court for serious offences?—If a proper criminal code of procedure were introduced throughout the country, I think there would be no danger in doing it by means of a jury.

8868. Sir *E. Perry.*] You do not approve of the present system of bringing them down to Calcutta?—No; it is a very inconvenient system.

8869. Mr. *Mangles.*] Would it be desirable in your judgment to establish criminal courts in the provincial cities of Dacca, Benares, and so on, for the trial of Europeans?—That is a question of great importance, but it is one to which I have not given my attention. Do you mean would it be desirable to introduce a supreme court there?

8870. Yes?—No; I do not think it would be.

8871. Is it desirable in your opinion to unite the sudder and supreme courts?—I have read what Mr. Hawkins states in his evidence on this point, and I quite agree with him. The two systems of the courts are so different from each other that I do not see how it is possible to carry out an amalgamation at present.

8872. What is your opinion as to the proposition which has been made for the introduction of the English language into the Mofussil Courts, with a view to the better administration of justice?—I am very much opposed to that; I think it would be a most dangerous innovation.

A. J. M. Mills, Esq.

20 July 1858.

8873. Why would it be dangerous?—I think it would be unjust towards the natives; they would have no confidence in the decisions. I think it would cause great alarm and dissatisfaction.

8874. Do you think that barristers who have not been trained in India from their youth, would be fit to be judges in the Mofussil Courts?—I do not think they would; I think that an efficient judge should first of all have passed through the office of collector; he should have become acquainted with the habits and customs of the country, especially as to the land tenures, a kind of knowledge which a barrister would not certainly possess.

8875. A legal education has been much insisted on; do you think it is equally essential and indispensable to the administration of justice that a man should have a knowledge of the manners, habits, and feelings of the people, as well as of their language?—Certainly.

8876. And how do you think that knowledge could be best acquired?—By entering the service as a native enters it, and going through the different grades of magistrate and collector.

8877. Do you attach any value to the plan which has obtained in India, from the very beginning of the East India Company's administration there, of feeding the service from the bottom, getting young men as apprentices, as it were, and training them for the higher offices?—Great value.

8878. Do you think that plan is preferable to throwing the service open to any persons Government might find?—That is my decided opinion.

8879. Do you think that the two systems could co-exist?—I do not think so as regards European officers.

8880. You think you must either have an exclusive or almost exclusive service, or an entirely open system?—You must have either one or the other.

8881. What do you believe to be the feelings of the natives in the Mofussil generally as regards the Supreme Court and the system pursued there; do they, in your opinion, wish the jurisdiction of the Supreme Court to be extended over the Mofussil?—Certainly not.

8882. Sir *E. Perry.*] Do they know anything about it?—No, I think not.

8883. Mr. *Mangles.*] Have they a great dread of it?—Some of them have.

8884. Do you know whether any natives are enticed to sleep within the jurisdiction, in order that they may be rendered amenable to it?—Yes.

8885. *Chairman.*] What do they think of it in Calcutta?—I believe the natives who have been habituated to it from the commencement of our rule, are well satisfied with the administration of justice in the Supreme Court.

8886. Mr. *Mangles.*] Are there not some important points in which the Company's regulations and the laws of India are superior to the laws of England, as, for example, that even since 1793, the Government has put itself in all matters on a footing of perfect equality with the subjects in the courts of law?—They put themselves on perfect equality with them.

8887. Are they not on a footing of perfect equality in all matters?—Yes.

8888. And do they not get justice against the Government, and get costs and damages where they succeed against the Government?—Certainly.

8889. And that is constantly occurring, is it not?—Certainly.

8890. Do you know of your own knowledge whether that is the case in England?—I am not sufficiently acquainted with the laws of England to know.

8891. By the law in India is any evidence excluded on the ground of the disqualification of a witness?—There has been an alteration in the law of evidence in India.

8892. *Chairman.*] Conformably with the alteration in the English law?—Yes; the Act was passed just before I left India.

8893. Mr. *Mangles.*] Is it not the case that no evidence whatever is excluded?—I do not think any evidence is excluded.

8894. The wife may give evidence against her husband?—The husband or wife may give evidence the one against the other; in the code of procedure which Mr. Harrington and myself drew up, we inserted a clause to that effect; it is taken from Act 19, section 4, 1853.

8895. Have not the laws of usury been abolished?—Yes, since I left India.

8896. And do you know anything of the customs' law?—No.

8897. I mean the sea customs?—No, I do not.

8898. As to roads in the Mofussil; do you believe that the trade of Bengal and the interests of indigo planters are much damaged by the want of sufficient roads?—

roads?—Where the indigo planters are located the rivers are open; no doubt the roads of Bengal are not such as they should be during the dry weather; the want of communication between the towns is felt very much, I believe.

8899. Is it not the case that almost the whole country is passable in dry weather as a road?—It is passable in a way, of course; you can march over the whole country; but there is a great want of roads.

8900. And during the rains in Bengal the rivers are the highways?—The rivers are the highways in the rains.

8901. And the rivers there are very numerous, are they not?—Very numerous indeed throughout all Bengal.

8902. *Chairman.*] Have they been kept sufficiently open?—I believe that every measure has been taken by Government to do so, but with what effect I am unable to state.

8903. Mr. *Mangles.*] You think that native judges are trustworthy?—When I was appointed on the inquiry to which I have referred, and directed to visit the interior, one of my special objects was to ascertain the fitness of the natives for the offices they held, and to see how they administered justice; I visited every court that I could; I examined the proceedings, sat with the native judge, and made him decide a case in my presence; and I was, on the whole, very much satisfied with the quality of the work done.

8904. Sir *E. Perry.*] You were in the Revenue department for the greater part of your career, were you not?—Yes.

8905. And you were not appointed a judge until you had been in India 25 or 26 years. In 1851 you were appointed judge in the Sudder?—Yes. I was a registrar for about two years in my younger days.

8906. That system is now abolished, is it not?—Yes.

8907. The Bengal system is not to educate the judges judicially, but to train them through the Revenue department, is it not?—Yes.

8908. On the Bombay side, on the contrary, those intended for judicial service are lotted off to it early in their career?—I believe so.

8909. Therefore, in point of fact, under the present system, a Bengal civilian has no opportunity of receiving judicial training until he is appointed a judge?—No, except the experience he acquires as collector, which is almost a judicial office, for the collector has the trial of summary suits for the enforcement of rent, and complicated questions of land tenure.

8910. When you first entered the service there was a very good training to be got by filling the office of registrar, which office you yourself held?—I held it for a short time.

8911. Under that system the registrar sat with the judge, and learned all the proceedings in the suit?—He did not sit with the judge.

8912. But under the judge?—Yes, under the judge.

8913. And I believe they also had to decide minor cases, had they not?—To a certain amount.

8914. The judge assigned to the registrar minor cases?—Yes.

8915. And that afforded to young men a very respectable judicial training?—Certainly.

8916. Under the present system in Bengal, young men have no such opportunities?—They have not.

8917. Is your view as to the expediency of appointing barristers to hold offices in the Mofussil founded on the fact, that those barristers would be taught the habits, feelings, and customs of the people?—Yes, and the tenures of the country.

8918. Would it not be possible and very prudent to make a regulation that no barrister should be appointed to a judgeship in the Mofussil unless he had first passed an examination in the language of the country?—That is possible, certainly.

8919. If that were done, it would remove one of your grounds of objection, would it not?—If he were acquainted with the language of the country it would, of course, remove one ground of objection.

8920. And if the barrister had been long enough in the country to become acquainted with the language, and was able to pass an examination in it, he would also have the opportunity of learning the customs, habits, and manners of the people?—I think he would require to have been a collector; he ought to have had a large experience in the Mofussil and revenue departments.

8921. But that is not the mode in which a judge on the Bombay side learns his

A. J. M. Mills, Esq.

20 July 1858.

his duties; he learns them in his judicial office, does he not?—I know nothing about that.

8922. Are not the judges on the Bombay side trained in the judicial part of the service from the first period of joining the service?—I suppose so.

8923. Do you not think, with regard to the habits and manners of the people, that the judge gets his information in the course of his inquiries from persons who must know what those habits and customs are much better than himself?—I do not agree with you there.

8924. Do you not think it is the case with the judges in this country, that in going round their circuits they become acquainted with the habits and customs of the people in classes of life very different from their own, and that they derive their information from what they hear in court?—They do.

8925. Is it not necessarily so?—Still that does not alter my opinion of the expediency of the measure you propose. You would make European barristers judges in all the courts.

8926. I am referring to the proposal to appoint trained lawyers from the Calcutta bar, or elsewhere, conversant with the native language, who shall administer the law as a European judge now administers it, and I put it to you whether, if they had that knowledge of the languages which I am supposing them to have, and which might be made a rule, the principal part of your objection to their employment would not be removed?—If they were required to have a knowledge of the language, that of course would remove one great objection.

8927. Take the case of an English judge going into Wales, where the language spoken is Welsh; would not an English trained judge, speaking his own language, be able to administer justice satisfactorily to the inhabitants of Wales?—I suppose so.

8928. Though the language used in court is Welsh?—I know nothing about Wales.

8929. But supposing that to be the case, as it is the case, do you not think that it is a much more satisfactory mode of administering justice, than if the judge were to learn Welsh, and were to express himself very imperfectly in that difficult language?—I do not think the cases are parallel at all.

8930. *Chairman.*] Do you, or do you not, think that a judge versed in law and versed in evidence, and with a judicially formed mind, is equal to a person who is not so versed in law, and in evidence, but who happens to know the manners, customs, and language of the country in which he administers justice?—I do not.

8931. Sir *E. Perry.*] Would not an English officer appointed a judge have an opportunity of acquiring a knowledge of the habits and manners of the people?—If he were employed in the interior of the country, he would, no doubt.

8932. What language was spoken in Cuttack, where you were?—Ooriah.

8933. Were you acquainted with it?—I could understand it, and read it.

8934. But it has no analogy with Bengalee, has it?—Yes, it has a great analogy.

8935. Is there enough analogy between them to make speaking in Bengalee intelligible to a person speaking Ooriah, and *vice versâ*?—Yes; it is very easily acquired, from the close affinity that there is between the two languages.

8936. You were not a judge, but only a commissioner at Cuttack?—Yes.

8937. Mr. *Mangles.*] You were a criminal judge?—Yes, part of the time; for three years, I think, I was a judge on circuit.

8938. Sir *E. Perry.*] You were one of the board of examiners for languages, were you not?—Yes.

8939. You have been asked as to the test of passing an examination in languages, a written document being put into the hands of a candidate?—I observe that the rules have been given in by Mr. Hawkins.

8940. Is it not the case that, after a man gets into office, especially as a judge, these native documents are read for him by his reader?—Of course.

8941. They are, in point of fact, extremely difficult to read, are they not, even to a native well versed in native writing?—Some are, and some are not; it depends on the writing; one man's writing may be more difficult to read than another's.

8942. Is not the writing of the natives much more difficult to read than the written character of our own language, because they leave out vowel points, and so on?—I do not know; English writing is sometimes as difficult to make out as native writing.

8943. Have

8943. Have you not seen cases in which the most experienced native readers have been much puzzled in decyphering native writing?—I do not recollect.

8944. You have not sat as a civil judge in the first instance, but only as a judge of appeal?—I never was a civil judge, except that I have been three or four months at a time officiating for a judge when he has been absent.

8945. Therefore you are not very conversant with the mode of dealing with evidence in court; what you have had to deal with has been evidence coming before you as a judge of appeal?—But, as a commissioner of revenue, magistrate, and collector, I have had to deal with evidence in court.

8946. Is it your opinion that, after some years of service, Europeans are able to read the written documents that come before them?—What documents?

8947. Native documents?—The knowledge which the civilians now possess of the language is much superior to what it was in former years. When I was one of the board of examiners there were two natives who were members of the board in Calcutta; they had the examination of the translations from the English into the native language, upon which they had to pass their opinion; and I remember many instances in which they stated that they were astonished at the way in which the documents were translated.

8948. But although young Europeans acquire this knowledge, yet is it not a species of knowledge that soon passes away with disuse?—No, I think not. The power of reading Hindostanee documents, when once acquired, I am sure never passes away; Bengalee probably may pass away more easily.

8949. But Bengalee is the language of the country, is it not?—The language of the Hindoos, not of the Mahommedans.

8950. Mr. Hawkins himself, one of the best linguists in Bengal, says that his knowledge of reading these languages would pass away from disuse; can you read Bengalee?—Yes.

8951. In the Nagree character?—No; in the Bengalee character.

8952. Not the Persian character?—No.

8953. It is very like the Nagree character, is it not?—It has a distinct character of its own.

8954. In regard to grants of land in Assam, I understand you to have recommended that an absolute grant of land should be made?—Yes.

8955. But you mentioned, I think, that the Court of Directors objected to a grant of the land in fee-simple?—I believe the Court of Directors, as a general rule, would not grant land in fee-simple.

8956. Do you derive that opinion from your experience in India of what the ruling doctrine of the Court of Directors was with reference to that subject?—It was a general rule, I believe.

8957. And therefore you were compelled to waive your opinion as to what was the most advisable course, and you recommended another?—Assam being an exceptional part of the country, where the land should be granted in fee-simple, if it could be so granted.

8958. Did you mention in your report that it would be better to grant it in fee-simple?—I mentioned that it would be better to sell the waste land at once.

8959. Absolutely?—Yes.

8960. Mr. *Villiers*.] Was the objection of the Government stated to you?—I say, "The best plan would be to sell the waste land; but this is opposed to the orders of the Court."

8961. Do you know how they entertained your view; did they agree to it?—I am not aware whether the report on Assam has been taken up; it was the intention of the Governor-General to go himself to the spot, but Lord Dalhousie was unable to carry out his intention.

8962. Sir *E. Perry*.] You did not recommend it, because the orders of the Court were opposed, as you knew, to such a view?—Yes.

8963. Mr. *W. Vansittart*.] You were a member of the Legislative Council of India?—I was.

8964. You were member for Bengal?—I was.

8965. How long had you a seat in that assembly?—A year, I think.

8966. There were three other members besides yourself in this council for the other Presidencies?—Yes.

8967. You and they were, in fact, the representatives on behalf of the local Government?—In some degree.

A. J. M. Mills, Esq.

20 July 1858.

8968. Are there not many Acts of the Legislature, the operation of which is confined to particular Presidencies, or parts of Presidencies?—Of course.

8969. Are you not of opinion that the local Government might have power to pass these measures?—I think it better that the legislative power should be centralised, as it is now.

8970. The Legislative Council, in its present form, was established in 1854?—Yes.

8971. Prior to that, the legislative power belonged, did it not, to the Executive Government of India, with the addition of a member called the legal member?—Yes.

8972. And there was also at that time a Law Commission?—There was.

8973. And the Legislative Council under both arrangements has exclusively exercised the legislative power for every Presidency, and for all India?—The present Legislative Council.

8974. Prior to the period to which I have referred, had not the Government of each Presidency the power of legislating for its own Presidency?—Prior to 1833, I believe they had.

8975. Ought not local governments of such large territories as those of Madras and Bombay to be so constituted, as to be qualified for legislation for its own dominions?—I answered before, that I thought it better it should be vested in the Governor-general of India.

8976. Do you not think it probable that legislation is much more likely to be suited to that Presidency when carried on by the Government for that Presidency, than when carried on by a central and extraneous authority of one of its members at the seat of another Presidency?—No; I think it is fully represented by the members of the Presidency.

8977. The Black Acts, of which the Committee have heard so much, and other measures intended for all India, originated in the Legislative Council, as the organ of legislation for all India, did they not?—I do not know what you call the Black Act.

8978. That is essentially that law that Sir Arthur Buller discussed, and spoke so much about, bringing all the community, without reference to their being European or native, under one law?—That occurred after I left India; I was not present at the Legislative Council when Sir Arthur Buller made that speech, or when the matter was discussed.

8979. Then you cannot say whether these Black Acts originated or not in the Legislative Council?—The Act making Europeans amenable to the Civil Court was passed, I think, in 1850.

8980. I allude to the celebrated Black Acts, which have been so much spoken about, by which a European can be tried by a native magistrate; they originated in the Legislative Council of all India, did they not?—The Black Act had not originated in the Legislative Council while I was there; it came from England, as I understood.

8981. Sir *E. Perry.*] From the Law Commission here?—Yes.

8982. Mr. *W. Vansittart.*] Supposing the large powers of the Legislative Council to be continued, do you not think that indigo planters, merchants, agriculturists, indigo planters, barristers, and other gentlemen should be admitted to the Council?—I see no objection to opening the Council to non-official members.

8983. The Legislative Council, I believe, is constantly entertaining subjects which affect all sorts of interests, social and commercial; would it not be right that those whose interests are affected should have the opportunity of voting on those questions?—I see no objection to appointing a non-official member to the Legislative Council.

8984. In short, ought not the scope and powers of the Legislative Council to be reduced to narrower limits, or else the constitution of the Legislative Council itself be altered so as better to adapt it to its present powers; and should it not, in your opinion, be thrown open to gentlemen of every profession?—I have answered that question already, by saying that I see no objection to a non-official member being appointed a member of the Legislative Council.

8985. Mr. *Villiers.*] Is the Legislative Council appointed by the Crown here, or by the Council in India, or how is it constituted?—The Legislative Council consists of four representative members.

8986. How are they appointed?—One is appointed by the Governor of Bengal, one by the Governor of Agra, one by the Governor-general of Madras, and the fourth by the Governor-general of Bombay. The Act empowers the Governor-general

general to appoint one judge of the Supreme Court; the chief justice is named in the Act.

8987. Are the members of the Legislative Council appointed for life?—The representatives of the four Presidencies are appointed for five years.

8988. Sir *E. Perry.*] The council consists of 10 or 11 members, does it not?—Eleven, I think; there are the members of the Supreme Council, the Commander-in-Chief, the two Judges of the Supreme Court, the Governor-general, and four members of the Supreme Council.

8989. Mr. *W. Vansittart.*] And they are all more or less nominees of Government?—They are Government men, at least men holding official situations in India.

8990. *Chairman.*] Do you think that the European commercial interest ought to be represented there?—I think the council might be enlarged with advantage in that respect.

8991. Do you think that the native interests might also be represented to a certain extent?—I see no objection to a native being a member of the Legislative Council.

8992. Mr. *W. Vansittart.*] You are acquainted probably with the nature of the Punjaub Code?—No; when I was in India I read the Punjaub Code, but I do not recollect at this time many details of it.

8993. Was not that code made and passed by Sir John Lawrence, without passing through the Legislative Council?—Yes.

8994. May it not then be inferred that Sir John Lawrence thought he possessed, or ought to possess, the legislative power, so far as the Punjaub was concerned?—I cannot answer that question.

8995. You have passed many years in Bengal, and are acquainted with all classes; are there not many persons in the country, both Europeans and natives, well qualified for a seat in the Legislative Council?—I know persons who are qualified for such an appointment.

8996. Are you acquainted with Mr. Charles Raikes, Judge of the Sudder Court at Agra, and late Civil Commissioner with Sir Colin Campbell?—I am.

8997. He bears a very high reputation as an able public servant, does he not?—He does, and deservedly so.

8998. With regard to the Punjaub system and the Legislative Council, he says, in a work he has recently published, "The Punjaub system of Government, as introduced by Lord Dalhousie, and carried out by Sir Henry Elliot, the Lawrences, Mansel, Montgomery, Edmonstone, and M'Leod, is so simple, so powerful, so entirely adapted to the genius of the people, that it must, like truth, prevail, and sooner or later extend over the entire Peninsula; and I believe, but for the opposition of the Legislative Council in Calcutta, this simple system would ere now have been introduced as the basis of our future administration in the North-Western Provinces." Do you agree with that view taken by Mr. Raikes?—I believe that Mr. Raikes is mistaken when he states that it received the opposition of the Legislative Council; when I was in India no such proposition ever came before the Legislative Council.

8999. Mr. *Villiers.*] That is your opinion as to the opposition; the question put to you is, whether you agree with the view taken by Mr. Raikes?—In 1853, I was appointed by the Governor-general, in conjunction with Mr. Harrington, Judge of the Sudder Court at Agra, to draw up a Code of Civil Procedure, which we did, and submitted to the Government; without comparing the two codes I could not give an answer to a question of such great importance; what we have recommended is at variance, to a great extent, with that; it is not so summary.

9000. As far as you are acquainted with the system in the Punjaub, you are at variance with it?—I am not thoroughly acquainted with the system in the Punjaub, but the practice of the courts should be made more simple and rapid.

9001. Mr. *Vansittart.*] You say the character of the native judges has greatly improved of late years?—I do.

9002. Then how do you account for the bad conduct of our sudder ameens and moonsiffs during this rebellion?—I am not aware of any bad conduct on their part.

9003. Are you not aware that Khan Bahadoor Khan, the sudder ameen of Bareilly, after causing the murder of our civil and sessions judge and the additional judge, proclaimed himself king of it, and that Mr. Robert Tucker was murdered at the order of the moonsiff of this station?—I have heard so.

9004. Do you still retain your high opinion of the native judges?—I do.

9005. After these instances?—My opinion is not shaken by an exceptional case of that kind.

9006. Do you not think that natives generally have greater confidence in a decision passed by a European than by one of their own countrymen?—Certainly.

9007. Do you not think we could get young men of good family and education to go out from this country to fill the appointments of sudder ameens and moonsiffs?—I have already stated, in reply to a question put to me, that I do not.

9008. Mr. *Villiers.*] You do not think you could procure fit persons in this country?—I do not think they would be so competent to administer justice as persons trained to it.

9009. Mr. *Vansittart.*] You disapprove of the introduction of English in our Mofussil courts?—Yes.

9010. The Committee have been told, that if the English language were introduced, it would in a great measure put a stop to that wholesale bribery that at present exists on the part of the omlah, owing to the influence they exercise over the magistrates, collectors, and judges?—I do not see how it would do that.

9011. Then you do not think that the civilians are under the influence of their omlah?—No more than those who are brought from this country would be.

9012. *Chairman.*] Might not a man going from this country be under the influence of the omlah, depending upon him for information?—Yes, exactly in the same way

9013. Sir *Erskine Perry.*] Does a judge of the Supreme Court ever depend on his omlah for any information whatever?—No.

9014. Therefore there the officer never can influence the judge?—No.

9015. But judges in the Company's courts must come into communication with their omlah?—Yes; but they would not be influenced by them.

9016. But they do get a good deal of information from them, do they not?—Yes.

9017. Therefore in one case it is possible that influence may be exercised, and in the other it is impossible?—Yes.

9018. Mr. *Vansittart.*] You do not approve of the separation of the judicial part of the civil service from the revenue, as regards Bengal?—I have not so stated.

9019. Do you think it would be desirable, as has been stated before this Committee, that civilians going out and wishing to go into the judicial part of the service should be kept entirely to that, commencing as assistant to a magistrate; and that those who wish to go into the other portion of the service should go, first, under a collector, then become assistant, then deputy collector, then full collector, and then commissioner, and so forth?—I think that would be desirable, if possible.

9020. I collect from your evidence that Assam would be the best locality in the Bengal Presidency for the settlement and colonization of Europeans?—Not for colonization; but it is a fine field for the employment of capital, I think.

9021. In what part of Bengal is colonization practicable, if there is any?—I am not aware of any.

9022. Mr. *Villiers.*] Will you allow me to ask you for a further explanation of the opinion you just now expressed, as to persons, having had a legal education, going out to fill judicial situations in India; you stated that, in your opinion, they were not so fitted for those offices as persons properly trained in India; what do you mean by "properly trained in India"?—An officer has to go through different grades of the service; he does not become a judge till he has been nearly 20 years in the service; he has then been in constant communication with the people, and has become acquainted with their language, habits, customs, and prejudices, and the nature of the land tenures. A person coming from England would not possess, or very soon be able to acquire, all that information.

9023. But you did not refer to any legal training or practice in the courts?—No.

9024. It is only the being accustomed to the people themselves?—Yes.

9025. And the nature of the tenures of the country?—Yes.

9026. Then a person might be 20 years in India without acquiring any legal knowledge, or being qualified professionally for a judicial situation?—In going through,

through, as the civil servants now do, the different offices, he would become pretty well acquainted with the practice of the courts, I should think.

9027. Would you say that all persons who have been resident in this country, and have filled civil offices for 20 years, would be qualified by that circumstance for a judicial post?—I do not think the cases are analogous at all.

9028. Does it not require something like experience in applying the law, and certainly some knowledge of the law, to enable a man to fill properly a judicial office?—Certainly; acquired, in a great degree, by officers before they become judges.

9029. But a man may be appointed a judge who has no legal knowledge, but who has merely been a civil servant of the Company?—I cannot say that he has no legal knowledge, for he has been a collector, which is a *quasi* judicial office.

9030. But a person in the civil service may eventually become a judge, without having practically applied the law in any office?—I do not exactly understand the question.

9031. It is possible, at all events, if it is not frequently the case, than a man who has held a civil office in the service of the Company shall be appointed a judge, having been in India for a certain time, without any legal or professional experience?—No; I think he will have acquired some legal knowledge as a collector.

9032. Is there any examination, or test, or proof, that he is competent for a judicial situation, when he is appointed, beyond that of his having been in the service for a certain time?—No.

9033. Have you had any experience of the jury system in India?—Not a great deal.

9034. Is it acted on in the trial of criminal cases?—Generally.

9035. Where?—In the Mofussil courts.

9036. You have been a criminal judge, have you not?—Years ago; I have tried cases, with the assistance of a jury.

9037. Do you think that trial by jury is inapplicable to that country; do you think there is any inconvenience in it?—No; I think the jury system might be extended with advantage.

9038. Do you think that the importance of it would be as much appreciated by the natives of India as it is with us?—Yes.

9039. You think it would be suited to their taste and to their views of justice?—Yes; in a great degree I think it would.

9040. And could the jury properly consist of natives?—Yes.

9041. Would it give the people more confidence in the administration of justice if they knew that the verdict was to be returned by a jury of their own countrymen?—It is applied in a limited degree throughout the country now; the judges sometimes sit with the assessors.

9042. Is it optional with prisoners to call for a jury?—No; it is optional with the judge.

9043. Is it dependant on his caprice or discretion?—He can sit either with a jury or with a law officer.

9044. But he does either the one or the other?—Yes; there is a law officer attached to the court to expound the law.

9045. A native?—Yes.

9046. You, sitting as a criminal judge, refer to that person for information?—He sits with the judge as assessor, and at the conclusion of the trial he is called on to give his opinion, as a jury would be, whether the man is guilty or not; and he gives his opinion in writing.

9047. What description of person is he?—A Mahommedan law officer.

9048. What is his station; is he above corruption?—I do not know whether any native is above corruption, but he is a man of great respectability.

9049. He is a man equal to his station?—Yes.

9050. A man, of course, who has had a good education?—Yes; well educated.

9051. Who pays him?—Government.

9052. What do they pay him?—I forget, it is so long since I left India; 150 rupees a month, I think.

9053. A criminal judge, if an Englishman, would be dependant on his exposition of the law, if he felt himself in any doubt or difficulty, would he not?—He would not be dependant upon him at all; he might disagree with him.

A. J. M. Mills, Esq.

20 July 1858.

9054. Mr. *Mangles.*] He is not bound by his opinion?—No, not in any way.

9055. Mr. *Villiers.*] Do you depend on him for the law, or on his judgment on the evidence, after he had heard it?—He merely gives his opinion on the facts of the case and on the law, and you are not bound by either; if you disagree in his opinion, the record of the case is submitted to the Superior Court in Calcutta.

9056. Is that an assurance to the natives that justice is done?—Of course it is.

9057. Is that the purpose of the appointment of such an officer?—I suppose so; you have two minds instead of one; after the case is concluded, he is called on for his opinion, and he records it.

9058. Invariably?—Invariably.

9059. Sir *Erskine Perry.*] To the public?—His opinion is written out, and read out.

9060. Mr. *Villiers.*] Did it ever occur, while you were judge, to differ with him?—Yes.

9061. Is the jury system more in vogue at present than it used to be?—I believe so.

9062. Do they have 12 jurors?—No. I have thought so little of Indian judicial matters since I returned from the country, that I really forget the details of the system.

9063. I understand you to say, that in your opinion there would be natives well qualified to fill high offices in the Government of the country, and to sit as members of the Legislative Council?—Yes; I said I can see no objection to appointing a native a member of the Legislative Council.

9064. We have had a very bad opinion expressed here of natives of every description; it has been said that they are invariably impure, and open to corruption; you having had some experience, and having resided for some time in India, do you concur in that?—I do not; I think the native character has improved, and is improving; and I think that, as you pay them higher, it will improve still further.

9065. Then it is not true that natives in every rank of life are untrustworthy?—I do not think so.

9066. We have been told that Europeans generally express disappointment at the experiments which have been made of late years by appointing natives to different high offices of trust; do you concur in that opinion?—No, I do not.

9067. Mr. *Mangles.*] There have been cases of disappointment?—Yes.

9068. But in the majority of cases, you believe that native judges are pure?—Yes.

9069. Mr. *Villiers.*] Then, in your opinion, it is not true that the universal opinion of English people is, that the natives have proved a failure when placed in high offices?—I do not think so.

9070. Do you think that it increases the confidence of the natives generally in the Government of the country, when they see people of their own race and religion joining in the Government?—Undoubtedly.

9071. You would rather be disposed, probably, to extend that system?—I think it is extended as far as circumstances will at present admit. I would not extend it farther at present, except as regards the appointment of a native to the Legislative Council. I see no objection to that.

9072. Have you, yourself, seen any of the working of native judges?—Of course I have, a great deal.

9073. Is it a fact that the natives would rather prefer to have their cases decided by Europeans than by their own countrymen?—They have great confidence in a European judge; they know him to be incorruptible and unbiassed.

9074. But have they not a very general impression that he is necessarily under the influence of some native?—They may have some such impression.

9075. Is it not the fact that a European civil servant must have been more or less under the influence of some native?—Not if he is an efficient officer.

9076. We have had it stated here on high authority, and reference has been made to the published opinions of persons of great note, to the effect that nearly every civil servant is more or less under the influence of a native of some sort?—I do not agree in that opinion at all.

9077. Could you feel yourself independent of that influence when you were in office?—Certainly; I believe I was.

9078. Was that owing to your having an extensive and perfect acquaintance with the language, and being acquainted with the manners and habits of the people?—Certainly.

9079. Do you think you could say that your experience and competency were such, as to enable you satisfactorily to judge of men giving evidence in courts of justice, whether they were speaking the truth or not?—Certainly; having been long accustomed to try cases, I could weigh the evidence and the probabilities of the case, and come to a conclusion whether the evidence was trustworthy or not.

9080. Have you observed a great defect in getting up cases brought into court from a general reliance on direct evidence, and none on circumstantial evidence?—No; I am not aware of that.

9081. It has been said that that leads men either to commit perjury, or to induce witnesses to state directly that which is untrue?—No doubt there is a great deal of false evidence adduced.

9082. But all they rely on is confession or direct testimony as to the fact in issue?—Who relies?

9083. Is it not the fact, that those who bring the case into court have no other idea of evidence than either a confession on the part of the person charged, or some fact that bears exactly upon the question at issue?—I am not aware of that at all.

9084. Do you observe any deficiency in the subordinate agency there in getting up cases?—They are very acute indeed in getting up cases.

9085. Did you ever have a case proved by circumstantial evidence before you?—Many cases.

9086. I presume that, notwithstanding the employment of native judges, they do not inspire much confidence among Europeans; Europeans would not wish to be subject to their jurisdiction?—They are subject to their jurisdiction in civil cases now.

9087. The native judges?—Yes, the native judges; not in criminal cases.

9088. What you have been referred to, the Black Act, contemplated placing them under the jurisdiction of native judges in criminal matters?—Yes.

9089. Do you see any objection to that?—I have recorded my opinion to that effect in my evidence.

9090. You know that there is a general mistrust, on the part of Europeans, of native judges, do you not?—Yes.

9091. Do I understand you to say that the separate training for the two duties of collector and judge is to go on by the same person?—I have not given such attention to the subject as to be able to answer that question.

9092. You are aware, are you not, that Lord William Bentinck was the first who separated the duties of collector and judge?—Yes.

9093. Mr. *Mangles.*] Is it not the fact, that from the time that an assistant enters the service till the time when he may be made a judge, he is constantly exercising judicial functions, and examining and cross-examining witnesses on different matters?—Yes.

9094. Has he not boundary disputes, questions of rent, questions of tenure, and questions as to the division of estates, and all those matters, brought before him?—Yes.

9095. And are they not completely judicial questions?—They are of a judicial character entirely.

9096. Mr. *Villiers.*] Are those examinations judicial examinations?—The revenue cases are judicial, as are cases also of partition of lands.

9097. Mr. *Mangles.*] The boundary disputes are judicial questions, are they not?—Certainly.

9098. And the collector decides them judicially?—Yes.

9099. And questions arising out of the sale law are judicial questions?—*Quasi* judicial.

9100. Mr. *Vansittart.*] With reference to the questions put to you about the separation of judicial from revenue, are you of opinion it could be done among the present members of the civil service?—If the members were increased, I think it could.

9101. *Chairman.*] Although you state that the judge has a practical education in a judicial sense, do you think it would be better for him if he had a previous education in the principles of jurisprudence?—In England, certainly.

9102. You alluded, in the first part of your evidence, to the frequent invasions of

A. J. M. Mills, Esq.

20 July 1858.

of ground by neighbouring zemindars, and affrays consequent on boundary disputes, and so forth; do you think that these acts of insubordination against the law are more or less frequent now than they used to be?—They are less frequent than they used to be.

9103. I think you spoke of them as occurring about the year 1828?—Yes; from 1828 to 1833.

9104. You have spoken of forced cultivation by the planters; do the planters of the present day deny the charge of forcing cultivation?—I hope that instances are rare in which such violence is had recourse to.

9105. Do you think the instances of forced cultivation of indigo are frequent?—No, I do not.

9106. Are they diminishing, do you think?—I hope so.

9107. You have stated, and no doubt correctly, that Government now wishes to be favourable towards European settlers; do you think that in former times the Company was always favourable to European settlers?—Really, to the best of my belief, I think they were.

9108. Have you read the history of the country, and does that lead you to the opinion that there was always a degree of favour shown to settlers?—I am not aware that there was any indisposition to encourage them.

9109. You do not think that in former times the Government was so favourable to European settlers as they are now?—Of course not; they were not allowed to settle.

9110. The whole character of the Government was adverse to settlement?—Yes.

9111. May not the semblance or the memory of this former disfavour on the part of the Government still remain in the minds of European settlers?—It may do so.

9112. With regard to the cultivation of the tea plant to which you have referred in Assam, do you think that the use of tea is likely to increase among the inhabitants of India?—I think it is.

9113. Mr. *Mangles.*] Turn, if you please, to Mr. Hawkins' evidence, Question 4271; he says: "I would go about improving the service in another way. I think that you cannot go about it in a worse way than you are doing at the present moment. The candidates for the present competitive examination are young men of 22 or 23; and it appears to me that this system of competitive examination at home has been framed much more for the benefit of the Universities in England than for the benefit of the people of India. To take a man at 23, and then allow him to stay in England till he is 25, and then send him out to India, is not the way to get a good officer for India. He is too old, and he will not pick up the language in the same way, and will not submit in the same way that we did as boys to the drudgery of inferior situations. The way is, to take your men at 18, and then educate them for a period not exceeding four years, expressly for India, in jurisprudence, law, political economy, Indian languages, history and geography, and to insist upon their attending so many circuits, and attending the county courts. In that way you would raise up a body of men far more efficient than the present; and if they were trained properly at home, you would want no competition in India. But to send out a man at 25 because he is a good literary man does not seem to me to be a good way of getting an efficient service." Do you quite agree with Mr. Hawkins?—Entirely.

William Henry Martin, Esq., called in; and Examined.

W. H. Martin, Esq.

9114. Mr. *Mangles.*] WHAT was your employment in India?—For about five years, or more, I was in the same district, as assistant, and I went through all the usual inferior offices that are held by younger civilians, including among them the office of registrar of the civil court; I was afterwards joint magistrate and collector for some three years, of the district of Furreedpore, in the east of Bengal.

9115. What district?—The district of Furreedpore, near Dacca. I was then acting magistrate and collector of Nuddeah for about a year and half. I then returned to England. When I went out again I was, for rather more than a year, perhaps a year and a half, a civil and sessions judge of Sylhet; and I was then the special judge for the trial of Thugs during the remainder of my stay in India. I was about two months civil judge after that, but just previous to my leaving the country.

9116. You

9116. You were civil judge before, were you not?—Yes; but I was appointed judge for the trial of the Thugs; that was a special appointment, confined to that particular department of crime. I was afterwards, for a short time, employed as a civil judge, which employment I held till I left the country, when the appointment was abolished.

9117. You had considerable experience, I think, in Furreedpore and Kishnaghur, the great indigo districts?—Yes.

9118. And you had considerable experience, had you not, as a magistrate in those districts, with reference to the affairs of the indigo planters and zemindars and ryots, as connected with the cultivation of indigo?—I had at that time; it is now a long time ago; but at that time I paid great attention to the subject.

9119. What were the feelings of the ryots and zemindars towards the indigo planters, according to your opinion?—I must say, and I am sorry to say so, that they were not favourable; that the Europeans were most popular in those parts in which they were the least known; and that there was a general complaint against the conduct of the European planters towards the natives.

9120. Mr. *Smith.*] When did you return to Europe?—About 12 or 13 years ago. My stay in India was unusually short; in fact, I gave up the service prematurely.

9121. In what year did you leave India?—In 1845; and of course all my observations are with reference to the state of affairs, as I knew or fancied I knew them, at that time. I cannot state what it is now. I have not even kept up my acquaintance with the subject.

9122. Mr. *Mangles.*] In the districts with which you were conversant were there not French and Spanish indigo planters, who were entirely subject to the jurisdiction of the Mofussil courts?—Yes, there were several very respectable planters and residents.

9123. Who were they?—There was Mr. Larulletta, a Spanish gentleman, who was engaged in several branches of trade, and who was, upon the whole, very successful.

9124. He was an indigo planter, and was also engaged in the silk trade, was he not?—Yes. There was also another gentleman, Count De Framont, a French gentleman of family, as I understood, who had realized a considerable fortune, which he spent, and then went back again to India to make another. I had a slight acquaintance with him. He returned to India, and purchased the same factories that he had had before; and he was on the whole very successful, I believe, in his speculations. There was also a gentleman I knew by character, of the name of Courjon, who was successful, both as a landowner, a zemindar, and an indigo planter.

9125. These gentlemen were entirely and exclusively subject as the natives were, to the Mofussil courts, were they not?—Yes.

9126. The Supreme Court had no jurisdiction over them?—No.

9127. You say they were generally successful?—I think so, and they were very popular with the natives; in fact, it was the subject of remark that they were on better terms with the natives than English planters were, and they were more generally esteemed and liked by them.

9128. Then, of course, as they were successful they were not hindered in their operations by the mode in which justice was administered in the courts, or by the police?—No, I should suppose not; certainly, Mr. Larulletta used to say it was the freest country in the world. When asked why he did not go back to Spain, he said that there was no country in which there was such complete liberty of action as he found in India.

9129. If, therefore, there were any deterring causes, or circumstances of difficulty arising from the administration of the law, and the state of the police, those gentlemen were able to get on in spite of that?—Certainly; there was no insuperable obstacle to success; they were all successful, so far as I understood; in fact, they experienced no real or practical inconvenience from being entirely subject to the Mofussil courts; that is the real truth of it.

9130. Mr. *Smith.*] How long ago was this?—I am speaking now, partly, of 20 years ago, and partly, of just before the time when I left India. Mr. Larulletta was then there.

9131. Are you aware that foreigners consider it a great hardship that they should be obliged to resort to the Mofussil courts, while the English have the advantage of the English courts?—I dare say they do; it puts them in an invidious position

W. H. Martin, Esq.

20 July 1858.

in comparison with the English planters, but they do not complain of it, and in fact it did not affect them.

9132. Would they not rather have been under the English courts than under the Mofussil courts, if they had had the advantage of being so?—I have known English gentlemen complain bitterly of the Mofussil courts, and yet when they have been taken into the Supreme Court, they have disliked that still more.

9133. Was that owing to the expense of the Supreme Court?—One gentleman in particular had been a strong opponent of what is called the "Black Act," Lord Macauley's Act, making them subject in civil cases to a native court, and yet directly a native took him extensively into the Supreme Court, he complained bitterly of the system; he never defended the cases, because, as he said, it would ruin him if he did.

9134. It was not the system of justice that he complained of, but the enormous expense to which he would be put?—He complained of having to be taken down a great distance from his factories, and the consequent expense.

9135. Mr. *Mangles*.] Do you remember Mr. Macauley's minute on the Supreme Courts?—No.

9136. Do you not remember his saying that a court may be worse than corrupt, that it may be inaccessible from its expense?—The gentleman to whom I allude refused to defend the cases, and came to me to complain of the great hardship to which he was subjected. I said that I understood he had been very much in favour of Europeans conducting all their proceedings in the Supreme Court; he said, "But nothing of this sort, I was not prepared for anything of this kind."

9137. We have it in evidence that many Europeans are deterred from going out to India and investing their capital there, or from remaining in that country, by the unsatisfactory manner in which justice is administered, and by the state of the police; it did not, at any rate, deter these foreign gentlemen?—No, not at all.

9138. Do you not remember that Mr. Larulletta had his nephew out from Spain?—His brother came out to join him, and he collected his relatives about him.

9139. As to the means of transit in the districts with which you are acquainted, as to the state of the roads, and the state of navigation by rivers, have you any information to give to the Committee?—In some of the districts the mode of transit was entirely by water. I should think that in Furreedpore you would have had great difficulty in getting a single cart; there was no such thing at one time; and there were very few roads, but there was water communication, more or less.

9140. And sufficient communication?—I do not see how you could have improved the water communication, for the rivers were very deep and rapid, and any tampering with them would have been very dangerous; it might take away the whole tract of country; it is all rich alluvial soil, which is easily carried away; there was no complaint of a want of communication there.

9141. What was the state of the Nudya rivers when you went there?—At certain seasons of the year there was great difficulty in passing through them. There was a European superintendent under me, and all was done that could be done to deepen them, but I have been told that they have been filling up, very rapidly, since I left that part of the country.

9142. What is your experience with regard to the integrity and trustworthiness of the native judges?—They varied very considerably; some of them were very fair, and with others I was not altogether satisfied; but I cannot say that I am one of those who think that they answer the expectations that were formed of them. For my own part, I did not form a very high opinion of them; they were very useful, no doubt, inasmuch as they got through a great deal of business, and with very considerable rapidity.

9143. Do you not think that the only prospect of making them fit to perform their duty was to try them, and to employ them?—Certainly; but I do not think that they hit upon quite the right class of people in all cases. They took those who had passed an examination in Calcutta, and they sent men up to fill situations in the Mofussil for which they were not, in other respects, qualified. A man could pass that sort of examination which they required, yet when he came to be tried, he was not always found to be fit to perform judicial duties. He may have been a tolerable vakeel, or barrister, in the lower courts, but he made a very indifferent judge.

9144. What has been your experience with regard to the police?—It would be difficult to praise the police highly, but at the same time, I think that very unreasonable complaints have been preferred against it. In Kishnaghur and elsewhere our houses were left entirely open, with silver dishes and other valuable articles lying about without any guard, without any window being closed, or any precaution being taken. If Europeans were asked, they would state that their houses were singularly open to depredation, but that robberies were very rare.

9145. Mr. *Villiers.*] That is in favour of the honesty of the people, is it not? To a certain extent, it is.

9146. *Charman.*] How do the poor fare under the police system?—The police may have been corrupt; I do not say that they were not often corrupt in dealing with the lower orders, but, upon the whole, I think they were better than has been represented.

9147. Mr. *Mangles.*] The character and conduct of the police depended very much, did it not, on the character and conduct of the magistrates?—Yes; the police were singularly successful in some cases in the detection of crime.

9148. In Thuggee, the extra police were successful, were they not?—Yes; I was the first magistrate in Bengal who ever succeeded in procuring the conviction of river Thugs, and that was done without the assistance of any additional officers.

9149. Were they river Thugs?—Yes. The first beginning was made by me; I procured the conviction of 30 or 40.

9150. That, I understand you to say, was done through the instrumentality of the ordinary police?—They were not at first employed; I did not employ the police; I used the services of one officer and some people belonging to the magistrate's court: if I had employed the police it would have spoilt all.

9151. It would not have done to accuse a man in the then state of knowledge of the subject, and it would not have done to direct the police to make inquiry into the matter, before we had sufficiently laid the train. I first caught them embarked in a boat for the purpose of murder and robbery; the publicity which would have been occasioned by a regular investigation by the police might have spoilt all.

9152. Being a secret society, it was necessary to carry on your operations in the same secret way?—Yes; just as you would employ a detective here in an extraordinary case of crime.

9153. It has been said that the only effect of increasing the salaries of the police has been to render it necessary to increase the amount of bribes; what is your opinion upon that subject?—I should think that that is not so; but, at the same time, there is a certain current of corruption which runs through all the native habits and opinions.

9154. The fact is, that Government cannot get better instruments than the people will supply?—That is exactly the fact; and the very people who come and complain of the gross misconduct of the police, would, if they were put in a similar situation, be themselves just as bad, or worse. I am speaking, of course, of the natives.

9155. What would be your opinion as to the advantages of having European superintendents over the police?—I think that that would be a decided improvement, if you could afford to pay them. The question of expense is the only question which raises any considerable difficulty.

9156. Would it be safe, in your opinion, to trust that class of Europeans at a distance from a magistrate?—I think it would be quite as safe as it is to trust the people you are at present obliged to trust.

9157. Would they not be more likely to be oppressive than otherwise?—No, I think not; they might be very partial occasionally; but I am speaking of the lower class of Europeans; I am supposing you would employ people who would answer to sergeants, or people of that description.

9158. What is your opinion of the degree of knowledge of native languages possessed in your time by the civil servants of the Company?—My opinion is that they were quite efficient; no person can efficiently discharge the duties who does not understand all that is said before him.

9159. Are you a Bengalese scholar?—Very fair; latterly I understood everything that was said and written, and I could translate it into English almost as fast as it was read.

9160. Could you yourself read Bengalese?—I could read the written character

W. H. Martin, Esq.

20 July 1858.

very well; I could read ordinary written documents; but the evidence is taken down in such a hurried way that I never tried to read that, and probably I could not have read it if I had tried; I could read particular parts.

9161. You could read a portion?—Yes.

9162. And could you read Hindostanee?—Yes; I could speak both languages, and Bengalese too; that language, perhaps, I understood better than the other at last, because I had more practice in it.

9163. Persian was at that time the language of the courts, was it not?—Yes, that was the language used in all written documents, and in all pleadings.

9164. In your time was there any discouragement of English settlers either by the Government or by its officers?—I think not. Where indigo cultivation largely prevailed, it was a question whether it was desirable to have so many Europeans as we had; in fact, the cultivation was inadequate to maintain the number of factories that wished to subsist on it; there was not indigo enough for the factories; but I speak of a time when the high prices prevailed, and when they forced cultivation on to a great extent, and, possibly, some of the outcry may have been raised on that very ground.

9165. Mr. *Villiers.*] To what period are you now referring?—To a period 20 years ago; there were very high prices at one time, and then they forced the cultivation of indigo to a most unnatural extent.

9166. Mr. *Mangles.*] Had you ever any occasion to think, when you were there, of the opening that there was for the employment of European capital and European intelligence?—I cannot say that I had. I was very glad to see it employed in the cultivation of sugar, and I dare say in cotton it would be very beneficial, if it were possible.

9167. Do you think that injustice and inconvenience result to the natives of India from the exemption of Englishmen from the Mofussil courts?—Of course, it scarcely seems fair to the people of a country to set down a particular class of the community among them, and say that that class shall not be under the same laws as others are; but in the present state of the country I should doubt the propriety of putting Europeans under precisely the same system.

9168. But still the exemption did operate unjustly towards the natives, did it not?—I should think that an intelligent native would have thought so; but, just at present, there would be good reasons for not doing it to any great extent.

9169. Do you remember the celebrated case of the murder in Kishnaghur?—Yes; an Englishman, named Young, was tried for the murder, as far as I recollect (but I was not there at the time), of an assistant to an indigo planter of the name of Dick; Mr. Dick was an East Indian, and Young was a European.

9170. What were the circumstances of that case?—The natives were tried in the Mofussil Court, and were sentenced to five or seven years' imprisonment; whilst the European was acquitted in the Supreme Court. Of the murder, I believe, there was no doubt; the man was not seen again, and never has been seen since.

9171. There was no moral doubt, was there, that Young was the murderer?—Not the least; he did it in the presence of a number of people. The evidence was singularly clear; but the fact of the body of the murdered man not being found threw doubts upon the case.

9172. Mr. *J. B. Smith.*] How long ago is it since this murder was committed?—I should think it is 25 years ago.

9173. Mr. *Mangles.*] Now, about the introduction of the English language into the Mofussil courts; what do you think of that?—I should think that it would be altogether impracticable, at least, it would have been impracticable when I was there; it would have been very unsatisfactory to the natives; they would never have been pursuaded that the language used was correctly translated, and, even if it was, I do not see how a judge who had no acquaintance with the language could ever form a satisfactory opinion on a difficult case.

9174. What do you think of employing barristers from England as judges in the Mofussil courts?—If a barrister understood the language, and qualified himself by long residence in the country, he would probably make a very good judge; but he must, first of all, do that; and he must give up his knowledge of English law, to a certain extent, as a knowledge of that law would be of no use in a place where it does not prevail.

9175. As a general rule, do you think it would be a good plan with a view to forming good administrators, that they should enter the service from the bottom,

bottom, as very young men, and be trained, gradually, upwards?—I think so, most assuredly.

9176. You think that the system of appointing young men as apprentices, in the first place, and engaging them for their whole lives, starting from early youth, is a good one?—I have no doubt whatever of it.

9177. *Chairman.*] You think, do you not, that a previous education in jurisprudence would be an additional advantage to them, supposing they had all these other qualifications that are required for the service?—To a certain extent, any knowledge of it, certainly, must be useful; but I do not think it is at all comparable to the knowledge they might acquire by residence, and early training in the country. The system of education that was pursued at Haileybury comprised, to a certain degree, a legal training; not very much, certainly, but we had at Haileybury, as professors, very eminent lawyers.

9178. Has it not been the opinion of enlightened foreigners who have travelled in India, and has it not excited their surprise that jurisprudence is not made a portion of the early training of English officials?—I never heard any opinion expressed on that subject, but it was taught at Haileybury; it was a branch of instruction there, though it was not followed up as much as it might have been.

9179. Mr. *Mangles.*] Were there not eminent lawyers at Haileybury as law professors?—Very much so; Mr. Empson was a singularly able man.

9180. And his predecessor, I think, was Sir James Mackintosh?—I believe so.

9181. Do you think that a knowledge of the habits, manners, and trades of the people, and of their feelings, is essential to qualify a man satisfactorily to perform the duties of the judicial bench?—I should say so.

9182. And can that knowledge be so well acquired in any other way than by rising from the situation of an assistant to that of a joint magistrate, from a joint magistrate to that of a magistrate, and from a magistrate to that of a collector?—I should say not.

9183. Is not the best training for the judicial bench that which a collector goes through?—It is a very good training, but I think that the instruction which they got when they acted as registrars of the courts was of very great use to them.

9184. Does not a collector in making settlements and divisions of estates, and performing duties of that sort, necessarily acquire a great knowledge of the habits, institutions, and feelings of the people?—Yes; and he also acquires a great amount of judicial knowledge; he has certain judicial matters to investigate.

9185. When you hear it stated that men are put upon the bench who have never filled any judicial office, is not that a mistake arising from ignorance of what a collector has to do?—There can be no doubt that many questions that a collector has to decide are judicial questions.

9186. Do not suits brought by ryots to replevy on distraint, suits arising out of the sale laws, cases as to the division of estates, cases of boundary, and other cases of that kind, all involve strictly judicial questions?—Undoubtedly.

9187. And a collector's assistant has to decide all those questions, has he not?—Yes.

9188. And are not many of those the root, as it were, of some of the most important questions that come before the civil courts?—Yes.

9189. Appeals from the collectors, for instance?—Yes; but still the training which a young man formerly received when acting as registrar was of great use to him.

9190. Mr. *Smith.*] The opinions which you have given about the police and the courts of justice in India have reference to a period 20 years ago, have they not?—Certainly; not, perhaps, quite to that period, because I was a criminal judge for two or three years before I left India 13 years ago.

9191. You have no knowledge of the state of the police at present?—No, I have not.

9192. Do you know Mr. Halliday?—Yes, I am acquainted with him.

9193. He is the Lieutenant-governor of Bengal, is he not?—Yes.

9194. Is he not about the highest authority we could have on any subject relative to Bengal?—I am certain that my experience in the police was greater than that of Mr. Halliday; he was a comparatively short time only in the mofussil.

9195. But he is there at present, is he not?—Yes.

9196. Are you aware of a minute recently made by Mr. Halliday, in which he states that if all the village chowkadars were put in prison, he believes the country

W. H. Martin, Esq.
20 July 1858.

would be more free from crime than it is at present, or something to that effect?—Mr. Halliday may say so perhaps, but if he does, I should not be disposed to agree with him.

9197. You do not consider him a good authority upon that subject?—I can only speak from what I know myself.

9198. You consider that your experience of India 20 years ago is to be preferred to that of Mr. Halliday, he being now Lieutenant-governor of Bengal?—I have said nothing of the sort; what I said was, that I was longer employed in that branch of the service than he had been, and I have spoken to what was the state of things at the time I was there; I know nothing, and have pretended to know nothing, of the present state of the police.

9199. Do you suppose that he would have ventured to make a minute of that kind without having a good foundation for it?—No; he may have had foundation for it; I do not mean to dispute his authority at all as to the present state of the police.

9200. Mr. *Villiers.*] I think you have said that the character of the police very much depended upon the magistrate or the judge?—I should say so; a very good magistrate would be likely to have a good police, and an inefficient magistrate would be likely to have an inefficient police.

9201. So that it is possible that in your time, owing to the superior character of the magistrates, the police were better than they are now?—They may have been better; I do not say that they were, for I am ignorant of the present state of affairs there.

9202. But as far as your experience goes, the efficiency of the police would depend very much upon the character and conduct of the magistrates?—No doubt.

9203. You say you were specially employed to put down Thuggee?—I was the special judge for the trial of all charges of the crime of Thuggee committed within the lower provinces; the parties charged were apprehended by military officers, and were made over for trial to one judge specially appointed for that purpose.

9204. In those cases, therefore, you did not depend upon the police?—No; the military officers had men of their own; they may have employed the Mofussil police to some extent, and no doubt they did, but they sent out their own people to apprehend the parties charged.

9205. I suppose you were chiefly engaged in the judicial situations you have mentioned?—Yes, entirely.

9206. And therefore you would not wish your opinions to be quoted as being of any great authority in reference to the success or satisfaction which attended the employment of capital in indigo planting?—No; of course those who have paid more attention to the subject than I have done are much better authorities upon that subject than I can be.

9207. And the opinions which you expressed, when Mr. Mangles first examined you, were probably founded on what you had as general rumour, rather than on anything you yourself knew with regard to the particular business of indigo planting?—I do not quite understand to what particular question you allude.

9208. You stated that great success had attended the planters, and that there had been no complaints on their part of the difficulties which they had to encounter in pursuing their business?—I spoke of two or three foreign planters who were understood to have made fortunes; their success was a matter of notoriety; it was well known that they were, to a certain extent, successful, and that they became rich men.

9209. But as to contradicting the evidence we have had before us with reference to the difficulties and obstacles which indigo planters meet with, you would not wish to do anything of that kind, or to express any very decided opinion upon the subject, would you?—No.

9210. You were not brought very much into communication with English indigo planters when you were there, were you?—Yes, unfortunately, I was for three, or four, or five years in the indigo districts, and I had considerable experience of the quarrels that occurred there.

9211. Their quarrels arose from differences among themselves, did they not?—Yes; partly from differences among themselves and partly from an unwillingness on the part of the ryots to cultivate indigo on the scale the planters desired they should cultivate it.

9212. I understood you to say you do not object to men being qualified for the judicial office if it were possible for them to be so qualified; do you attach great importance to their being acquainted with the habits and manners of the people?—It would be an additional recommendation, no doubt, and a very great one.

9213. A man might have been for any length of time in the country, and might not know anything of the case, might he not?—Yes, he might certainly.

9214. And he might be acquainted with the habits and manners of the people?—He might.

9215. And you would see no objection to their being subjected to some test in order to see whether they are qualified for a judicial appointment, if they should be appointed to it?—It is difficult to say what test you would propose; any knowledge of law would be of use to them, even if they were to administer the Company's law; it is of course an advantage to a man to know English law, because it must tend to inform and improve his mind and his ideas.

9216. It would be of great advantage, would it not, if he had ever practised as a lawyer?—I dare say it would.

9217. In the cases to which you have referred, where, as collector, or as parties in some way connected with the revenue, have had to decide points brought before them, they have not sat judicially, I suppose, having advocates on each side, and having nicely to weigh the evidence given by both parties?—In some cases they have.

9218. They have sat regularly as judges?—Yes; but they have not been attended by recognised pleaders.

9219. Is it usual to hear oral evidence, or do they decide cases on documents?—In almost all cases evidence was required; it would vary in different cases; in some cases the evidence was taken before the agents of both parties, who signed it, and agreed to it, they putting their own questions to the witnesses; it was then read over to the collector, and he decided upon that which both parties agreed to be the evidence.

9220. You have stated that the evidence was taken down hastily, and read so rapidly, that you sometimes had a difficulty in following it?—No, I never said that; I said it was written down so hastily that it would be difficult for a person not accustomed to that particular character to read it.

9221. Mr. *Mangles.*] Does it not sometimes happen that a day or a week afterwards a native would not be able to read that which he had himself written?—They write it down so hastily, in order not to take up too much time, that it is not easy to read it. If you were to take another native out of the same office, he probably would find a difficulty in reading it.

9222. Mr. *Villiers.*] Do you mean that the evidence which is received in the courts is always documentary?—No; it is oral, a great part of it.

9223. On what occasions is it that you receive written evidence?—The written evidence that I allude to was merely evidence in the extra-judicial cases, which were conducted before the collector. The evidence was taken close to the collector or magistrate. The agents of both parties asked any questions they wanted to ask, and the evidence was read over afterwards.

9224. Is there any cross-examination, when the evidence is taken in that way?—Yes.

9225. I do not quite understand the form of proceeding; the evidence, you say, is first taken down; is it then read to the collector?—Perhaps; a witness comes into court when another case is going on, and it is not convenient to take his evidence then. Perhaps the case is one with reference to some dispute about land or rent. The agents of the parties will have the evidence of the witness taken down by the regular officer, and it is afterwards read over in court, the man having been first sworn to it; that, however, is only done in trifling revenue cases.

9226. Has the party who is opposed to the witness who is giving evidence an opportunity of cross-examining him upon the evidence which is so taken down?—Certainly.

9227. *Chairman.*] Is the evidence taken publicly?—They are summary suit cases; suits for the recovery of the rent, and so on, which are heard in open court.

9228. Mr. *Villiers.*] Had you ever to decide cases of that sort?—An enormous number.

9229. In what capacity?—As assistant to the collector.

W. H. Martin, Esq.

20 July 1858.

9230. In what language was all this done?—It was done in the language of the country; in Bengalee in Bengal, and in Hindostanee in Hindostan.

9231. Where were you as assistant-collector?—In Jungle Meheals.

9232. In what language were matters brought before you?—In Bengalee.

9233. And did you understand that language?—Yes, perfectly; at first it was in Persian; that was the language which was in official use when I first entered the service, but even then part of the evidence was taken in Bengalee.

9234. You were at Haileybury, were you not?—Yes.

9235. And you learned Bengalee before you went out, I presume?—Yes.

9236. Did the natives generally speak Bengalee?—In Bengal; but there are instances in which natives in Bengal cannot speak its language.

9237. Is it the language in which documents are written?—They were written in Persian then; at present they may be written in Bengalee.

9238. Then, any person who did not know the language, would be quite incompetent to fill the situation which you filled, would he not?—I cannot see how he could have filled it with any satisfaction to himself.

9239. Does it not constantly happen that the natives do not understand this language?—Some of the Mahommedans could speak Bengalee, but could not read it.

9240. What does the judge do when he sees that parties do not understand the language in which the proceedings are conducted; does he direct them to be interpreted?—I never had a case before me in which the plaintiff or defendant did not understand the case, as it was tried before me.

9241. But there are varieties of languages, are there not?—There are different dialects in different parts of the country, but they all resemble one another.

9242. Do I understand you to say that they have more faith in an English judge than they would have in a native judge?—I should say so, certainly.

9243. Why would they mistrust the proceedings in a court if they were conducted in the English language, supposing them to be interpreted to them?—They would not feel sure that they were correctly interpreted, or that the judge understood the meaning of each particular phrase or expression used.

9244. You are speaking gratuitously, are you not, and not from experience; you have never seen the law administered in the English language, have you?—No, I never have.

9245. But you have known occasions on which the language used has not been understood by the people in court?—No; I did not say that. I say I have known instances of natives of Bengal who were not acquainted with Bengalee.

9246. Did you find yourself much dependant on the omlah in your court?—Not at all; in point of fact, I never had the chief officer in my court with me at all; I used to keep him out of it, employing him in the office.

9247. Were there any appeals from your decisions?—From some of them, of course there were.

9248. But there was a right of appeal, was there not?—From most of them, but not from all; not from many of them.

9247. Where was that appeal to?—The appeal lay to the Suddur Court in Calcutta, but in particular cases there was no appeal at all; where an appeal had been brought from a native judge to the judge of the Civil Court, there was no further appeal.

9250. I believe you were obliged to submit?—Yes.

9251. You do not know what degree of proficiency in the Oriental languages is now required to qualify persons for the civil service?—I do not.

9252. Did you consider that it was wise to abolish the college at Haileybury?—I should say not; young men certainly acquired a most excellent education at Haileybury; at least those who took the trouble to do so.

9253. Would it not be very useful in your opinion for civil servants to know something of English law before they went out there?—Yes; they acquired a little knowledge of English law, though perhaps too little at Haileybury. The professor when I was there, was a very eminent man.

9254. It was merely constitutional law that used to be lectured on, was it not?—It depended on the professor. He was the judge of the course of law which he wished the students to study.

9255. Mr. *Mangles.*] In different terms he took different departments of the law, did he not?—Yes.

9256. In one term he would take the law of evidence, in another the law of contracts,

contracts, and so on?—Yes, I have no doubt that a man might have acquired there a very fair degree of legal instruction, if he had attended to it as much as he ought to have done.

9257. I suppose all that kind of knowledge is soon forgotten when people get out to India, is it not?—I think a portion of it at all events fixes itself on the mind.

9258. How long were you in India altogether?—Fourteen or fifteen years.

9259. Mr. *Vansittart.*] Are you in favour of the separation of the judicial part of the civil service from the revenue?—Do you mean as to magistrates and collectors.

9260. Would you think, for instance, that a young man going out to India should be at liberty to select whether he will belong to the civil, judicial, or revenue department?—I think that a great deal of the knowledge that is useful in the one, is useful also in the other.

9261. Supposing it should be determined to separate the revenue from the judicial part of the service, do you think it could be done with the present body of civilians?—I have been so long away from the country that I hardly know of what number the present body consists.

Alfred Clarke Bidwell, Esq., called in; and Examined.

9262. Mr. *Mangles.*] YOU were a Bengal civil servant?—Yes.

9263. Will you have the goodness to state to the Committee, as shortly as you can, what were the principal appointments you held in India?—I went to India in 1830; in 1831 I entered the public service from college. For the first four years I filled the ordinary offices of assistant, and head assistant to magistrates and collectors; I was then a joint magistrate and deputy collector.

9264. Mr. *Smith.*] What were you in 1835?—Joint magistrate and deputy-collector. In 1836 I was appointed special deputy-collector for the examination of titles to hold rent-free lands. I was then a collector.

9265. In what year was that?—1842-43, I think. I was appointed superintendent of the revenue survey in 1846. In the meantime I came to Europe for three years. I was comptroller of the salt chokies about 1849, I think, and officiating secretary to the Board of Revenue for a year, and a Commissioner of Revenue and circuit for three years.

9266. At what time were you secretary to the Board of Revenue?—In the year 1851-52, and then for three years I was Commissioner of Revenue and circuit.

9267. When did you leave India?—In 1856.

9268. Mr. *Mangles.*] Your last appointment, I believe, was as Special Commissioner?—Yes, for the suppression of the Sontaul insurrection.

9269. Have you considered the question which has been referred to this Committee with reference to the settlement of Europeans in India?—Yes.

9270. Will you be kind enough to state what your opinions are upon that subject?—I have read the depositions of the parties who have been examined before the Committee within the last few days, and, having done so, I have written a few remarks which, I think, it would save time if the Committee would allow me to read. The colonisation of Europeans in India, in the ordinary acceptation of the term, I consider impracticable, for these reasons: the repugnancy of the climate generally to the European constitution will prevent English families taking root there as they do in Australia, the Cape, and other English colonies; and though many Englishmen manage to pass many years of their lives in India with as great a freedom from attacks of disease as they would in England, and to return to England with constitutions apparently unimpaired, yet the injury to the constitution exists nevertheless, and shows itself, if not in the parents, certainly in the frame of their offspring. The children of Anglo-Indians are generally delicate. A third generation of Europeans born in India, does, it is said, not exist. Of course a residence in mountainous districts would, to a certain extent, remove the English settler from liability to the attacks of diseases so prevalent in the plains, while it would impart a vigour to his constitution calculated to lessen the liability to attacks on visits to the plains; but there are other considerations, such as the impossibility of procuring, even in the hills, such an education for his children as England affords, a desire to remove his children from the demoralising influence of intercourse with the domestics of the country, to make them acquainted with the advanced civilisation of England, &c., which would impel the settler to return to

A. C. Bidwell, Esq.

20 July 1858.

England with his family as soon as his circumstances would permit. His sons, and perhaps his daughters, may return to the land of their birth, but not to settle, to make a competency, and return to England as their father did before them. I do not think it impossible that the European may settle in the mountainous parts without greatly degenerating for some years, but the degeneration would certainly show itself eventually in a marked degree. I think that the children of the English soldiers in India might with advantage be educated in the hills, and employed by Government in various departments of the State service, in the revenue, judicial, and police. They would carry to the work a superior knowledge of the native character, language, habits and customs, than an imported Englishman would easily acquire, and exhibit a much higher standard of morality and principle than the class of natives ordinarily employed in the inferior duties. The example, too, would have a beneficial effect on the character of the natives around them. The children thus reared in the the hills would no doubt be readily engaged, as soon as their age qualified them for the duty, in superintending the operations of capitalists and in developing the resources of the country. At the same time, it must be remarked that the Englishman will always be inferior to the native in acuteness, intelligence, and knowledge of the native character; his superiority will consist in his greater energy, decision, and honesty, though I have sometimes heard it stated, indeed, know it from good authority, that the honesty of European policemen is not unassailable. The other obstacles to the settlement of Europeans in India are the discomfort and injury to health attendant upon a life in the tropics, and the character of the people. The Government offer no obstacle to the entrance of Europeans. Mr. Theobald stated before the Committee that the Europeans complain of a want of roads and improved internal communications; they ask for increased security for life and property, and such an alteration in the land-revenue system as will enable capitalists to obtain a commensurate return for their outlay. On this I remark, that no one who has not visited the interior of the country can form any idea of the extent to which the climate of Bengal operates in preventing and retarding the construction of roads and communications. The violence and continuance of rain and inundation, destroys a road which would have lasted years in a European climate. At the same time I think that this point has been greatly neglected within this last 25 years. The Supreme Government have been obliged to refuse the sums required for the due repairs and construction of the great lines (except the trunk), and a construction of the Sudder Court has stopped the practice which prevailed on the part of the magistrates of obliging the zemindars to repair the small lines. As regards security to life and property, there was, until this last outbreak at least, certainly no country in the world in which a European, at any rate, was so secure from violence—the same as regards his property from *open* violence. The attacks to which it is open are the way in which the law of the country is made use of in withholding the restoration of property, or rather the weakness of the law in enforcing contracts and agreements. This weakness of the law arises from the low standard of morality in the character of the native; in his inherent cunning and disregard of truth, his cowardice, and his utter want of public spirit, and the wonderful acuteness which he displays in evading a law, and turning its provisions against his adversary. The police department is more dependent for efficiency than any other upon the integrity of its subordinates, and is, in consequence, more inefficient than any other. So great is the power necessarily entrusted to the darogah, or detached police officer, that, as stated by Mr. Watson, the managers of large concerns have frequently found it worth their while to pay him a sum far exceeding his Government pay, in order to keep on friendly terms with him, and ensure his aid and countenance. It is stated, that when this was not paid, the factory was shut up; but it might be asked, if the management of the factory was not, to a certain extent, arbitrary and odious to the natives; that when the purchased connivance and support of the police officer was understood to be withheld, the concern collapsed through the dislike of the native *employés*. It may be safely asserted, that if the management was popular with the natives concerned, the thing would have gone on independently of the support of the police. Some allowance is, I think, to be made for the Englishman who attempts to carry on trade with the natives of Bengal; their native acuteness and tendency to fraud and chicanery is such, that he meets them at great disadvantage in ordinary circumstances, and he is therefore too often compelled (he argues)

argues) to meet them with their own weapons, and to allow his *employés* to descend to means of obtaining his rights, which he would blush to acknowledge in Europe. At the same time this is not obligatory; there are well-known instances of Englishmen as well as foreigners (certainly of superior administrative capacity) so managing indigo and other concerns as to obtain the highest reputation for fairness and benevolence amongst the native community around them, and to enjoy the confidence and esteem of the European officers; the planters know the character of the individual European officers, and from the same native source the civil servant is fully acquainted with the reputation borne by each leading planter. With regard to the statement made before the Committee that the civil servants are unacquainted with the language of the country, I have these remarks to make. The statement is certainly erroneous. The young civilian just released from college, and deputed to a distant district, finds, of course, the country dialect different from that in which he has received his grammatical instruction; but he learns in a month thoroughly to understand what is deposed to before him. He may not be able to discuss a deep philosophical question, but he can convey his decision, and the reasons for it, in intelligible language; and he certainly is not dependent on his omlah, or any other interpreter, for the meaning of what is said by the witnesses before him. The late rules for the examination of young civilians require a much higher standard of practical acquaintance with the language than was requisite before, and it is impossible now that the state of things described by Mr. Freeman should exist. As regards being under the influence of his omlah, the magistrate, as a rule, is not so; he is constantly cautioned against it. On the other hand, the indigo planter is very much at the mercy of his *employés*, who are from the same class, for this very reason, that he is never put on his guard as the civilian is, and is unable to resist the wonderful tact and ability which natives exhibit in obtaining influence over their English employers.

9271. Have you known personally any foreign gentlemen engaged in indigo or silk works, or any other works?—I have known one or two, M. Courjon and his assistants, who were Frenchmen, and Mr. Laruletta; those were the only ones I can at this moment remember.

9272. Had not Mr. Laruletta a nephew of the same name?—He had a nephew; I forget his name.

9273. They were entirely subject to the Mofussil Courts, were they not?—They were exactly on the same footing as a native.

9274. Did you ever hear them say that they could not carry on their business satisfactorily on account of the native police?—No; but they often, I think, made the complaints which even natives ordinarily make of the state of the police.

9275. Englishmen assert that they could not live in India if they were subject to the native courts, but these European gentlemen not only lived, but throve there?—Yes; M. Courjon was one of the most successful Europeans that ever settled in India.

9276. Why could not Englishmen, if they were subject to the native courts, get on as well as these foreigners?—I think they could, if they would adapt themselves to the circumstances of their position as readily as foreigners do; but Englishmen never do that. When they visit foreign countries in Europe, they do not accommodate themselves to the institutions and customs of those countries as others do.

9277. Did you ever hear either of the Messrs. Laruletta or Courjon complain that they suffered indignities or hardships?—I never heard them complain of the difference between their position and that of Englishmen.

9278. Did they ever complain that they were subject to any indignant or ill-usage in consequence of being subject to the Sudder Ameen's Court or the Mofussil Court?—No, not to my recollection. But I was not in the same district with M. Laruletta.

9279. Or did they ever complain of the magistrate or judge?—No; there was the usual grumbling; I heard them find fault occasionally, but I never heard them make any complaints of their own position.

9280. They never told you that they could not carry on their business in consequence of their being subject to the Mofussil Courts?—No, because they knew that I was well aware that M. Courjon was carrying on business most successfully; they may have complained of the difficulties they had to contend with, in

A. C. Bidwell, Esq.

20 July 1858.

consequence of the fraud and deceit inherent in the native character. They were very intelligent men themselves.

9281. I think that Mr. Wise, who has given evidence before the Committee, lived much in the same district as Messrs. Courjon?—He lived in the adjoining district, and he was also concerned in managing the estate of the rajah of Tipperah, in which district M. Courjon lived.

9282. Mr. Wise has spoken of the utter impossibility of Englishmen getting on, if they were subject to the Mofussil Courts?—He had forgotten the instance of M. Courjon, I suppose, with whom he was well acquainted, and with whom he had suits and quarrels.

9283. What is your experience of the native judges generally?—I have not been in the judicial department myself, but of course I have had occasion to hear and see a good deal of them, and to hear the opinion expressed by others with regard to them.

9284. What is that opinion?—I think the judicial department has very much improved of late years; 20 years ago they had a bad character; they were not considered trustworthy; great pains have since been taken by the Government to improve the civil courts, and now I think their character stands very high. I do not hear now of complaints, or of doubts of the honesty of the native judges; there may be doubts of their impartiality, but not of their honesty; I have heard natives say that they would much rather have their cases decided by an English judge, than, for instance, by the principal sudder ameen under him. I have said, "Why surely the principal sudder ameen, your countryman, must understand the case better, and his character is above suspicion." "Yes (the native would say), "he is honest; he will not take bribes, but he is not so impartial as the European judge is." The native judge is often biassed by family considerations, or he is perhaps a very religious man. One man who bore a very high character was a very strict Hindoo, and it was said of him, that a rich man would not get a fair chance; that his religious views acted so strongly on his mind, that the poor man would have an advantage over the rich man.

9285. Some of the witnesses have said that, in their opinion, the best mode of improving the natives would be to employ Europeans in almost every office of trust and emolument, in order that the natives might profit by their example; do you think that the system of employing the natives, and allowing them to work themselves pure, is the better one?—I think that there should be some Europeans if you can get them at the price you offer; but you cannot get many qualified Europeans, I think, at the rate of remuneration you propose. A man who has ability enough to fill one of those situations with credit equal to a native, would be able to do much better for himself than by taking that service in India.

9286. *Chairman.*] Do you think that the sons of European soldiers, educated on the hills with a special view to their employment in India, might be a useful body to have?—Yes, I think their services might be made useful; but still they would not be in any numbers.

9287. They might supply the place which you regret the want of adequate Europeans to supply at present?—They would afford a certain supply, but not a supply equal to the demand; they might be made very useful in the police generally.

9288. Mr. *Mangles.*] Would you employ Europeans more largely as principal sudder ameens, sudder ameens, and moonsiffs?—I do not think they would be so efficient as the natives are.

9289. Do you think it is possible to get a good native administration without first trusting and trying them?—No; I think the native civil administrators really very good; the moonsiffs and sudder ameens stand very well; it is the police that is so very deficient: the native judges bear a good character with the native community, who are the best judges of the matter.

9290. But some indigo planters and others we have had before us complain most bitterly of the native judges, and speak of their universal dishonesty: is that your impression with regard to them?—No, it is not my impression at all; they were more open to the charge 20 years ago than they are now; but I think that at present they are really as much to be trusted as any judges in the world, except, of course, English judges. I think the native judges in India are as good as any judges in the world out of England.

9291. There are exceptions, of course?—Yes, I am speaking of them generally; there are exceptions to every rule, of course.

9292. Then

9292. Then you think the experiment has succeeded?—I think so.

9293. Lord William Bentinck's experiment of employing natives more largely you think has succeeded?—I think so.

9294. Have you seen anything of the native deputy magistrates?—Yes.

9295. What is your opinion as to them?—I think they are not so well qualified for that office as they are for the civil courts; I do not think as a rule that they make good magisterial officers.

9296. Then as to the police?—The police certainly require improvement very much; I think that there is a great deal to be done in the way of improving the police; there is, in my opinion, a great deal practicable that has not been done: however, I have seen some good native police officers. Some young natives of good families, who had been well educated in Calcutta, proved good police officers, or darogas. They held office in the suburbs of Calcutta, where there were Europeans as well as natives; they had, in fact, to rule over a European as well as a native population.

9297. Do you believe the statements which have been made, as to universal corruption prevailing among them, to be true?—No; certainly not universal corruption.

9298. Do you believe that the only effect, as has been stated before this Committee, of raising the salaries of the darogas, was to increase the amount of bribes which they required?—No, certainly not; in some instances it might have that effect; of course if you double a man's pay you make his situation doubly valuable, and you must increase your inducement to make him risk his situation; if his situation is worth 30 rupees a month he would take a small sum, but he will require a larger sum to induce him to risk a more valuable situation.

9299. It would be unwise, then, to increase their salaries if that would be the only effect of it?—No, I should not say that; but the foregoing is the way in which I explain in my own mind the statement which has been made to the Committee. I suppose it must have happened that a daroga, when a small bribe was offered, would say, "No, that would have done very well in former days; but my situation now is worth keeping, and I am not to be bribed by small sums."

9300. To what extent, according to your experience, are the civil officers dependent on their omlah, or are they entirely swayed and governed by him?—I think that the rule is certainly the reverse; of course there are exceptions to every rule, and there may be found exceptions to this; I think that the fact, that the officers in the service are so continually cautioned by their superiors against allowing even the appearance of this influence has such an effect upon them, that they are really free from it. I know that in my own case I took the greatest pains not only to be free from that influence, but to prevent even the appearance of it; and I would rather commit a slight error, than avail myself of the assistance of the native assistant who was at my side.

9301. Is not that feeling often carried to an almost morbid extent?—It may be; I know that the feeling is strong, and that there is no disgrace considered so great amongst members of the service as for a man to be under the influence of his omlah; it is the greatest reproach that can be attached to his name.

9302. *Chairman.*] Is that feeling more prevalent now than it used to be?—I think it has increased every year, and I think the character of the service, as an administrative body, has improved every year.

9303. Mr. *Mangles.*] What is your opinion of Mr. Grant's sale law?—I believe it was brought forward after I left India; it was under discussion about that time. I think it is a great pity that the law was not tried; I do not know exactly what the difficulty was; I believe it was this, that Mr. Grant considered that, in order to protect the interests of the Government, it was necessary to ascertain, beyond a doubt, that the value of the land to be separated from the parent estate was equal to the jumma, or revenue, which was to go with it; and the means by which he proposed to ascertain that point were considered objectionable by the Indigo Planters' Association, or the European community concerned.

9304. Has not the operation of the sale laws much improved of late years, since greater stringency has been introduced?—The new sale law was no doubt a great improvement; it left no discretion to the collector; if the revenue was not paid by a certain date, the estate must be put up to sale, and this obliged the zemindar to be punctual; it enforced punctuality, and it was a great advantage to the com-

A. C. Bidwell, Esq.

20 July 1858.

munity to know that certain estates would without doubt be brought to sale on a certain day, and therefore those who wished to invest capital in that way might regulate their proceedings accordingly.

9305. And it was a great advantage also to the defaulter, inasmuch as it ensured his getting the best price for his land?—Yes, it had that advantage also.

9306. Were the examinations of the young civilians pretty severe?—Yes; they were particularly stringent as regards practical acquaintance with the native languages, so much so, that on one occasion a young gentleman who had obtained the highest distinction in college for his acquirements in the Bengalee language, who had received a prize in the first instance, and afterwards a medal for high proficiency in Bengalee, when he was brought before the committee for examination as to his practical knowledge of the language, was plucked because he could not readily translate an English paper into Bengalee. He had read a number of books; he knew all the words that were used in the language, and he could speak it extremely well; but he could not take up a paper and translate the English off into Bengalee. He could translate the other way with the greatest facility.

9307. Is it not a part of his examination to give him a native paper, a report of a daroga or tashildar which he has never seen, and require him to read it off, and to write an answer to it?—He has a paper in the language of the country placed before him, a written report which he is required to translate into English, and another English one is given to him, which he is required to translate into Bengalee without a dictionary, or any other assistance whatever.

9308. Mr. *Vansittart.*] You entertain a very high opinion of native officials, do you not?—Of some of them.

9309. Do you not think that the natives generally have greater confidence in a decision passed by a European than by a native?—Yes, I have stated that such is the case.

9310. Do you think it not desirable to employ indigo planters as deputy magistrates, in preference to natives?—That experiment has been tried within the last year.

9311. Has it been found to answer?—That is a point on which I am not competent to speak.

9312. You do not think that the natives are well adapted to be made deputy magistrates of?—No, they are not so well adapted to that as to the other branches of the service. I have seen them make extremely good policemen, and those men who have made such good darogas would make excellent deputy-magistrates, I should think; but as a general rule, I do not think they succeed so well in that branch.

9313. You think they would succeed better as sudder ameens and moonsiffs?—Yes.

9314. You do not think that we could get young men of good family and of good education to go out from this country and fill those situations?—No.

9315. With regard to the separation of the civil service, separating the judicial from the revenue, are you in favour of that?—No, I am not. I think the special education of the young men selected for the civil service, which, I believe, commences two or three years before they go out to India, should be more directed to the study of the principles of law; but I think that the practical experience which they afterwards acquire in the magistrates' and revenue departments is of the utmost value to them, even if they are promoted to the highest judicial appointments.

9316. In fact, then, you do not think there is any great necessity for keeping the two separate, so that the young civilian shall have the alternative of selecting either the judicial or the revenue branch?—No.

9317. You do not approve of that?—No.

9318. It has been stated to this Committee that it would be desirable to have the two branches of the service, the judicial and revenue, separate; you do not seem to approve of that?—There is a great deal to be said on both sides, but I should retain the present system, providing that a young man, before he went to India, should be better instructed in jurisprudence than he is at present, that more attention should be devoted to the study of the principles of law.

9319. Are you acquainted with Mr. Charles Raikes, the judge of the Sudder Court at Agra, and late civil commissioner with Sir Colin Campbell?—No.

9320. Probably you were at Haileybury college with him?—I believe I was.

9321. With

9321. With regard to our revenue system he thinks Government would do well to sell their land-tax to the proprietors, wherever purchasers (at 20 years' tax) can be found; do you concur with him in that opinion?—I think it would be attended with advantage to allow the proprietors to redeem the land-tax at a higher rate than you speak of; at 30 years' purchase, if he had the means and the inclination to do so.

9322. Mr. *J. B. Smith.*] Would you say, supposing a man paid 100 *l.* a year, he should be allowed to redeem as much of the public debt as would amount to 100 *l.* a year?—I am not prepared to speak to the rate, but I think that the principle might be tried with advantage.

9323. Mr. *Vansittart.*] There are many wealthy proprietors in Bengal, I imagine, who would be able to avail themselves of this offer?—Some of them are wealthy, and many would be able to avail themselves of it.

9324. Is it not the fact, that at present the needy Indian peasant pays the village banker 50 per cent. for an advance to buy seed, whilst his thrifty neighbour, who has saved a few rupees, buries them under his hut?—The rates of interest are very high in India.

9325. Would it not be desirable that Government savings banks should be established in every district, and as far as is possible, the existing system of making advances from the public Treasuries to the agricultural class extended?—There is a savings bank in Calcutta, of which the collector in every district is the agent.

9326. Savings banks do exist then already?—Yes; but they are not resorted to by the native community.

9327. Why not?—Because they can do better with their money than get four per cent. for it.

9328. Mr. *Villiers.*] When do I understand you to say you were in India first?—In 1830 I went to India; in 1831 I left the college in Calcutta for the public service; I was a year there qualifying myself in the languages.

9329. You left India in 1856?—Yes.

9330. And you have observed great improvements in various ways in the character of the public servants of late years?—I have observed a great improvement.

9331. Do you think that the system of Government is altogether improved?—I think so; I think the administration is decidedly improved.

9332. And that the men are more efficient?—Certainly.

9333. And more competent for their offices?—Certainly, as a rule; of course there were men in former days as competent as any men that can be produced now; but, as a general rule, the body of the service is more efficient now than it was 25 years ago.

9334. And have you observed that there has been an improvement in the moral character as well as in the competency of the native judges?—Certainly.

9335. You have referred to one or two indigo planters whom you knew who had been successful?—Yes; they were not British subjects, and were placed on the same footing as the natives of the country, as regards their being subject to the native courts of the country.

9336. Was one of them out there when you first went?—He was in the district of Tipperah when I was there.

9337. In what year was that?—He was there for many years; for perhaps 20 or 25 years; but the years over which my acquaintance with him extended were from 1838 to 1843, I think.

9338. You were asked whether he complained of the native judges?—I do not think I was asked that; I understood the question to be whether he complained of his position.

9339. He never had any reason, so far as you are aware, to complain of being subjected to the native courts?—No; he never complained that he was not on the same footing as a British subject.

9340. You seem to assign as a reason that foreigners are better adapted to conform to the habits of the people they live among than the English are?—I think that must be a general opinion.

9341. Was he a wealthy man?—He was a very poor man when he first went to the district, and when he left he was a wealthy man.

9342. When do you think the native judges became less corrupt than they had been formerly?—By degrees within the last 25 years. Through the improved

A. C. Bidwell, Esq

20 July 1858.

education of the natives, owing to the number of schools that have been established, the Government obtained a very superior material for their native judges to that which they could obtain 25 years ago. Almost all the moonsiffs of the present day are educated men, who know English, men who have been educated in the Government schools and colleges.

9343. You state that the opinion is, that they are not impartial, though they are not corrupt?—They are not corrupt, but I do not think the native community consider them so impartial as the European judges are; they consider them open to family or caste, or religious influence. A Mahometan might think he had not an equal chance before a Hindoo judge in any dispute he had with a Hindoo.

9344. Might it not also occur to a Christian, that in consequence of these religious biases towards family and caste, he would not get justice if he were to appear before a native judge?—I have no doubt that that would be his feeling.

9345. If so, is there anything unreasonable in his objecting to be subject to native judges?—There is nothing unreasonable in his objecting to it; but I doubt whether the Government ought to listen to his objection, as regards civil cases.

9346. But it is not merely a want of facility in adapting himself to the manners and ways of the natives, but that he has a good tangible reason for objecting to being subject to a native judge?—I do not think it is a tangible reason; I say it is an impression. I think I have said that a Mahometan would have the same feeling, and I mentioned that as a reason why all classes prefer a European or English judge. They all prefer that their cases should come before the judge rather than before a subordinate native judicial court.

9347. Who do you say prefer it?—The native community, and the community generally, because they have a greater degree of confidence in his impartiality.

9348. Do you think that that confidence would be at all impaired, if the judge were to administer justice in the English language?—I do not think that confidence in the judge himself would be impaired; but I think that confidence in the court would be impaired; they would not know what was going on. A man, when he has a case before the court, if present, likes to know what is going on; and therefore it would be, I think, a source of great dissatisfaction to him, if the whole of the proceedings were carried on in English.

9349. How would it be if there were interpreters?—He never would have confidence in an interpreter. Every man who had seen the action of an interpreter in a court, and who understands the language in which a deposition is given, and the language into which it is translated, must have observed frequent instances in which the translation has not come up to his notions of correctness. I have seen it often in the Supreme Court at Calcutta, when I have felt inclined to get up and say, "That answer is not correctly interpreted."

9350. You have actually heard an interpreter give an inaccurate interpretation?—*He* would not admit it was an inaccurate interpretation, but I should call it so; it did not convey the *exact* sense of the deposition; the turn of a phrase may make all the difference.

9351. Mr. *Mangles*.] Perhaps it is impossible to give an axact translation into one language of what is said in the other?—Sometimes it is so.

9352. Mr. *Villiers*.] What is your experience with regard to the impression made upon the minds of the natives by the mode in which justice is administered in the Supreme Court?—I think they have a very high opinion of it.

9353. They believe that justice will be done there?—Yes; but the expenses are very great; they have, no doubt, the utmost general confidence in the decisions of the Supreme Court.

9354. But the natives being an intelligent people, would they not see that getting justice is the essential part of the administration of the law?—I do not exactly understand the bearing of your question.

9355. I want to know whether the natives would be dissatisfied if the law were administered in English?—Certainly they would.

9356. But I do not understand the reason; you say there may not be an accurate interpretation, but that the native, where he has any experience of the law, being administered in English, is satisfied that justice is done; if justice is done, is not that the main point; the natives do get into that court, and have some experience of it; and I ask, if, in consequence of its proceedings being in English, such natives mistrust the law as it is administered?—I cannot speak to that point.

9357. You

9357. You cannot give any account of the impression produced in Calcutta by the law being administered in English?—Not on that particular point; I know they have great confidence in the Supreme Court generally, but I never considered whether they had confidence in the correctness of the interpretation.

9358. Perhaps the opinion you have given that people would be dissatisfied with the mode in which justice is administered, if administered in English, is a gratuitous speculation of your own, not founded on any experience you have had, or any opinion you have heard expressed?—No, it is not a gratuitous speculation; it is founded on my own experience as a public servant in India.

9359. Is it founded on your experience of administering the law in English, because that is the question; have you had any such experience?—Of course not; the law is never administered in English, but you cannot fail to derive impressions of what the result would be.

9360. But it is a gratuitous speculation?—I do not admit that at all.

9361. Have you heard any opinions of natives to the effect, that they would be dissatisfied if the law were administered in English?—I have never put the question to them.

9362. It is merely your own opinion?—No; I do not admit that it is my own unsupported opinion.

9363. Can you give us any authority to support your opinion?—No specific authority; it is the opinion I have formed from communication and constant intercourse with the native community for 25 years in India.

9364. But is it your own opinion only?—It is the opinion I have formed.

9365. There is no apprehension on their part of English being introduced there?—No; such a question was never mooted.

9366. I understand you to say that you consider that more might have been done in the way of facilitating communications in the Bengal province?—Yes; I think the complaint has been general that until within the last four years, when a separate Lieutenant-governor was appointed for Bengal, the interests of Bengal, as regarded public works, were rather neglected in favour of the North Western Provinces. The North Western Provinces had a very active and intelligent Governor in the late Mr. Thomason, and Bengal had no separate Governor; the Governor-general was Governor of Bengal, and his time and attention were so fully occupied with his duties as Governor-general, that he had not much time left to devote to the minor interests of the Presidency of Bengal.

9367. Have you observed any improvements of late years there; and if so, do you connect them at all with the facility of communication with the mother country; and do you think that more attention has been given to the affairs of India in England of late years than was given formerly?—I think that public opinion being brought to bear upon these points in England has a favourable influence, and is attended with favourable results, no doubt.

9368. And the more public opinion can be brought to bear upon the affairs of India the better it will be for that country?—Yes.

9399. Do you think we may rely upon that in future more than upon anything else for the improvement of the people and the country?—I do not know that you can rely entirely on it; I do not think there should be too much interference on the part of the House of Commons, for instance, with the affairs of India in details; but on all such points as that of public works, I think the pressure from home exercises a very wholesome influence upon the functionaries in India.

9370. It is owing, in your opinion, is it not, to the notice taken of the affairs of India of late years in England that improvements have taken place there?—I do not know that it is owing to that.

9371. Mr. *J. B. Smith.*] You have stated that within the last 20 years there has been a great improvement in the moral habits of native judges?—Not exactly in their moral habits, but in their general efficiency and integrity of character.

9372. There has been, you think, an improvement in their integrity?—Yes, certainly; a very superior class of men has been brought into those offices within the last 20 years.

9373. Do you consider that is owing to an improvement in their pay?—No; their pay has been slightly improved, but not, I think, to the desired extent; but it is owing, in my opinion, to the extension of education. There are young men who have been educated in the Government schools, located in various parts of the Presidency, and particularly in Calcutta.

9374. Are you of opinion, that with regard to so important an office as that

A. C. Bidwell, Esq.

20 July 1850.

of a judge, one of the best means of improving their morality would be to improve their condition by paying them better salaries?—I think their salaries should be increased. That is universally admitted, I believe; but the difficulty is to find the funds.

9375. Then the Government have preferred rather to let the people suffer injustice than pay the judges good salaries?—Not having funds disposable wherewith to pay them.

9376. Mr. *Mangles.*] But their salaries have been much increased of late years, have they not?—Yes; but it is proposed and admitted by all that they should be still further increased, unless they have been increased within the last two years.

9377. Mr. *Villiers.*] I think you have said that the natives do not make good magistrates?—Not such good magistrates as Europeans.

9378. Why is that?—I do not know; in consequence of some defect in their character I suppose. They have not the energy and activity you require in a magistrate. A magistrate in India is a superintendent of police, as well as a magistrate. You want a man who, if an affray takes place 10 or 12 miles off, will get on his horse and gallop off to see what is the matter; a native will not do that. He makes a good man on the bench, but has not the personal activity which is so requisite in a magistrate.

9379. *Chairman.*] You have alluded to the occasional incorrectness of interpreters in the Supreme Court?—Very slight inaccuracies.

9380. But I infer from what you say that that occasional incorrectness does not so far impair the administration of justice as to shake the confidence of the natives in the mode in which justice is administered in the Supreme Court?—No, I think not. Still I think the natives would prefer that the judge should take the answer direct from the witness, and not through the medium of an interpreter.

9381. Are you of opinion, that even if the English language were more extended in the courts in India, it would still be desirable that the presiding judge should be versed in the language of the country?—Certainly, I think that is indispensable.

9382. But with such intimate acquaintance on the part of the judge with the language of the country, do you not think it might be desirable in certain cases, at least to extend the use of the language there?—No; I do not see what you would gain by it; the judge now, if an Englishman, must write his decision in the English language upon the spot.

9383. Do you not think it desirable, both for England and India, that the use of the English language should be gradually extended among the natives of India?—Certainly.

9384. Mr. *Villiers.*] Do they acquire it with facility?—The natives, when young, acquire it with very great facility in the schools.

9385. Are they desirous of learning it?—Very much so, because a knowledge of it opens a path to improvement in the Government service; a young man acquainted with English always has the preference, *cæteris paribus*, over other candidates.

9386. Is there any greater objection on the part of Hindoos to go into English schools than there is on the part of Mahommedans?—No.

9387. *Chairman.*] Do you think there is a kind of fashion or tendency to learn English among the natives?—Chiefly because it opens a road for Government employment. They are very glad to acquire it for that reason.

9388. Mr. *Villiers.*] We encourage the natives to learn the English language, do we not?—We endeavour to promote it.

9389. *Chairman.*] And you think that desirable wherever it can be safely done?—Yes; but of course it will be a long time before it will show itself with the millions we have to deal with, and the few hundreds we can educate every year.

Jovis, 22° die Julii, 1858.

MEMBERS PRESENT.

Mr. W. Ewart.	Mr. Danby Seymour.
Mr. Gregson.	Mr. J. B. Smith.
Mr. Kinnaird.	Mr. W. Vansittart.
Mr. Mangles.	Mr. Villiers.

WILLIAM EWART, Esq., IN THE CHAIR.

William Theobald, Esq., called in; and further Examined.

W. Theobald, Esq.
22 July 1858.

9390. *Chairman.*] I UNDERSTAND that you feel yourself aggrieved by part of the evidence of a former witness (Mr. Hawkins); you think it imputes to you a degree of error which you regard as discreditable, and you wish to correct it?—Yes, I do feel myself aggrieved in that point of view, and I wish to show that there is not the error in my evidence which has been imputed to it. The evidence which I wish to support is under Question 995: that to what I wish to reply is under Questions 4182, 4183, 4184, 4185 and 4186. I had stated that the Act XVIII. of 1850 (for the better protection of judicial officers), was passed in consequence of an Armenian gentleman having brought an action in the Supreme Court against a member of the covenanted civil service, and recovered damages; and that from that time the Government and influential class of civil servants were determined to get the law of liability of public servants altered; but I did not give the name of the case (which was Gaspar *v.* Mytton, and was tried and decided in 1847–48). Mr. Hawkins, who was called to refute me, assumed that I referred not to Gaspar *v.* Mytton, but to the case of Calder *v.* Halkett, which was tried 10 years before, and decided by the Judicial Committee in 1840. Through this misconception it is made to appear that my evidence was grossly in error, and this is one of the points I wish to set right. Another point is as follows: I stated that, under the Act of Parliament by which the liability of Indian judicial officers was regulated prior to Act XVIII., the rule of English law was established, and as a barrister I ought to be right on such a point. But in Question 4186 the contrary is assumed, and Mr. Hawkins in his answer affirms the question, and says that the civil servants of the company had not that protection which magistrates and judges have in England; and moreover, Mr. Hawkins vouches Sir L. Peel in support of that opinion. Now, in reply, I beg to say that Sir L. Peel has given no such opinion. The quotation from Sir L. Peel shows that Sir Lawrence disapproved the rule of English law, and gave his sanction to its being abrogated; and in the case of Calder *v.* Halkett, the rule of English law was categorically stated by the judge who delivered the judgment, and was declared to be the rule intended by the Act of Parliament. There seems no reason (said Mr. Baron Parke, now Lord Wensleydale) why there should be more or less protection than English judges of limited jurisdiction have. Moreover, the Judicial Committee rejected the rule which has been embodied in Act XVIII., as not consonant with the intention of Parliament. I beg to add, that the correspondence between Sir L. Peel (then Chief Justice) and the Government, at the time when the proceedings in Gaspar *v.* Mytton were pending, proves that which I stated in my evidence, but which is denied under Question 4183.

9391-2. Mr. *Mangles.*] With reference to the general tenor of your evidence, and that of several of the indigo planters, who have expressed a very strong opinion as to the impossibility of living and carrying on business in the Mofussil under the jurisdiction of the Company's Courts, how do you reconcile those statements with the fact, also stated by witnesses, that Mr. Laruletta, Mr. Courjon, and several other French and Spanish gentlemen have carried on exactly the same pursuits in the Mofussil, being subject to the Mofussil courts exactly as the natives

W. Theobald, Esq.
22 July 1858.

are subject to them, and that they have been in no way behind their English fellow labourers in success in the field which they cultivated in common with them?—With respect to the personal history and the personal experience of those gentlemen I am uninformed; but Mr. Laruletta must have gone to India a great many years ago, and his success was obtained before Europeans were permitted to settle in the country, and at a time when those connexions of which I have spoken in my evidence were common between indigo planters, civilians and members of the Government, and which enabled them to succeed even under the disadvantages of a system by which Europeans were excluded. With respect to Mr. Courjon, I think I have heard that he was for a considerable period the agent of the Rajah of Tippera, and I think that if his personal history were inquired into, it would be found that he has had peculiar advantages, and that his case is quite an exceptional one. Then, those two instances, about the history of which we know very little, I apprehend cannot be used without minute examination, which this Committee cannot go into, as counterbalancing evidence to that which has been given by some half score of gentlemen who speak from their actual experience; I cannot reconcile it of course.

9393. Mr. *Smith.*] Do you know how many years ago it is since these gentlemen who have been referred to, carried on the business of indigo planting in India?—Mr. Laruletta must have been out of business for the last 15 years. My impression is that he was out of business when I went out to India, and was the collector of the Jungypore tolls, that is, the tolls of the Nuddea rivers, and that was 16 years ago.

9394. Mr. *Mangles.*] His brother?—I do not know; if it was he must have died, or entirely retired from business long before; Mr. Courjon has been out of India for many years.

9395. Mr. *Smith.*] How many years is it since he was a planter?—I should say he has been seven years out of India, and his business latterly was chiefly that of a zemindar; they are quite exceptional cases.

9396. When you are describing the state of things in the Mofussil, you are not speaking of what existed 15 years ago, but what exists at present?—Yes.

9397. Mr. *Vansittart.*] What is your opinion with reference to the constitution of the Legislative Council of Calcutta?—Either that the power of the Legislative Council ought to be very greatly reduced, or that its constitution should be very materially altered; I think the Legislative Council as it is now constituted is not competent to deal with the very large number of questions with which it does deal.

9398. In fact you agree probably with what the Rev. Mr. Mullens says, in answer to Question No. 7172, with regard to the Legislative Council: he says, "We have no good tribunal before which we can really bring forward the various evils which we consider to exist in the country; the present Legislative Council is by no means so open as we should like; all the members of the present Legislative Council are officials, appointed by the Government, and they are so far irresponsible, except to the Government itself, and it is very hard to get a case fully taken up in the Legislative Council, and discussed on every side;" do you concur in that opinion?—I should quite concur in that opinion.

John Marsham, Esq., called in; and Examined.

J. Marsham, Esq.

9399. Mr. *Mangles.*] WILL you state to the Committee how long you were in India, and what has been your experience of the state of things in Bengal?—I was more than 30 years in India; I have travelled through the greater part of the North West Provinces, but I resided chiefly in Bengal; I established the first native newspaper.

9400. Mr. *Vansittart.*] Will you mention the year, if you please?—One thousand eight hundred and eighteen.

9401. Mr. *Gregson.*] In what language was that newspaper published?—It was a native newspaper, published in Bengalee; that brought me in contact with the natives more particularly, and enabled me to ascertain their opinions upon every question of public policy. I was for 18 years the editor of the "Friend of India," which led to an extensive correspondence with both Europeans and natives, and with gentlemen both in and out of the service; it also gave me an opportunity of obtaining the most accurate information upon all questions of public policy and internal government.

9402. Mr. *Mangles.*] You have, I believe, a very perfect knowledge of the Bengalee language?—Yes.

9403. You speak it and read it as familiarly as you do your own language?—Quite so.

9404. And write it also?—And write it also.

9405. What is your opinion of the character of the native judges; do you believe them to be so universally venal as they have been described to be by some witnesses who have been examined before this Committee?—I have not attended to the evidence that has been given, except having read that of Mr. Freeman and Mr. Mackenzie, and Mr. Theobald; but I am not prepared to concur in what they have advanced regarding the character of the native judges. When Lord William Bentinck established the system in 1831, the native judges were exceedingly deficient in almost everything that was necessary for the management of public business; but every effort has been made by the Government since that time to improve the service by enlarging their powers, by increasing their pay, and by promotion from one grade to another, so that no individual is appointed a principal sudder ameen (that is the highest grade of native judge), unless he has served for several years as a sudder ameen, and before he becomes a sudder ameen he must have served for eight or ten years as a moonsiff, which is the lowest grade; and he does not attain these higher grades without an examination, and without having established his character with the officers of Government; the Government therefore have made every exertion during the last 25 years to improve the character of the native judges; and I think that to a very considerable extent they have succeeded in doing so.

9406. *Chairman.*] Have they done so in that part of Bengal to which the evidence to which you have referred as given by Mr. Theobald, and Mr. Freeman, and others, relates?—Yes; those exertions have been made more particularly in what is called Lower Bengal, or Bengal proper.

9407. Do you think that these improvements might be carried still further?—It is impossible to say that the system does not admit of improvement; but I think the Government have most conscientiously and most energetically made every exertion that they thought would issue in giving the natives of the country the very best judges that could be obtained.

9408. Mr. *Smith.*] Do you think that the Government have been sufficiently liberal in their salaries to the judges?—The Government have gradually increased the salaries of the judges; but it may still be a question whether a principal sudder ameen, who receives 750 rupees a month, ought not to receive a higher sum, as many have proposed, and be placed on an allowance of 1,000 rupees a month.

9409. Mr. *Mangles.*] Several of the witnesses who have been examined before this Committee have recommended a much larger employment of Englishmen in these courts as judges, to the exclusion, *pro tanto*, of the natives of the country; do you think that that would be just, or proper, or wise?—I think it would be exceedingly imprudent to exclude the natives of the country from every object of ambition in their own land. It is utterly preposterous to think of governing 150,000,000 of people, excluding them from every prospect of rising to stations of responsibility and distinction in their own country. This was the ground upon which Lord William Bentinck founded the system he established in 1831; he said we had most egregiously failed in popularising our administration, by confining it entirely to European agency. I may perhaps be allowed to mention, that the exclusive employment of European agency dates from the year 1793.

9410. On the introduction of what is called Lord Cornwallis's system?—Yes; Lord Cornwallis determined to carry on the government of the country entirely through the means of European officers, and, consequently, no native received an allowance beyond 50 rupees a month; and it was this system of Lord Cornwallis's which was at the time extolled by almost all the statesmen of England, as well as in Asia; by Lord Wellesley, by Mr. Pitt, and by Mr. Dundas. At the end of 30 years we found it had entirely broken down, and that it was absolutely necessary to qualify the natives to assist in the administration of justice, and to open suitable situations and prospects for them in their own land. It is from the date of Lord William Bentinck's system of 1831 that the Government have largely engaged the services of natives, and have been employed at the same time in endeavouring to qualify them by means of education for the responsibilities thrown upon them. I think that it would be absolutely impossible, as well as

unjust, to rule 150,000,000 of people, and yet deny them every office of distinction and responsibility in their own land.

9411. In fact, then, since Lord William Bentinck's time, the European district judges have been employed mainly as superintendents and supervisors of the administration of justice by the natives rather than as administrators of justice in the first instance themselves?—Almost entirely so; I believe that in some instances the civil and sessions judge has the right of taking up certain cases himself; but the initiative of all cases is now thrown into the hands of the natives, and the costly European agency of the civil service is employed exclusively in supervising the whole system, and in hearing appeals from the decisions of the native judges.

9412. And you think that the system of employing that necessarily expensive agency is wise and proper?—The only mode in which, I think, you can carry on a system of jurisprudence in India, is that of employing native judges to take the first stages of a case and European judges to superintend them, to control them, and to hear appeals from them.

9413. The witnesses to whose evidence I have referred have stated their opinion to be that the value of the example of the superior morality of Englishmen, employed as they recommended, would be such as to give to the native population an advantage over the system of giving them employment in the first instance; are you of that opinion?—That is so entirely novel an idea, that I have never thought of investigating it.

9414. Do you believe it is possible to teach boys to swim without allowing them to go into the water?—No, I do not think it is possible to do that; the influence of their example might be felt, I suppose, by the great body of the suitors; but the exclusion of natives from offices of distinction, in order to put in Europeans, would justly be resented by the upper classes of society, and would tend to create a degree of dissatisfaction that we should find it exceedingly difficult to manage.

9415. And it would not be compensated for, in your judgment, by the effect of examples?—I think that dissatisfaction, certainly, would not be compensated for by any influence that might be exerted by the example of European judges.

9416. Then you agree with Lord William Bentinck, and with those who are of his school of opinion, that the best way to improve the natives of India is to place them in offices; to superintend them carefully, and, it may be, jealously; to watch them well; to have an appeal close behind them, as it were, and, in that position, to try them and to trust them?—Yes.

9417. And you believe that that system, although there have been occasionally lapses, and individual instances of failure, has, upon the whole, worked well, and is working well?—I think that the system has been gradually improving. When it was first established there were a good number of failures, and it was necessary for the Government to make examples of the natives who had failed in their duty, either through ignorance, or through corruption; I think, also, that the native judges have, perhaps with considerable exceptions, shown themselves to be not unworthy of confidence.

9418. But were not such failures, in the first instance, to be expected from the moral condition of the people?—Yes; but I cannot say that the moral condition of the people has very much improved.

9419. Not the moral condition of the upper classes, from whom such judges are taken?—The judges now appointed are generally men of a much higher class of society than those who were first appointed. When the office was first created, the Governor-general had no option but to take the sheristadars and other officers who had had great judicial experience, but who had grown up amidst the corruption of the courts from their very youth; gradually those men have been weeded out, and men of a superior class of society, and of a superior rank and standing, have been appointed; so that we have now in the ranks of the native judges and magistrates members of the very first families in Calcutta; and just before I left India, an application was made to the Governor-general by the grandson of Tippoo Saib for an appointment as deputy magistrate.

9420. You, I think, have aptly, in one of your writings, compared the attempt to use the natives of India as instruments of Government to "carving in rotten wood"?—I possibly may have used such an expression as that; but whether it was invented by me or by anybody else, it is perfectly correct.

9421. That

9421. That is, in fact, the great difficulty of the Government?—The great difficulty of the Government lies in the utter want of moral feeling among the people themselves; among the zemindars there is scarcely any moral virtue; among the lower classes there is scarcely any moral courage whatever; and I am sorry to say, that even among the upper ranks of society in Calcutta their veracity is not to be depended upon, and there is an entire relaxation of morals throughout the country.

9422. Mr. *Villiers.*] Are you alluding to Europeans there?—No; I am alluding exclusively to the natives.

9423. Mr. *Mangles.*] But still you believe it to be the duty of the Government to struggle on and to strive to mend matters, and you think, do you not, that that object would not be effected by holding the people still further back, and by pursuing what I call a system of trying to teach boys to swim without allowing them to go into the water?—You must pursue this system, if you intend to introduce any sort of improvement at any time among the people. If you intend to govern India without any reference to the advantage of the people of India, that is altogether another question; but if you calculate upon improving the natives of the country, you must pursue the same system that has been pursued now, with, of course, all those modifications and all those improvements which time and experience will suggest; at least, I cannot see any other mode in which the progressive improvement of the country is to be secured.

9424. *Chairman.*] You do not disapprove of European superintendence?—I believe it to be indispensably necessary; you cannot superintend the natives or watch them too strictly.

9425. Mr. *Mangles.*] What do you believe to be the general character of the civil service, as a superintendent of this system of which you have been speaking?—I think that the efficiency of the civil service has been very greatly improved since Lord William Bentinck's time.

9426. What is your opinion of the degree of knowledge of the native languages by the junior civilians, especially those who have been subjected to the new system of three consecutive examinations?—I think the system of examinations established by Mr. Grant, and which often went by the name of Grant's Scorpion Rules, because they were so stringent, has succeeded in introducing such a degree of knowledge, both of the regulations and of the language, among the members of the civil service as we never had before. I do not believe there is a single civilian now to be found in Bengal of more than five or six years' standing (I do not allude of course to the older men who went out in the service before that time), who is not thoroughly acquainted with the language of the people. I was acquainted with 50 or 60 civilians, and have seen them in their kutcherries and their own houses, and heard them address the natives, and I was astonished to find how admirably they had mastered the colloquial language. The examinations that were established were so stringent, that it was scarcely possible for any individual by any system of cramming to have passed them; and a man who passed the third examination (that is, the second after leaving college), and was pronounced qualified for the public service, was certainly as qualified for the service as any human institution could make a man. The young civilian was placed in the room with the examiners, and a native case, written in the most crabbed handwriting, was put into his hands, which he was obliged to read and to master, and then and there, without any reference to law-books or to dictionaries, or to his own omlah, to write down his own order upon the subject. I think it is impossible for any individual to do that without being considered a sufficient master of the language of the country and of the laws he administered. At the same time he was under the necessity of carrying on a *vivâ voce* conversation, in the presence of the examiners, with any two or three natives whom they might select; and they had thus an opportunity of judging of the extent of his colloquial knowledge.

9427. It has been stated by several of the witnesses that very few, if any, English officers in the Mofussil are capable of summing up a case in the native language, or of holding any lengthened conversation, except upon the most ordinary and trivial subjects, with a native; is that your experience?—It does not accord with my experience of the Europeans there.

9428. Is your experience directly the contrary?—It runs almost entirely to the contrary.

9429. Do you believe that the native judges, as a general rule, have such a

J. Marsham, Esq.

22 July 1858.

prejudice against Englishmen, that English settlers in the interior of India could not expect justice at their hands?—I do not think that among the native civil judges there is any such feeling; at least, I have never heard of its existence. The Europeans in the interior of the country have a very strong objection to have their suits tried by natives, and that may possibly have created a prejudice against the native judges; but, generally speaking, I think the native judges are impartial in that respect, both with reference to cases in which Europeans are plaintiffs and to cases in which the Government may be parties.

9430. *Chairman.*] In criminal as well as civil cases?—I am alluding to civil cases.

9431. But how far do you think it would be desirable to place Europeans under native judges in criminal cases?—I do not think that it is at all desirable. I would not place Europeans under the criminal jurisdiction of any native, and least of all after the feelings which have been developed in the present mutiny.

9432. Mr. *Mangles.*] As a general rule, what do you believe to be the feelings of zemindars and ryots towards indigo planters?—That is rather a delicate question; the natives themselves describe the position of the zemindars and indigo planters as that of the snake and the ichneumon, between whom there is perpetual enmity.

9433. Which is the snake, and which is the ichneumon?—That I must leave you to judge.

9434. What is the feeling of the ryots generally; do they look upon the indigo planters as their patrons and defenders, or have they feelings of a different description towards them?—I think that depends, in a great measure, upon the character of the planters. In the case of Mr. Furlong, an indigo planter in the Kishnagor district, he was regarded by all the natives connected with those factories of the Bengal Indigo Company as a father among his children; on the other hand, I have known indigo planters, men of violent temper, who were always at feud with the zemindars, and always quarrelling with their ryots, and giving them all the trouble imaginable.

9435. But is not the peace of the indigo district very often very greatly disturbed by the fights of the indigo planters and zemindars?—That is too often the case. In the districts almost immediately round the metropolis, the system of private war that is carried on I consider to be perfectly disgraceful to any civilised Government. I have known instances in which between 200 and 300 men have been collected; in fact, I have met them, and asked what the assembly meant; and they have said that they were the retainers of such a zemindar, going either to fight another zemindar, or to fight some indigo planter. It is impossible to maintain a good system of police in any of the districts near Calcutta, where there is a large number of indigo planters, and a number of troublesome zemindars. The fact is, that the number of lotyals, as they are called (that is, armed retainers), who are retained for the sake of breaking the peace, is much greater in the lower districts of Bengal than the number employed by the Government in maintaining the peace.

9436. How would you propose to deal with such a state of things?—It arises chiefly from the want of adequate protection from the police of the country, and I think it is almost inevitable from the present state of things. The police is exceedingly weak: it is not sufficient to afford protection either to the zemindar or to the indigo planters; and they are therefore in a great measure driven to adopt measures for the protection of their own interests.

9437. Do you agree then with the statements which have been made by several witnesses, that life and property are not secure in those districts?—I could not say exactly that life and property were not secure, because people do live in those districts, and contrive to live on; but at the same time they are by no means so secure as they ought to be.

9438. You never heard of an indigo planter who lost his life, did you?—I do not know but what there may have been one or two such instances, but I cannot recall them immediately to my recollection; I could not say that instances of that kind have not occurred.

9439. *Chairman.*] Do you think they may live in fear of their lives?—In a party fight it is quite possible that they may lose their life; when 200 or 300 men are drawn out on either side, fighting with each other with clubs and other weapons, it is not impossible that the European or the zemindar himself (though the zemindar contrives to keep out of the way) may possibly lose his life.

9440. Mr. *Mangles.*]

9440. Mr. *Mangles.*] How do you account for the fact that these fights and this state of things does not exist in the districts of Behar, or, if at all, to a very slight extent, compared with the districts of Bengal?—There is the greatest possible difference between them: take, for instance, the district of Tirhoot, one of the largest indigo districts, where there are no disputes between the indigo planters and the zemindars, and no complaints made regarding the inefficiency of the police; but it is much easier to perceive the fact than to trace it up to its legitimate cause. I think the lower part of Bengal has been in a state of demoralisation for the last 150 years; perhaps it is the most demoralised portion of our dominions. I attribute the difficulty that the Government experience in establishing a good and strong police in Bengal, in part to the ancient circumstances of the country. For many years after our Government was established, it was found necessary, especially by Warren Hastings, to inflict such punishment upon the decoits as we should not tolerate for a moment at the present time. Somewhere about the year 1775 the whole of the lower provinces of Bengal were overrun with decoits, or gang robbers, and Warren Hastings found it necessary to adopt the most stringent rules for extinguishing them, and he passed a law that not only should every man convicted of decoitee be hung, but the whole of his family should be sold as slaves for the benefit of the State. Such was the state of the lower part of Bengal 70 or 80 years ago, and we are, I think, labouring under the consequences of that state in Bengal now; it is, in fact, the most disorganised portion of all our territories; it is the province which we have longest had under our dominion, and it is that in which our administration is least satisfactory.

9441. *Chairman.*] Do you attribute that disorganisation to the dacoity system, or do you attribute it to the severe punishments inflicted upon the families as well as upon the persons of the dacoits?—I mention the fact simply to exemplify the state of total disorganisation in which the whole of the lower part of Bengal was 70 or 80 years ago.

9442. From dacoity?—From decoitee and lawless violence on the part of the zemindars, during the state of transition from the extinction of the Mahommedan Government in 1756, to the establishment of our own strong Government about 1772. For the first 15 years we can scarcely be said to have had any government at all in Bengal; the administration of justice was left in the hands of the native government of Moorshedabad, and they were continually thwarted by the European officers of Government, and by the pretensions of Europeans in every direction. I think we have never fully recovered from the state of anarchy into which the country fell at that time.

9443. .] Is there not a difference between the character of the planters of the districts of Behar and the planters of Bengal; do the planters of Bengal live upon the same terms with the civil authorities and the people as the planters of Behar do?—I cannot speak with any confidence upon that subject. I have known some planters in Bengal who lived in harmony with the zemindars, and with the European functionaries of Government; but, generally speaking, there is more discord in Bengal, and greater antagonism between the officers of Government and the independent Anglo-Saxon indigo planters, than there is to be found in Behar.

9444. Are the planters, as a general rule, in fact, the same class of men?—I cannot speak with confidence as to that.

9445. It has been recommended that English should be made the language of the Mofussil courts; what is your opinion of such a change?—We should consider it, at least all those with whom I have been accustomed to think and act, would consider it the greatest misfortune that could possibly happen to the country.

9446. Some witnesses have recommended that the proceedings of the Mofussil courts should be carried on in the English language through the medium of interpreters; what is your opinion upon that subject?—I consider that it would be the greatest calamity that could be inflicted on the country; it would be, in fact, a denial of justice to the great body of the people; it would be considered by them as an act utterly unjustifiable on the part of the British Government. I think at the same time that it would not in conduce in the smallest degree to the due administration of justice. It was considered the greatest boon ever conferred upon the country when Lord Auckland, about 25 years ago, abolished the Persian language from the courts and substituted the languages of the country.

J. Marsham, Esq.

22 July 1858.

The Mahommedans, when they came into the country, did what the Normans did when they came into England; they established their own language in the courts, and Persian was thus for 600 years the language of justice; and Persian being also the language of the Court and of the upper classes of society, it was much better known even than the English language is at present. Yet still the great body of the people, 999 out of 1000 I should say, knew nothing whatever of Persian, and they, therefore, had no confidence whatever in the proceedings of the courts, or in the decisions that were passed. They could not understand the nature of the proceedings or the character of the evidence that was given, and therefore it was found impossible to give them any confidence whatever in the decision that was come to. Lord William Bentinck prepared the way for that change, and Lord Auckland abolished the Persian language from the courts, and established the language of the country. By the natives, from one end of India to the other, that was considered as great a boon as the establishment of the English language in our courts in the reign of Edward III. was considered by the Anglo-Saxon population; and any attempt now to substitute any foreign language would be unpopular to the last degree among the people, and I think it would tend very much to the perversion of justice.

9447. Did Persian, when it was the language of our courts of justice, ever get into ordinary use among the people of the country?—Not to any great extent; it was the language, not only of the courts, but also of the Court at Moorshedabad, and every individual who hoped for promotion under the Mahommedan Government applied himself to the study of the Persian language.

9448. I am speaking of our own Government?—Up to that time Persian was scarcely known among the people, except in the families of the upper classes of society, and those who expected to obtain situations in the courts and under our Government.

9449. Do you believe then, that if the English language were substituted for the vernacular language, as is now proposed by some, it would become generally known to the people of the country?—I do not think it would be more generally known than the Persian language was after it had been 600 years in use in the courts. The object of the courts is to dispense justice, and not to teach the people a foreign language, and if in endeavouring to teach them this foreign language you deny them substantial justice, I think you act with great barbarity.

9450. What do you believe to be the general opinion of the people of Bengal with regard to the integrity of the European judges?—I believe there is but one opinion upon the subject; the natives have the highest opinion of the integrity of the European judges.

9451. And of the collectors?—And of the gentlemen in the civil service.

9452. And of their competence for the discharge of their duties?—That must depend in a great measure upon the individual character of the civilian; but I think that, generally speaking, there is a considerable degree of confidence in them; much greater confidence than there was formerly.

9453. Do you believe that that arises from the superior knowledge of the native language, and of the superior habits of business of the present generation of public servants?—I think it arises from both those causes; both from their superior habits of business, and from the greater control that Government has been exercising over the proceedings of the civil servants throughout the country; for a man cannot now neglect his duty as he could 30 years ago. No man, for instance, would be permitted now-a-days to pass a decision by a foot rule, according to the length of the different petitions, which is known to have happened at Dacca.

9454. Mr. *Villiers*.] How did that assist his decision?—He did not decide at all according to the merits of the case; but he ordered a foot rule, and decided in favour of the individual who had sent in the shortest petition.

9455. Mr. *Mangles*.] It has been recommended, as essential to the good administration of justice in Bengal, that barristers or gentlemen trained to the English law should be appointed as judges of the several districts; what is your opinion of that proposition?—It would be impossible, under the present arrangement of the civil service; and I think that the system that is now established will not admit of such an innovation; by the system, I mean that young men shall be trained to a knowledge of their duties in this country, and then be sent out to India.

9456. Do you mean as apprentices, bound, as it were, to the service for life,

life, entering it from the bottom and working their way up?—Yes; and enjoying certain definite prospects.

9457. You think that the enjoyment of certain definite prospects is essential to the Government obtaining the services of the best young men?—Quite so; it is quite as essential that they should have definite prospects as that a man should have definite military prospects when he enters the army.

9458. Do you not think that it is a great advantage to the Government to have a knowledge of the character and capabilities of the servants who are employed, to have them under their eye for five, ten, fifteen, twenty, or twenty-five years, according to the length of service, so that if they want a man for a particular position, or if they require any task of difficulty to be performed, they may know from experience where to lay their hands on the very individual who is suited to the purpose?—I think that is very much the case in India; the conduct of every young man in the civil service is regularly registered; all his proceedings are noted down by the Lieutenant-governor. Whatever he does of good or of evil is always to be found in the Lieutenant-governor's book, and he thus becomes acquainted with the individual character of every member of the service. He can tell where any one may have failed in his duty, and where he has exhibited any extraordinary energy or ability, and he is thus enabled to lay his hand upon the exact individual that is required for any particular appointment.

9459. And, in fact, from the circumstance of men entering the service almost in their boyhood, the character of every man in India is thoroughly known to all who are interested in inquiring into it?—Every man's character is perfectly well known in India; in fact, India has been compared to one vast whispering gallery.

9460. Mr. *Villiers.*] His connexions are also known, are they not?—Yes, his connexions in India.

9461. Mr. *Danby Seymour.*] You are speaking of Europeans only?—Yes.

9462. And of civil servants?—Yes.

9463. Mr. *Mangles.*] Do you not believe that a knowledge of the habits, feelings, trades, pursuits, crops, and of the country, are essential to the power of administering justice properly to a people?—Quite so; I think it indispensable that, for the proper administration of justice, a European should go out there at an early period; that he should mix with the natives as early as possible; that he should become thoroughly acquainted with their habits, with their feelings, with their prejudices, and with their modes of thinking; and that, without this local knowledge, it is scarcely possible for him to do justice among them.

9464. Do you think it essential that a man, to be a competent judge in India, should have passed through the revenue departments of the lower part of the service?—I think it is indispensable to make a good judge, that a man should have been employed for several years as a collector, because more than half the suits, I cannot remember the exact proportion, but I am certain that more than half the suits that come before a judge have reference to questions of land, and a man who has had no experience as a collector would find himself perfectly at sea when he came to decide such questions.

9465. Is not, in fact, the term "collector," as applied to the officers so called in India, a term very calculated to mislead an Englishman as to the functions of such an officer; has he not many judicial functions?—He is said to have 35 different functions to perform.

9466. And many of them are of a judicial character, are they not?—Yes, all the summary suits for arrears of rent (and upon those the happiness of the agricultural classes depends, much more than upon the decisions of the higher courts), are entirely decided by the collector.

9467. Or the ryots replevying against distraint?—Yes, and all matters, in fact, connected with the agricultural classes.

9468. I have seen, in the public prints in this country, a collector in India compared to a collector of Customs in this country; is that an accurate representation of his functions?—No; a collector has perhaps even more important duties to perform, with reference to the well-being of the country, than even the judge himself.

9469. Mr. *Danby Seymour.*] You speak of the collectors in Bengal?—Of the collectors in Bengal, and more particularly in the North Western Provinces, because there the collector and the magistrate are the same individual.

9470. Your knowledge is wholly confined to the Bengal Presidency?—Yes.

9471. Mr. *Mangles.*] One witness has said that there are not above two hours' work

work in a day for a collector; is that consistent with your knowledge?—A man might slur over his work in that time, but there certainly is three times as much work as that for a collector to do.

9472. And is it according to your general experience that the officers of Government slur over their work?—No; I think, generally speaking, they are too great slaves to their work, for they are always talking shop.

9473. Mr. *Vansittart.*] It has been stated that the junior members of the civil service have very little to do?—Of course they have not so much to do as when they have direct responsibilities laid upon them; but that will depend in a great measure on the amount of work which the collector or his superior officer entrusts to them.

9474. Would not a young civilian, an assistant to a collector, being deputed to make a revenue settlement, give him abundance of work?—Yes, it would give him abundance of work.

9475. Mr. *Mangles.*] There have been cases laid before this Committee in which great injustice had been done to uncovenanted servants by not promoting them to higher offices, and where the evil of not employing the best men that could be found has been very much insisted on; is not that state of things, in your judgment, necessarily and unavoidably connected with that system of an exclusive service which you recommend; can you help it, in fact; must you not take that evil (if evil it be) along with the good?—By Act of Parliament there are certain functions that can only be performed by covenanted civil servants, and it is not, I believe, in the power of Government, while that Act continues in force, to employ an uncovenanted servant in those appointments.

9476. Do you believe that upon the whole, looking at the good and the evil of the two systems, that it would be desirable to relax the rule, and to allow the general admission to the service of all persons that the Governor-general might find in India, or that the governors might find in the different presidencies fit for employment?—I think it would be better to maintain the present system, and not to break up the civil service; if you interfere with the situations and with the prospects of the civil service, you in fact break up the *morale* of the service altogether, and it would be much better in that case to extinguish it at once; young men would not enter the service if they knew that those who might be called outsiders would be put into it whenever there was a valuable appointment vacant. When I was down at Ceylon I was told that the Government at Ceylon was very anxious to establish something like a civil service there upon the same principle as the civil service of Bengal, that is, to educate a service, and give them an exclusive right to promotion to certain office, but it so happened that after this rule was established, in consequence of some political movement or some Parliamentary necessity in this country, one individual was sent out there who did not belong to the service, and placed over the heads of all the others, and made, I will not mention the name of the office, but he was placed in one of the very highest situations under the Government; the effect of that was completely to destroy the character of the service, to introduce a feeling of universal dissatisfaction and languor throughout it; and I think that this would be the inevitable effect if you were to allow those who did not belong to the covenanted service to step into those offices which had been reserved especially for it.

9477. Does it not, in fact, really come to this, that if you establish a system you must take that system with its rough and smooth, with its advantages and disadvantages; that you must weigh whether an open service or a close service is upon the whole the best, and that if you determine in favour of a close service you must maintain it strictly close?—Yes.

9478. *Chairman.*] Do I understand you to prefer the abolition of the existing system to a modification of it?—I do not see how you can modify it without destroying the principle of it.

9479. Mr. *Danby Seymour.*] Would you revise the offices that should be held be the covenanted and uncovenanted service?—I think that is very advisable; in fact, the Act to which I have referred, which was passed I think in 1793, is not very definite with regard to the offices that shall be held by the covenanted service.

9480. But the Court of Directors have defined them, have they not?—They are defined, I think, more in practice than by any specific rules.

9481. They have refused the promotion of uncovenanted officers, have they not, in consequence of the existence of a clause in that Act?—They have done

so in some cases; for instance, in the case of Mr. Riley, whom Mr. Halliday appointed to *officiate*; I think he used that particular term. Formerly the principal Sudder Ameen, in the absence of the judge, was entrusted with what were called the current duties of the office. Mr. Halliday appointed Mr. Riley to officiate for him, which in fact gave him the *status* of a civilian; this was objected to by the Members of the Council, and a reference was made to Lord Dalhousie, who supported the Members of the Council against the appointment.

9482. I thought it was just the reverse?—I am not aware that it was.

9483. Mr. *Mangles.*] You think that whatever advantages there might be in particular cases in employing this or that individual, like Mr. Riley or Mr. Ouchterlony, or any other gentleman in the uncovenanted service, it is better on the whole to adhere to the exclusive system?—I think it is at present.

9484. And that it is essential to the integrity of that system that it should be upheld strictly?—I think it should be strictly upheld, so that its prospects should not be interfered with.

9485. If certain appointments were taken away from it, as has been suggested in a question put by one Honourable Member, would not that diminish *pro tanto* the value of that service as an object of ambition to the *élite* of the youth of England, whom you are now attempting to induce to enter that service through the medium of a competitive examination?—That is rather a wide question, and I cannot reply to it fully without referring to the changes that have taken place in reference to the appointments of the civil service. At the time when that Act was passed there were 21 offices held by civilians which are not held by them now; for instance, every office of paymaster to the various divisions of the army was held by a civilian; the office of postmaster-general belonged exclusively to the service; that has gone from it; the office of purveyor to the troops, one of the most lucrative offices next to that of Member of the Council, has been abolished; but the Government have found it absolutely necessary to provide additional means for carrying on the administration of the country independently of the civil service. Our territories have increased since that Act fourfold; the number of members in the civil service has not increased thirty per cent.; the Government, therefore, have been under the necessity of declaring certain provinces non-regulation provinces; and those situations which in the regulation provinces are held by civilians, are in the non-regulation provinces held by those who do not belong to the civil service. The current of circumstances has constrained the Government, therefore, to break up the rigid exclusiveness of the civil service to a very considerable extent; and it will be necessary for the Government hereafter to act still more on this principle, because it will be necessary to employ European officers to a greater extent since the mutiny than before; and that must be provided for either by increasing the number of civil servants, or by strictly defining the offices that shall belong to the civil service, and opening all other offices to the uncovenanted service. In fact, one great difficulty that the Government have at present to cope with in India is, to define the offices that shall be given to the uncovenanted, and those that shall remain to the covenanted service.

9486. *Chairman.*] Are we therefore to understand that circumstances and necessity are to some extent breaking up the civil service?—They are modifying the civil service to this extent, that offices which 60 years ago were considered to belong exclusively to it, have been entrusted to other individuals, military men or uncovenanted servants, who do not belong to the civil service.

9487. Can you inform us how, since the transfer of those offices from the civil service, the duties of those offices have been discharged; have they been efficiently discharged by the persons who filled them?—I think that generally speaking they have been satisfactorily discharged.

9488. Mr. *Mangles.*] Do you mean, then, to include the military officers of the Government in the general term, "uncovenanted service"?—I do not consider them uncovenanted, but they are not members of the regular civil service.

9489. These appointments in what are called the non-regulation provinces, are mainly filled by military officers, are they not?—Yes.

9490. Would it not, in your judgment, open the door to a great degree of corruption, if on persons of full age coming out from England, it were left to the discretion of the Government of India to employ them in high and lucrative offices?—I think there would be great room for jobbery if they were to be

J. Marsham, Esq.

22 July 1858.

appointed to high offices; in fact, that is one of the strongest arguments for maintaining the present rule of the civil service, that individuals shall be appointed to the service in England and to offices in India. If you break up that rule and allow an individual to be appointed who comes out with a recommendation from a minister in this country, or from one who has any Parliamentary interest, to the Governor-general to put him into some public appointment, that would open the door to corruption and would tend to destroy the *morale* and the efficiency of the service.

9491. And is it not essential to the security of the service from such dangers that it should be entered from the bottom by apprentices to be trained up in the service?—I think so.

9492. Is it not the fact that Lord Cornwallis, in the year 1793, put the Government and individuals, both natives and Europeans, upon a footing of perfect equality in the courts, as to costs, damages, and the power of bringing actions and so on?—They were placed on a footing of perfect equality.

9493. Are suits brought by natives against the Government in our courts, fairly adjudicated upon, according to your knowledge and experience?—The general impression is that the civilians would rather give a decision against Government than in its favour.

9494. Therefore the natives do get full justice in these courts?—I do not think that any man is deterred from instituting a suit against the Government by the impression that it is in the court of the Government itself that the question is to be determined.

9495. Mr. *Danby Seymour.*] Is it your impression that they would generally decide against the Government rather than in its favour?—I think that is the impression generally, and that is my impression; I think the judges would rather decide against the Government; there is a prejudice against the Government even on the part of their own covenanted servants.

9496. Mr. *Mangles.*] In fact, have you not heard it a common saying among the natives that the Government have neither father nor mother?—Yes, constantly.

9497. I see one of the witnesses, Mr. Wyse, was asked these questions in No. 2651. "I think you stated that it was the object to drive the European settlers out?—Yes, one would suppose so." "To whom do you impute that object; was it the effect of the laws, or was it the intention of those who passed the laws?—The laws would have that effect." Is that according to your knowledge and experience?—No, my experience does not at all agree with the conclusion of Mr. Wyse, as stated in those questions and answers. It is well known that for many years the Government, both in England and in India, most strenuously, and I believe conscientiously, objected to the settlement of Europeans in India, and it was not until 1833 that that objection was removed; but from the period when the restriction was abrogated, and when the country was thrown open to the settlement of Europeans, I believe it has been the anxious desire of Government to obtain as many Europeans as possible in the country.

9498. *Chairman.*] Do you think that the old feeling at all remains?—I think the old feeling was extinct in India even before it was extinct in this country.

9499. Mr. *Mangles.*] As far as your experience goes, there has been no hostility whatever on the part of the Government in India, or on the part of its servants, to the free settlement of Englishmen, and the spreading of their industrial occupation?—Not the slightest hostility. I think the Government have been rather anxious to increase the settlement of Europeans in the country than the reverse; I believe that in every case the Government has considered it an immense advantage to have settlers there.

9500. *Chairman.*] Without supposing any hostile feeling on the part of the Government, do you think there may linger still a feeling of distrust on the part of persons intending to settle in India?—It is difficult to speak decisively on such a question as that; I can only speak with regard to what I have absolutely known. I have been in communication with the members of Government for the last 20 years; with settlers, merchants, and agents throughout the country; and I never heard it was supposed that the Government either felt or manifested any degree of hostility to the settlement of Europeans in India.

9501. Mr. *Danby Seymour.*] You must have been very much surprised on reading the evidence before this Committee, then?—We had the first edition of that

that evidence out in India, and therefore my surprise was in some small measure mitigated.

9502. But it strikes you as a new thing that any settlers should think that Government was opposed to the settlement of Europeans in India?—Yes, it strikes me as something incredible.

9503. Mr. *Mangles.*] It has been stated that there is great difficulty in carrying on any business in the Mofussil by British subjects, and that their residence in the Mofussil would be rendered absolutely impossible, and their success, of course, impossible, if they were subjected generally to the Company's courts; have you not known many European foreigners who carried on the same description of business in the Mofussil with fully equal success, those foreigners being entirely subject, exactly as the natives are, to the Company's courts, and to the Company's courts alone?—I have known a number of foreigners who have been engaged either as indigo planters or in the purchase of produce, or in the management of zemindarees, who have complained, as every one has complained, of the state of the law, and the defective administration of it, in consequence of the venality of the natives; but it was never considered that that was any serious obstacle, or at all events, such an obstacle as would prevent any individual from going and settling in the country.

9504. You have known personally many European foreigners who were in that position in the Mofussil, have you not?—Yes, I have known many such.

9505. Were they not, according to the best of your knowledge, equally successful in their pursuits as their English brethren?—I think they were.

9506. You knew the Larulettas, did you not?—Yes, and Mons. Courjon, and Devrinne, and a number of others.

9507. *Chairman.*] Do you ascribe these complaints then to some peculiarity in the English character?—I cannot say that; I cannot admit any particular defect in our English character; but it is the character of John Bull always to grumble wherever he is.

9508. Is not that the way to a remedy?—Yes.

9509. Mr. *Mangles.*] You think that the fact of the success of these foreign planters, and purchasers of produce, and merchants, is a practical logical refutation of the assertion of its being impossible for any man to carry on business with success who is subject to the native courts?—I cannot exactly understand upon what facts that has been asserted. I do not think there is any individual they can point to, who has been absolutely ruined and obliged to fly the country because of the operation of the native courts; and I remember well (and perhaps you may also) a time when our exports of sugar from Bengal amounted only to about 300,000 *l.*, 30 lacs of rupees, a year; but soon after Parliament took off the discriminating duty between the East and West India sugar, and then our exports of sugar very soon, within three or four years, rose from 300,000 *l.* to one million and a half sterling; I do not therefore think there can be any such obstacle to the development of the resources of the country or to the employment of European capital as has been described.

9510. But is it not the case that when the war with Russia shut out from England the produce of the north of Europe, the produce of the same articles, or analogous articles in Bengal, immediately increased, and the exportation increased enormously?—It did, and in fact the development of the resources of India has been progressing within the last five years at a rate that strikes every one with perfect astonishment.

9511. Is that state of things compatible with the strong evidence you may have read or heard as to the impossibility of living under the influence of the courts of the Mofussil?—The development of the resources of the country, the increase of trade to a most extraordinary extent, notwithstanding all the disadvantages of the courts, is capable of indefinite extension; this fact serves, I think, most effectually to disprove the assertion that the state of the police and the state of our courts is an obstacle to the increase of European enterprise in India.

9512. Mr. *Smith.*] Do you think the foreigners to whom you have referred, who succeeded so well in India, may not have conciliated the Mofussil courts in a mode which is very well known, but to which an Englishman would not resort, namely, corruption?—I think that the less that is said with regard to the mode in which justice is conciliated out there the better.

9513. Mr. *Mangles.*] What do you believe to be the feeling of the natives in the

J. Marsham, Esq.

22 July 1858.

the Mofussil towards the Supreme Court, and the mode of administering justice in Calcutta?—It is not easy to ascertain what is the feeling of the natives in the interior of the country regarding an institution of which they know nothing, but there has been in many instances a very strong repugnance to any idea of extending the jurisdiction of the Supreme Court.

9514. Do you remember that some years ago there was a rumour that the jurisdiction of the Supreme Court was to be extended to the suburbs of Calcutta?—Perfectly well, and there was a very strong opposition raised to it by all the natives in the suburbs. There are natives, no doubt, who have a great and just confidence in the Supreme Court, but at the same time there is a very large proportion of wealthy and intelligent natives in the interior of the country who would dread the extension of its jurisdiction to their own neighbourhood. I think that the Rajah of Burdwan (the largest landowner in Bengal), in order to avoid subjection to the jurisdiction of the Supreme Court, avoids even sleeping in Calcutta.

9515. Mr. *Smith.*] Is not that owing to the enormous expenses attending suits in the Supreme Court?—In a great measure.

9516. Mr. *Mangles.*] Have you travelled at all upon the Grand Trunk Road of late years?—Within the last three or four years I have travelled six or seven hundred miles upon it.

9517. What is the state of that road?—It is the finest road we have in the Presidency of Bengal.

9518. Would it not be a very fine road in any country?—Yes, I should say it would be a fine road even across the Simplon.

9519. Where does it begin and where does it end?—I believe they have carried it beyond Delhi; it begins at Calcutta and extends right through the country up to Delhi; but I think it has been extended up to the banks of the Sutlej.

9520. What is the distance from Calcutta to Delhi?—To Delhi is 1,000 miles, and up to the Sutlej the distance would be 300 miles further, making a total of from 1,200 to 1,300 miles up to the banks of the Sutlej.

9521. How far have you travelled upon it?—All the way up to Allahabad.

9522. A witness has stated that there is a great want of bridges upon the road; is that consistent with your experience?—There are some rivers that have not yet been bridged; the Soane and the Jumna have neither of them been bridged.

9523. What is the character of the Soane?—The natives call it a "four mile river."

9524. Then there is no experience of such a bridge in England or in Europe, as would be required for the Soane?—I think not, but the railway bridge, upon the new system of tubular bridges, that is to be thrown across the Soane, is to be done for about 180,000*l.*, while the estimate given to Government was 1,000,000 *l.* sterling.

9525. Generally speaking, then, with the exception of these very large rivers, the road is efficiently bridged?—There may be some smaller rivers which are not sufficiently bridged, but I think that wherever it has been practicable, except in the case of the larger rivers, Government have completed the bridges.

9526. Are you aware that in consequence of the railroad taking very much the same line, the Government have thought it would be unwise to spend very large sums of money in providing bridges for the Great Trunk Road over these enormous rivers?—During the last six or seven years, since the direction of the railway was settled from Calcutta up the valley of the Ganges, the Government has deemed it necessary to relax the building of bridges for the Grand Trunk Road, as they considered it would be incurring an unnecessary expense; in fact, after the railroad is opened, the Grand Trunk Road will almost cease to be used.

9527. You think it wise in Government, then, not to spend very large sums of money on these bridges?—I consider it would have been a most unwarrantable expenditure of the public funds to have thrown two bridges over the Soane, one upon the Grand Trunk Road, and the other in connexion with the railway.

9528. Mr. *Danby Seymour.*] The road bridge and the railway bridge would have been 50 miles apart, would they not?—More than 50 miles, I should think.

9529. Do you know the road from Calcutta to Cuttack?—I have not been upon that road.

9530. Do you know any of the other roads out of Calcutta; do you know the Diamond Harbour Road?—Yes, I have been upon it.

9531. Is that road bridged?—I almost think it is; but it is so long since I was there, that I do not like to speak with confidence.

9532. *Chairman.*] How long is it since the Grand Trunk Road and the great roads generally were begun?—I cannot speak with certainty as to the date, but my recollection is that it was begun some 25 years ago.

9533. Do you or do you not think that the Government of the country was for a long time very improperly inert and apathetic on the subject of communication by means of roads in India?—It has been a general impression throughout India that for many years the sum expended out of the revenues of India by the Government in the construction of roads and bridges was altogether inadequate to the exigencies of the country.

9534. Mr. *Mangles.*] There is admitted generally to be a want of sufficient roads in Bengal, is there not?—A great want of roads throughout Bengal.

9535. That is admitted generally, is it not?—Yes.

9536. At the same time, are there not many roads and many bridges, however?—I do not think there are many roads in Bengal; the road, for instance, from the old capital, Moorshedabad, down to Calcutta is in a very dilapidated state.

9537. Is it not bridged?—No; in one place the bridge has been broken down, and never repaired.

9538. From Santipore to Kishnaghur and the road from Hoogley to Budwan?—That is a part of the Grand Trunk Road; I have no recollection of the old road.

9539. Some of the rivers that have been bridged upon the Great Trunk Road are rivers of great magnitude in the rainy season, are they not?—Very great indeed.

9540-41. Therefore the bridges are of a magnitude of which we have no examples in this country?—Certainly.

9542. .] Do you know the road from Mirzapore to Jubbulpore?—No; I have never been upon that road.

9543. Have you never seen it?—No.

9544. Do you know what the character of that road is?—It is considered one of the best roads in India.

9545. Is that road bridged?—I could not say without looking at the map.

9546. That is a road which goes from Mirzapore, one of the great marts of the Ganges, into the cotton districts, does it not?—Yes.

9547. Mr. *Mangles.*] It has been stated by a witness who has been examined before the Committee, that the only effect of an increase in the salary of the police has been, that those who wanted to bribe them have been obliged to give them higher bribes; what is your opinion upon that subject?—It is difficult to say what has been the effect of the change; but Government was absolutely under the necessity of increasing the pay of these men, and it was increased from 25 rupees a month to 100 rupees. As Mr. Courtenay Smith stated before Parliament that the honesty of the European servants of the public had been marvellously increased by the increase in the amount of their pay, the Government felt that they were bound to try the same experiment upon the natives, and they consequently increased the pay of the darogas from 25 to 50 or 100 rupees a month. I cannot say, however, that it has improved their honesty, but certainly it has not injured them in the opinion of the people.

9548. It has been stated that the effect of the resumption laws has been to shake entirely the confidence of the natives in our good faith, and altogether very much to damage the value of landed property; is that your belief?—I do not think it has had any effect in damaging landed property; and as regards shaking confidence in our good faith, it must be remembered that from the very first settlement we ever made in India, the lands that were held under these lackraj tenures, or rent-free tenures, were exempted, and at every subsequent stage the Government reserved to itself the power of investigating the validity of these titles, and of annulling those which appeared to be invalid; but there can be no doubt whatever that the resumption of the lands has created a large degree of disaffection among those who were deprived of their landed property.

9549. Can it be called properly a deprivation of landed property; ought it not rather to be called, under the circumstances of India in relation to taxation, a subjection to equal taxation?—In that case the whole of the land should have been taxed. What a native values above all things is the possession of land with which

J. Marsham, Esq.

22 July 1858.

the collector does not interfere; here were lands which natives had held for two or three generations, always with the understanding that they were liable to investigation; but as this investigation had been delayed, they had adopted the hope that the lands would never be taken away from them, and there was a proportionate degree of diappointment and vexation throughout the country in consequence of the resumption of these lands.

9550. Were they lands taken away from them, or was it not rather that a revenue was assessed upon them?—The native considers that you take away land from him, when that which he held free you subject to assessment.

9551. But you put him in no worse situation than any zemindar in the country, do you?—You do not put him in a worse situation than any zemindar who pays rent for his land, but you make him disaffected; for instance, the Rajah of Burdwan pays a large revenue to Government, and yet was exceedingly dissatisfied with the Government for having taken away from him a certain quantity of rent-free land, and subjected it to assessment.

9552. He considers that you deprive him of his freehold?—Yes.

9553. Mr. *Vansittart.*] I gather from your evidence that since 1831 natives have been very extensively employed in offices of trust, and this system has been improved very much of late years?—Yes.

9554. Do you give greater preference to either of the two great classes, Hindoos and Mahommedans?—I do not think that there is much to choose between them.

9555. You have stated that it would not be desirable to place Europeans under the criminal jurisdiction of natives, and more especially since what has been developed by the mutiny; now am I to learn from this that your good opinion and confidence is at all shaken in the system of employment of natives?—My opinion of the necessity of employing natives remains the same; at the same time, I should say there have been instances on the part of the natives of such base infidelity towards the Government, and even where this has not been the case, there has been, in many instances, so strong a feeling of hatred towards us, as Europeans, as foreigners, and as Christians, that I do not think, under existing circumstances, it could be at all advisable to subject Europeans to the criminal jurisdiction of the natives; in fact, I may say, the Europeans in India would rather resist it by force than submit to it.

9556. Do you know Mr. Charles Raikes, the judge of the Sudder Court at Agra, and late civil commissioner with Sir Colin Campbell?—I have a slight acquaintance with him; he lived in the North-west Provinces, while I was chiefly resident in the lower part of the Presidency.

9557. In a work he has just published he says, speaking of Hindoos and Mahommedans: "A few words as to the Mahommedans. They have behaved, in the part of India where I had jurisdiction, very ill; so ill, indeed, that if the rest of the population had sympathised with them instead of antagonised, I should despair of governing India for the future. I cannot give a fairer instance of the difference between the conduct of the Hindoos and Mahommedan people at the time of the mutiny than was afforded at our court at Agra. We had numerous Mahommedans and Hindoos, with a small sprinkling of Christians, at the bar. With one exception, all the Mahommedan pleaders left the court; one of them, Sufdur Ali by name, was hanged, by order of Mr. Harington, for plundering the property of an English officer. The rest gave no assistance whatever to us. The Hindoos, on the contrary, exerted themselves to protect and secure the property of their English judges, preserved our horses and moveable property, and did whatever else they could to show their loyalty and affection. The Mahommedans either deserted us or joined the rebels." It is with reference to this and other circumstances that I am induced to ask whether you give greater preference, with reference to the employment of natives in offices of trust, to either of the two great classes of Hindoos and Mahommedans; in point of fact, which do you think is the most trustworthy of the two?—I think you would find the Hindoos much more faithful to us. I think that a European would be more likely to obtain justice from a Hindoo than from a Mahommedan; but since these feelings of antagonism of race have been created between the Europeans in India and the natives, I do not think it is possible, nor do I think it would be at all wise or advisable, to subject Europeans to native courts in criminal cases.

9558. Do you think we should have a better class of Mahommedan officials if they were paid still higher than they are at present?—No pay we could give them would banish from their minds their feelings of antagonism to us as Christians.

9559. You

9559. You probably would then agree with this which appears in to-day's "Times" from a Mahommedan of considerable intelligence at Delhi; he says, "You are acquainted with the history of Hindostan; I need not tell you that similar rebellions used to occur, and will now continue to occur, so long as the British place confidence in any but their own. We, Mahommedans, are not true to ourselves and to our God; how can we be true to those whom we are taught from our infancy to consider inimical to our religion? We are not true to each other, how can we be expected to be faithful to the British? The rebellion is not over yet; the British are making a greater mistake than ever; they formerly, as a precaution only, entertained 900 Hindoos to 100 Mahommedans; they are now entertaining 900 Mahommedans to 100 Hindoos; they are thereby increasing the fire and reducing the water; and if I know the tenets of my own faith I am perfectly satisfied that the mere consideration of pay will not alter or restrain my brethren in their moral obligations to the Prophet, and we shall have all these horrors and murders again:" does that coincide with your views?—It perfectly coincides with my views.

9560. Are you favourable to the appointment of men of good family and education if they can be procured, to fill the offices of moonsiffs and sudder ameens?—I do not think you can obtain men of good prospects and good family in England to fill such an office as that of a moonsiff; a man must serve as a moonsiff for five or six years before he can attain to the grade of sudder ameen; you cannot appoint a man, under the present rules of the service, as a moonsiff, unless he has a good acquaintance with the laws and institutions of the Government, and with the language. If, therefore, a European goes out from this country to India in the hope of obtaining a situation as moonsiff, he must at any rate remain in the country two or three years while he is studying the laws and learning the language; and I think there is not a sufficient inducement to any individual of good family and connexions in this country to go out with the chance of obtaining such an office.

9561. In fact, you would rather keep the appointments as they are, and have them filled by the natives?—I should say that if there are any Europeans out in India who choose to undergo the same examination, they ought not to be excluded; and at the present time I think one-tenth of the offices of uncovenanted judges are filled by persons who are neither Hindoos nor Mahommedans; it affords an opening to a large class of men designated East Indians, and as I have said, those of pure European blood are not at all excluded from it; but I do not think that any individual of good family and connexions in this country would be induced, or ought to be persuaded, to go out to India with the prospect of going into the uncovenanted judicial service.

9562. Have you resided a good deal in Calcutta?—I resided within 14 miles of Calcutta, and was there every week.

9563. What is your opinion of the Legislative Council, as regards its utility or otherwise?—The Legislative Council was established only by the Act of 1853, and I have not therefore had sufficient opportunity of judging from my own knowledge of its utility; in fact, I came home to this country five years ago; I went out again about 18 months afterwards, and remained there about 11 months, so that it was only for 11 months that I had an opportunity of personal communication with the Members of the Council, and of personal observation of the character of its proceedings.

9564. You think it has answered the purpose for which it was established?—Not to the extent it might have done.

9565. Is it not too confined and restricted as regards its formation, many of them—nine or eleven, I think—being nominees of the Government?—The difficulty with regard to the Legislative Council, consists in this, that if you step beyond the nomination of Government, and make it at all a representative body, you must have European members, and native members. You have four different Presidencies; you must have a native member from the North-west Provinces, and a European member from the North-west Provinces; the same from Bengal, the same from Madras, and the same from Bombay; otherwise there would not be a fair representation of local interests; and the great difficulty with regard to making it an elective body, consists in the division of the country into these Presidencies.

9566. With reference, therefore, to the enormous expense it costs India, and the little good it does, would it not be better either to abolish it altogether, or to

enlarge it, and to let each Presidency have its own Legislative Council, composed of indigo planters, barristers, merchants, and others?—I do not think that the country is exactly prepared for such a representative system as that.

9567. Assuming the country is not prepared for a representative system of this kind, do you not think it better at this time, at any rate, to abolish it altogether, with reference to its enormous expense, as it costs many lacs of rupees, and appears to be of very little use?—I have not considered it in that aspect.

9568. The duty of the Legislative Council and the Supreme Council is exactly the same, is it not?—The Supreme Council of India is an executive council.

9569. The Rev. Mr. Mullens, in his evidence in Answer 7172, says, talking of the Legislative Council, "We have no good tribunal before which we can really bring forward the various evils which we consider to exist in the country; the present Legislative Council is by no means so open as we should like; all the members of the present Legislative Council are officials appointed by the Government, and they are so far irresponsible, except to the Government itself, and it is very hard to get a case fully taken up in the Legislative Council and discussed on every side." Do you agree with him in that opinion?—I have no doubt that there is a great deal of truth in it; at the same time any member of the Legislative Council may introduce any question into it; he may make a proposal for the introduction of any law, and get up any discussion upon any subject, and I do not think, therefore, that there is so very great an obstacle as Mr. Mullens appears to suppose to the investigation of cases of grievance.

9570. Granting what you say, would not a Member of the Council be likely to square his views agreeably to the views of the Government? They are all Government nominees, are they not?—But they are very independent; in fact the Legislative Council has been a very independent body from the very beginning; one of the first acts of the Council was to declare itself altogether independent of the Government in this country. I believe the President of the Board of Control sent out some instructions to the Governor-general to request that an alteration might be made in an Act that had been passed, and the Legislative Council determined to maintain its independence, and positively refused to receive any instructions whatever from the Government of this country. I think it has been practically found that although the Members are all nominees of the Government, and in the pay of the Government, yet as the Government could not remove any of them from office, they are practically independent of Government. I believe they feel their independence, and that they would exhibit it in any case that might arise; I believe there is no servile submission to the wishes of the Supreme Government from the mere circumstance of their drawing their salaries from it.

9571. Many obnoxious Acts have emanated from the Legislative Council; Black Acts and others?—I do not think that any of the Black Acts have been passed by the present Legislative Council; they may have been discussed, but I do not think they have been passed.

9572. *Chairman.*] The mere independence of the Council does not insure the representation of the interests of India in that Council?—No; I alluded to their being independent of the influence of the Government.

9573. Mr. *Danby Seymour.*] Have you ever held any office under Government?—I was for 12 years the Bengalee translator to the Government.

9574. Have you held any other office connected with the Government; have you had any contracts?—I have held no other office under Government.

9575. But you had a large paper contract, had you not?—For several years, but it was open to competition, and it was renewed only from year to year.

9576. And your newspaper, "The Friend of India," was considered, was it not, generally the organ of the Government?—I do not know that it was considered the organ of the Government.

9577. You have seen it constantly stated and it was the impression, was it not, that it was so?—In order to neutralise the opinions that were given in "The Friend of India," it was common to say it was the mere organ of Government; but I always considered that the object of that slander was merely to weaken the effect of the opinions when they were felt to be strong.

9578. It was said, was it not, that you derived a great deal of information from the Government; do you consider it a slander to have had your paper connected at all with the Government, or to have derived information from them?—I consider

sider it a slander if it is said that the paper was the organ of Government, and under the influence of Government, because it was not the organ of Government, nor was it in the smallest degree under its influence.

9579. Whether rightly or wrongly, people considered "The Friend of India" as representing the opinions of the Government, and they considered you very closely connected with the interests of the Government, and with the interests of the Court of Directors, did they not?—There was such an impression published in the papers; but I cannot say that it was universally prevalent; at any rate, I can say that I continually endeavoured to counteract it, and that on every occasion in which such a remark appeared in any of the papers, I lost no time in contradicting it, and in stating that "The Friend of India" was perfectly independent of any influence of Government.

9580. You were a Government servant for 12 years, were you not?—I was Bengalee translator for 12 years.

9581. You have stated that for the last five years there have been great improvements in India in the general administration of affairs there?—I think I alluded to the administration of the civil courts.

9582. That would have been since the passing of the late Charter Act, and the great discussions that took place in England regarding the want of progress in India, would it not?—Yes; I think the discussions which took place in England, more especially with regard to the want of roads, had a very great influence on the movements of the Government; in fact, I think that the Government was urged too strongly to accelerated speed in the construction of these roads, and that in consequence of some despatch that was sent out by the Board of Control, requesting the Government to spend every farthing they could upon the roads, the sums laid out upon them were so greatly increased, that you upset the finances of India in about three years.

9583. Are we to consider from the general tenor of your evidence that you consider the complaints of the indigo planters are unreasonable, and are not to be remedied by the Government?—That depends upon the nature of the complaints.

9584. The general complaints; you said they always grumbled?—I said that John Bull always grumbled; but with regard to the complaints of the indigo planters, you must define what those complaints are. Having read over the evidence of some of the indigo planters given before this Committee, I fully agree with them on several points. For instance, I agree with them with regard to the tenure of land in Bengal; I think it is indispensably necessary that the sale laws should be so improved that upon the sale of the zemindaree for arrears of revenue, the putnee tenures, which are the only permanent leases in India, should be maintained. There are also several other points in their evidence which I have seen, in which I most fully concur.

9585. Do you not think that at present there is a very strong feeling of, I might almost say, antipathy between the independent Europeans in India, and the Englishmen engaged in carrying on the administration of Government there?—I think there was a very strong feeling of antipathy, rather antagonism, before the mutiny, but all my letters from Bengal tell me that that feeling has abated, and that as the object of the natives was to exterminate our race and our religion, that feeling of antagonism has almost ceased to exist.

9586. You have said, I think, that the ryots considered that the relation between themselves and the planters was like that existing between the snake and the ichneumon, do you agree to that?—That depends in a great measure upon the character of the indigo planter; I have known, as I have mentioned to the Committee, indigo planters who were regarded as the fathers of the ryots around them; men like Mr. Furlong, and half a dozen other gentlemen I could name, who spared no expense and no labour in order to benefit the ryots around them; there were other individuals again whose sole object was to squeeze as many bundles of indigo out of the ryots as they could.

9587. If that was a common saying it would lead us to suppose that the majority of the indigo planters held that relation to the ryots?—I merely mention it as a remark that I have heard on more than one occasion.

9588. Do you think that that aptly represents the relations between the two, generally speaking?—I cannot say that it does.

9589. Do you think that the presence of indigo planters is a benefit to the country or not?—I think it is a great benefit to the country.

J. Marsham, Esq.

22 July 1858.

9590. Do you think that the exactions of the planters are greater or less than those of the zemindars?—That is rather a difficult question to answer.

9591. Do you think that the indigo planters do oppress and exact from the ryots more than they ought, generally speaking?—I think there are many instances in which they do.

9592. Then, it is doubtful whether their presence in Bengal is a good or an evil?—No; notwithstanding every drawback their presence in Bengal is a great advantage.

9593. Would you like to see more European skill and capital introduced there?—You can never introduce too much European skill and capital into India.

9594. And do you consider that, in order to have more European skill and capital, you must improve the internal administration of the country?—No.

9595. Do you think that, generally speaking, in well ordered countries, people are obliged to go and fight for their own rights, and that when they have got those rights established in the courts they cannot get the decree executed?—Lower Bengal is in an exceptional state altogether to the rest of India.

9596. And do you think it must remain so?—It will remain so till it is changed.

9597. But you think it cannot be changed, I suppose?—I think it will require many years of good Government; Bengal is, perhaps, the most difficult government of any in India to manage. I have no doubt that the present state of things may gradually be remedied; that is, that the Government will be able to establish so strong a police as to put down the armed retainers both of the indigo planters and of the zemindars.

9598. Do you think that up to the present time it was quite out of the power of the Court of Directors to establish such a police?—I cannot say that it was altogether out of their power; but the efforts that have been made have not proved successful.

9599. Then you think that all that might have been done has not been done?—Every new experiment that you make casts a reflection on you for not having done it before.

9600. Do you think that it ought to have been done before?—Government have for the last 10 or 15 years been endeavouring, as far as possible, to improve the police of Bengal; they have appointed deputy magistrates in various parts of the country, so as to break up a large district into three or four different divisions; they have increased the pay of the darogahs, and in fact they have been labouring most diligently to improve the police of the country.

9601. How long have they done that?—Within, I should say, the last 15 years more particularly.

9602. And still it is very bad?—It is still exceedingly deficient.

9603. *Chairman.*] During the last 10 or 15 years, have not the police been much improved in other parts of India?—I think they have; but I can speak more particularly to that part of India that has come directly under my own observation.

9604. Mr. *Danby Seymour.*] You have said that the natives very much appreciate land with which the Government cannot interfere?—Yes.

9605. You would be for simplifying the tenures in Bengal, would you not?—I do not think that you could simplify tenures in Bengal; the tenure in Bengal, as between the Government and the zemindar, is simple enough.

9606. But what I mean is, you might allow him to redeem the land tax, might you not?—That is a very large question; that would be allowing the present Government to eat up the resources of posterity.

9607. Do you not consider that there is an inestimable benefit in leaving the land as free as possible?—Certainly.

9608. What people complained of in the case of resumptions, was the Government leaving their right in abeyance for a great number of years, and then suddenly coming to claim it?—I cannot say that it was their coming down suddenly upon them, they came down more stringently in 1828; there had always, as far as my recollection goes, been some investigation going on with regard to the validity of these tenures, but it had always been evaded by the natives, and it was an odious duty, which every collector endeavoured to shirk as much as possible. It was in 1828 that the Government established a vigorous system for bringing the question of resumptions altogether to a close, and it was the vigour

of

of that movement, rather than its suddenness, that seemed to give umbrage to the natives.

9609. But still many people had held their land, had they not, rent free for 40 years, and were then, for the first time, called on to pay under the assessment?—Yes.

9610. And did not, in many cases, Government assert a claim which they found they could not prosecute in courts of justice. Did not the Judicial Committee of the Privy Council set aside the claim of the Company to what they claimed from the Rajah of Burdwan?—Yes.

9611. Do you think it was a politic measure on the part of the Government to put forward claims which they found afterwards they could not support?—The question of their not being able to support the claims was a mere technical question, I believe, of English law; because the general opinion out in India (with great deference be it said) was that the decision of the Privy Council was wrong, and that the decision of the courts out in India was right.

9612. Still do you not think that the Company claiming their rights after so long an interval, offended the feelings of natural justice entertained by the people?—I think it gave great offence to the people; I was myself very much in favour of the resumptions at the time, but having had an opportunity of seeing what has been the effect of the system of resumptions upon the native mind, more especially among the zemindars, I am very sorry that the Government ever undertook them.

9613. Do you not think that in all parts of India the resumptions have done harm?—I do not know of any instance in which they have done good; perhaps you are alluding particularly to the enam lands.

9614. I am; do you think it wise now to begin such a system in Madras as the Court, I believe, intend to do?—I should certainly say that if they intended to do it at all, they should have done it before the mutiny, and not after it.

9615. You said, I think, that the civil servants, to be effective, ought to be well acquainted with the feelings and modes of thought of the people?—Yes.

9616. Do you think that their ignorance of the disaffection of the people and of the outbreak and insurrection which we have seen lately, showed their acquaintance with the feelings and modes of thought of the people?—I do not think you can form any conclusion from the present mutiny, or reason from that mutiny as to the inefficiency of the civil service. The military officers who were best acquainted with the habits and feelings and thoughts of their own men, were entirely ignorant of what was about to take place up to the very moment of their own massacre. I allude particularly to the case of Major Holmes and the case of Major Fisher; in both those instances the officers lived with the men and among the men, and I believe that one of them had been out playing at bowls with them the very night before, and had perfect confidence in them, and was murdered the next day.

9617. Do you not think that with so highly paid a service as the civil service is, and it being scattered over the whole country, the Directors might reasonably have expected to have been informed of the state of feeling among the people?—I think the mutiny took every one in India so completely by surprise, that it is not to be wondered at that even the civilians themselves were not able to anticipate its approach.

9618. Do you not think there was a greater knowledge of the feelings of the people among the indigo planters and the uncovenanted servants, who mix more with the people, and are more intimately acquainted with them?—Certainly; the indigo planters have the opportunity of mixing with the natives more than the civil and session judges; but not more, I think, than the magistrates and the collectors, for the magistrate is continually required to be about his district, and in riding through it is brought in contact with all classes of the people, and with all their feelings and their habits. I cannot, therefore, assert that either the uncovenanted servants or the indigo planters have a better knowledge of the feelings and habits, and thoughts, of the people than those two classes of civilians.

9619. Is there not a greater awe of the collector, and does he not get his knowledge of the people principally through the native servants who surround him?—The collector is obliged to spend three months of every year in travelling through his district, and he has thus an opportunity of becoming acquainted with every part of it, and with the people in it.

9620. Do you not think that he is entirely in the hands of the native servants

J. Marsham, Esq.

22 July 1858.

who surround him, and who prevent, as much as possible, his intercourse with the people?—The object of every omlah, or native officer, is to maintain his influence over a European, and to prevent anything that should weaken it; but it is scarcely possible for any European in India to shake off the influence of the natives around him. I have heard just the same complaints made by indigo ryots with regard to the omlahs, or the native officers of the indigo planters, as I have heard with regard to the native officers in the collectors' and magistrates' courts; they have said that indigo planters had given their confidence to two or three natives, and did exactly as they advised. It is the same with regard to the collector and the magistrate, and to almost every European in India; there is nothing that we find more difficult than to keep ourselves clear of the influence of two or three sly designing natives around us.

9621. Does not a civilian, from the time he sets foot in India, live in a kind of charmed atmosphere, being looked on as a superior being, and never having an opportunity of mixing thoroughly with the people in the same way that an independent European, or an uncovenanted servant has?—He certainly is surrounded by an official atmosphere from the time he arrives in India; but I think he has an opportunity of mixing with the people in his tours through the country, which a magistrate and collector is bound to take for four months at least in the year; the magistrate more particularly is always moving about in his district; in case of any affray in any part of it, he is off at a moment's notice.

9622. Do you not think it is more difficult for a civil servant than it is for an independent European, to get thoroughly acquainted with the people?—Perhaps it may be a little more difficult in the one case than it is in the other.

9623. Do you not think that if you could get persons who have obtained a knowledge of the habits and modes of thought of the people before they enter the service, you would have more efficient men, provided you could do it without too much jobbery?—I have always been of opinion that indigo planters and zemindars should be invited to assist in the administration as justices of the peace; but with regard to throwing open the civil service, I think whatever advantages might be derived from it would be more than counterbalanced by the jobbery and corruption that would be inseparable from it.

9624. Do you not think that the object of Government ought to be to get all the ablest men into the administration, and by that means do you not think they might modify the civil service, and allow a distinguished person like Mr. Venables to be admitted into it, though they did not go out from England and gain their places by competition?—That is a very wide question, and I should like to consider it more carefully than I can do now, before I replied to it.

9625. Do you not consider it desirable to avail yourself of the talents which recent events have proved to exist in India, and out of the civil service?—I think it will become more and more necessary for Government to avail itself of all the talent it can find in India.

9626. Do you not think that in the case of so distinguished a person as Mr. Venables, who has done such great service to Government, it is unjust to say, however long you may devote yourself to the public service, you never can receive more than 1,500 *l.* a year, which is the pay of a civilian after a few years' service?—I do not think that is exactly a question that one should be called on to reply to at a moment's notice, because, as I told you, it turns upon the question of an open or a close civil service.

9627. Are you favourable to opening the Sudder Court to independent Europeans and natives?—I would appoint one or two barristers certainly to the Sudder Court; I think it would be a very great advantage.

9628. You think it an evil that the highest judicial tribunal does not generally contain one trained lawyer?—The judges are trained in the system of law that is administered there; they have been employed in administering that law for 20 or 25 years; I do not think you can say the judge is not a trained lawyer, unless by that term you refer to English law exclusively.

9629. Have there not been cases in which a civilian has been for a vast number of years in another employment, and is then suddenly put into the Sudder Court?—There is no doubt a great disadvantage in the system now existing, and it requires most unquestionably to be remedied.

9630. You have said that there were 35 different functions of the collectors; with regard to those, is it not the fact that although that collector nominally discharges those duties, he depends entirely upon the native heads of each of these departments?

departments?—Not altogether; some of them may be departments of mere form and he has nothing therefore to do but to see that the forms have been carried through, and then to affix his signature to the paper; but in many cases, the collector, in the North-west Provinces particularly, is the most important man in the whole district; he is in fact what you might call the Prefet of the district, the system which we wish to see established in Bengal.

9631. Take for instance the case of the police under the collectors; the time of the collector himself, you say, is very much occupied, he cannot go and look after the native police, but must depend upon the native head, and be guided by him, must he not?—But if you were to unite the office of collector and magistrate, as we have been long anxious to do in Bengal, you would have the advantage of getting rid of the very young magistrates, whose appointment is now a very serious objection, and they would be employed then as assistants to the collectors in different parts of the district.

9632. The case of Bengal is an exceptional one, because the collectors there have much less to do than they have in any other part of India, have they not, owing to the permanent settlement?—Notwithstanding the permanent settlement, the collector has an immense deal to do, because he has all the summary suits to dispose of; he has to decide an immense number of cases arising out of the disputes of the agricultural community.

9633. Do you not think that, generally speaking, with a view to good administration it is an evil to accumulate a vast number of functions in the same individual?—If he is able to discharge them efficiently I do not see the disadvantage of it.

9634. Can he in a complicated state of society discharge those duties well?—I do not think that a collector in Bengal has ever been charged with a neglect of duty, notwithstanding the number of functions he has had to perform.

9635. Have there not been complaints made?—There may have been some complaints made, but of a personal nature rather than with reference to the office.

9636. Do you think that a man who fills the office of collector, and who has his time very much occupied in discharging the duties of his office, ought also to have the duty of looking after thief takers and watching the efficiency of the police in all parts of his collectorate?—On the other hand, the great outcry in Bengal against the system of police, is that the magistracy is in the hands of young men of three, four, or five years' standing; there is no mode of remedying that defect (and a very great defect it is) but by introducing the system which prevails in the North-west Provinces of uniting the offices of magistrate and collector, making the collector the chief of the department, and employing the man who is now the magistrate as his assistant; the magistrate, in fact, would have much the same functions to perform that he has now, but he would be responsible to an officer of superior standing, and both Europeans and natives would have more confidence in the police when they found it under the general superintendence and control of officer of higher rank.

9637. Supposing we took Mr. Halliday's plan, and gave the post now occupied by covenanted servants to some uncovenanted servants, and got perhaps three efficient men where you now have one, for the same amount of pay, would not that remedy the want of European agency?—That again resolves itself into the question of a close or open civil service.

9638. Mr. *Villiers.*] Did I understand you to say that you had been 30 years in India?—Yes, more than 30 years.

9639. I believe you were in India when the mutiny broke out?—No, I was in this country.

9640. When did you leave India?—I left it for the last time about 30 months ago.

9641. You had no reason to expect an outbreak?—Not the slightest expectation of a mutiny.

9642. You believed that everybody was well affected?—We knew that there was a feeling of disaffection among the Mahomedans, a feeling which had existed for the last 50 or 60 years; but that there would be anything like the present mutiny, or rebellion, there was not the remotest expectation on the part of any individual that I know of in India.

9643. You had none yourself?—None.

9644. And you have travelled about a good deal, and consider yourself conversant

J. Marsham, Esq.

22 July 1858.

versant generally with the state of India, and acquainted with the habits and opinions of the people?—I do.

9645. When you state that no other person, so far as you know, entertained any apprehension of an outbreak, you would not say that there were not other people who had such an apprehension?—No.

9646. I do not know whether you have seen Mr. Raikes's work?—I have not.

9647. I think it is only this morning that there is an extract published from his work, stating that nothing took him by surprise; that he had been long in apprehension of something of the kind?—Upon the same principle as Sir Charles Metcalfe said, "The empire came in a day, and will pass away in a night. We shall awake some morning, and find all our throats cut."

9648. He thought that some day we should have a general rising against our Government?—He thought so, from his knowledge of the native character.

9649. You have been favourably impressed with the native character, I think?—Very much indeed; I lived among the natives on terms of perfect intimacy and confidence, and speaking their language familiarly, I had an opportunity of ascertaining better than many others their own feelings and thoughts regarding us; and I certainly did think that the natives were favourably disposed to our Government, and that nothing was more remote than such a mutiny as that which has occurred.

9650. I think you have said that, besides being aware that there has been a great improvement in the system of Government, as compared with former times, you have observed an improvement recently?—Yes, I have observed an improvement in the character and movements of the Government, and in almost every department of the administration; the fact is, that the improvements that have been made in India, and the endeavours that have been made to improve the administration, where we are entirely unfettered by prescriptive forms, would perfectly astonish the people of this country if they had an opportunity of looking into the matter.

9651. You have stated, I think, that within the last 30 years we have considered the improvement of the natives rather than merely holding the country for our own advantage?—I think you may date the development of that feeling from the time of Lord William Bentinck, which is about 30 years ago.

9652. But I presume that, before that time, the character of the Government was unfavourable to the moral character of the natives?—I cannot say that it was unfavourable to the moral character of the natives; but before the days of Lord William Bentinck there certainly was not that spirit of improvement which he introduced into the country; there was a degree of lethargy, more especially during the five years of Lord Amherst's administration, which he determined to break up; and we have always been accustomed to consider Lord William Bentinck's government as the great era of modern improvement in India.

9653. That was the time when we first began to consider that the natives ought to have a share in the administration of the affairs of their own country?—Yes.

9654. And you are not of opinion that that policy has failed?—I do not think it has.

9955. You would hardly call 30 years a long period in the history of a nation, would you?—No, but it has been quite long enough. When you consider the gratitude felt by the natives for Lord William Bentinck, and the perfect veneration in which every native holds his memory, you cannot but conclude that the system he introduced has been successful in rendering our administration popular in the country.

9656. But it is premature, is it not, to say that that system of employing natives in the government has failed?—We have had 30 years' opportunity of judging of it, and I do not think it has failed; it has succeeded beyond the most sanguine expectations of even Lord William Bentinck himself.

9657. You have also stated that it was after 1833 that the Company first allowed settlers to establish themselves?—By the Act of 1833 the law prohibiting Europeans to settle in India was abrogated.

9658. You have also, I think, expressed an opinion that the more settlement is encouraged the better it will be for us and for the people of the country?—Undoubtedly.

9659. And I think that was owing to the change that was made on the renewal of the charter?—The old traditional doctrine that India must be held

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for the benefit of a London corporation, and that interlopers must be entirely kept out, had given way entirely in 1833.

9660. And I think you say you had observed within the last ten years, and even, I believe, you said within five years, an improved spirit in the character of the Government of India as it is administered by the service there?—Lord Dalhousie was Governor-general for eight years, and I had not much experience of it after his time; he came to England soon after I did, but certainly during the whole of his administration there was a degree of vigour and energy in the way of improvement such as we in India had had no previous example of.

9661. You admit, I believe, within the last few years there has been, in consequence of the public feeling which has existed in this country, a sort of action upon the Government of India?—I think that the public feeling which has existed in this country has acted very beneficially in India, and particularly on the feelings and exertions of the members of the civil service.

9662. As far as we can collect from your evidence, every improvement that has taken place within these 30 years, has in your opinion sprung from the interference of the British Government, from the change which Parliament made in the Charter in 1833, from the encouragement of settlement, from the facilities for communication existing in India, and the greater interest which is now taken in this country with reference to the affairs of India?—Quite so.

9663. The covenanted or civil service has always existed in India?—Yes, the covenanted service has always existed. The fact is, that the Government found it so difficult to keep their servants when they got out there (they gave them the large sum of 40 *l.* sterling a year, that being the highest sum bestowed on a covenanted civil servant) that they were obliged to bind them, by a covenant, to remain for a certain number of years in the service.

9664. I think we collect from your view of affairs that the improvements which have taken place in India are not due to the service out there, or to the system of Government previous to the last 30 years, but to the greater enlightenment of this country, and the interference of the British Government with the Government of India?—I think the improvement that has taken place there has arisen in a great measure from the reaction of public opinion in this country with regard to questions relating to India; it has arisen also from the frequency of communication, and from a general spirit of improvement; in fact, for the last thirty years, both in this country and in India, there has been a general impulse of improvement manifested in all classes of society, as well as in the Government; it has been felt in this country ever since the Whigs came into power in 1830, which is one of our great historical landmarks; and it has been felt in India likewise.

9665. If the covenanted service were not continued, and if there were a still further action on the part of the British Government upon the conduct of affairs there, and a still greater influence of this country bearing upon India, would you still attach the same importance to maintaining the covenanted service?—I do not see any substitute at present for the covenanted civil service.

9666. I understand you to say that that opinion rests on people going out early to India, becoming familiar with the habits and manners of the people, and having a certain prospect of rising?—Yes, and preparing themselves for it before they go out to India, being educated in a measure for it in this country, and going out to an honourable service, with a certainty of rising in it to various offices, with definite prospects before them.

9667. Are you not rather confounding two things, the advantage of the civil servant and the good of the country; it is an advantage, as you would say, that a person who intends to take to a profession should be certain of rising in it, and that his labour will be properly remunerated; but, *quoad* the interests of the country, I do not trace them to the operation of the civil service so much as to that which is independent of it?—The covenanted service has grown up like many of our institutions, entirely from circumstances; it was a legacy left by the old factory economy to the Government of India, but we now find that the system of the covenanted civil service, by which men are appointed to the service in this country and to offices out in India, has very peculiar merits, and is found beneficial for the administration of justice, and for the general interests of the country.

9668. I think you have stated that of late years, owing to the great accession of territory, the civil service has been deficient?—The civil service has not been

J. Marsham, Esq.

22 July 1858.

adequate to the performance of all the duties that might have been expected from it; the number of civilians has been increased only about 30 or 40 per cent., whereas our territories have increased fourfold.

9669. That has been rather for the advantage of the civil service, has it not?—I do not think that the civil service has gained anything by it, because they have scarcely the same allowances they had in the days of Lord Cornwallis, 60 years ago.

9670. But individuals are selected for better places, are they not, in consequence of the great additional territories that have been annexed?—No, not particularly; because the Government have been under the necessity of appointing to these new territories officers not connected with the covenanted civil service.

9671. Among the new territories, do you include the Punjaub?—Yes.

9672. That has not been administered particularly by the covenanted service, has it?—It is administered, I think almost entirely by the covenanted service; but Lord Dalhousie adopted a plan of his own; he threw the military and civil servants together, and placed them on a footing of perfect equality; he appointed a number of young men in the civil service, and at the same time a number of military men as assistants; these men went into the service together, and they have risen since entirely according to their own merits, so that the civilian and the military man are on a perfect par with regard to emoluments; but that has been done only in reference to the Punjaub. It was Lord Dalhousie's intention to have introduced it also into the administration of Oude; but in other provinces that we have conquered, as, for instance, in Pegu, there is no civilian employed; every officer, whether judge, magistrate, or collector, or whatever the office, is a military officer connected chiefly with the Madras Presidency.

9673. But the mode in which the Government has been administered in the Punjaub is not the same as it has been in other presidencies?—No.

9674. And it has been administered to a great extent by a class of persons not trained, as the civil service are trained, by military men?—Partly by military men and partly by civilians.

9675. And the general opinion is, that no part of India has been better administered?—Yes.

9676. I suppose one of the consequences of that has been that the military have not been with their regiments?—That has been a necessary consequence.

9677. And a great evil?—It is generally supposed to be a great evil.

9678. If, therefore, you could have found people there not military and not covenanted, but having resided in India a considerable time, who could have been employed in the Punjaub instead of military men, it would of course have been a great advantage?—I do not think you could have found any individuals who would have answered the purpose; nor do I know that it would have been attended with such an advantage as might at first sight be supposed. The young men in the military service had received a thorough English training and education in this country at Addiscombe, as the members of the civil service had at Haylebury, and were, I think, perhaps better qualified for these public appointments than men who have gone out merely as adventurers.

9679. But you are aware that Haylebury has been abolished?—Yes, within the last two years.

9680. By the Company?—By the Company; but the young men who were employed in the Punjaub consisted of those who had been brought up at Haylebury and Addiscombe.

9681. The advantage of those places is the knowledge that young men acquire of Oriental languages?—We always consider that the least qualification they bring from either Addiscombe or Haylebury; the great object of the Government in India has been to get the Government of this country to leave it to them to train the civilian up in the knowledge of the Oriental languages, and not to throw away any of his time while in this country in acquiring what is called a rudimental knowledge of the native languages; a civilian or any other man in India will acquire a better knowledge of the native language in one month in the country itself, than he could possibly acquire under the best tuition in this country in six months.

9682. If there were any persons not in the covenanted service who had lived there and had acquired a perfect knowledge of the language, who bore good characters and were fitted for the service, would there be any objection to the employment

employment of such persons in posts of responsibility?—Certainly not, with a reservation of what may be called the just rights and claims of the covenanted servants.

9683. And if such persons as I have described were connected a little with business and enterprise of the country, that would be again an advantage, would it not?—Unquestionably it would be an advantage to employ to a larger extent than Government have done European settlers out there as assistant magistrates or justices of the peace.

9684. I suppose there is something like an *esprit de corps* among the civil servants?—A very considerable one.

9685. You have spoken of antagonism between the settlers and the European civil servants?—There has always been a degree of antagonism between the two classes.

9686. Perhaps there is something like social distinction recognised?—A great deal; there are 600 civilians in the Bengal Presidency, and they occupy the position of the aristocracy in this country.

9687. But if some of the sons or relations of the capitalists settled there got into the public departments, perhaps there would be more equality?—Yes; if there were an opening for them into those departments, no doubt that would tend in some degree to allay the feeling that now prevails; everything resolves itself into a question of caste in India.

9688. I think you state that the magistrates are very young when they are appointed?—Latterly the magistrates in Bengal (I am alluding particularly to Bengal) have been very young men, much too young to fill so responsible an office.

9689. Is that a new policy on the part of the Government?—It is not exactly a policy on the part of the Government, but it arises from the separation of the office of collector and magistrate; and from the peculiar construction of the service, the age of the magistrate has become more and more diminished; that is to say, men have been appointed to these offices at a younger age than they were formerly.

9690. So far, then, the service is deteriorated; men less competent for their duties are appointed?—They are generally young men of great zeal and activity, but they have not the judgment, or stamina, or the experience necessary for the office; and it is unquestionably a great grievance that men of 24 or 25 years of age should be appointed magistrates over a very large district.

9691. We have been told by one witness that the character of the police depends very much upon that of the magistrate; that a really efficient magistrate has such an influence over the police, that he almost determines their conduct and character?—Not altogether; there is no doubt that an able and energetic magistrate will keep his police more in check, and render them more efficient than a man who does not care for his duty; but still the police is most essentially deficient in moral character and integrity.

9692. But it is a matter of necessity, is it not, to appoint these young men; they cannot under the present system get persons more competent?—You cannot obtain men more competent for the office of magistrate, because those who are more competent are already in possession of higher offices.

9693. I think you have said there would be a denial of justice if justice was administered in the English language, but I did not understand why?—Because everything must be carried on through the means of an interpreter, and the administration of justice would, in fact, be in the hands of the interpreter; everything would depend on the representation he made to the judge; my reason for using the term "denial of justice" was, that I do not think there can be any real justice where the person seated on the judicial bench has not a perfect knowledge of the language and character of the people.

9694. But you state that these judges have a perfect knowledge of the language?—I think they have.

9695. That would be known, would it not, to the persons who were in court, parties or others?—They do know it now; but if you were to introduce the English language into the courts, and place a man upon the bench who knew nothing but English, and was to dispense justice to the people through the means of an interpreter, the natives would have no confidence whatever in the administration of justice, nor do I think that the judge himself would be able really to do justice.

J. Marsham, Esq.

22 July 1858.

9696. Did you not say that there was the most perfect confidence in the purity of English judges?—I think there is throughout the country.

9697. If it is known that the judge will administer substantial justice, and that he understands the language thoroughly, would you adhere to the opinion that there would be a denial of justice if the proceedings were conducted in the English language?—That is supposing the judge on the bench to be perfectly acquainted with the language of the country, and in that case I would ask what is the object of using the English language.

9698. But you would not adhere to the opinion that there would be denial of justice?—No; that was said under the supposition that the judge was totally unacquainted with the language of the country.

9699. I take it for granted that the judge understood Persian when the proceedings were conducted in that language?—Yes.

9700. And did the people believe that there was no justice done then?—I cannot say they believed that no justice was done, because a greater number of the natives were acquainted with the Persian language than are now acquainted with the English language. I would state generally with regard to the language of the courts, that under the present system, where everything is conducted in the language of the people, where nothing is spoken in the court, where not a word is addressed to the bench, or by the judge to anyone, which is not universally understood, there is a degree of confidence felt by the people which you could not secure if you were to make English (a foreign language) the language of the courts.

9701. You would say, then, that the people are quite satisfied with the present system?—As far as it is conducted in their own language; but we want great improvements in our judicial system.

9702-3. But the system is one which you say is calculated to give confidence to the people?—So far as the use of the native language is concerned; not the general administration of justice, because if there is one thing more than another that the natives detest, it is the system of law we have introduced into India; it is considered by the natives throughout India as the curse of the country; you will find it mentioned in every paper that was published during the mutiny, that the natives were anxious to get rid of us and of our courts. In fact the system of law which we have introduced since Lord Cornwallis's time is so thoroughly complicated, that it is scarcely possible for a native to obtain justice under it.

9704. Do they consider that we interfere at all with their caste by our system of law, or what is it that they object to?—What the natives object to is our complicated and technical system of law; in short, exactly in proportion as the law in India approximates to the system of English law, it is abhorrent to the people.

9705. You are alluding to procedure?—Yes, I am alluding to procedure; I would mention that in the Punjaub, where we have a simple code drawn up by Mr. Montgomery, which is comprised within 15 sheets of foolscap, the natives are much more satisfied with the procedure of our courts, and there is more substantial justice done than in the old provinces, where you have 15 folio volumes of statutes at large.

9706. You want something more speedy?—Something less expensive, more simple, and more speedy. The fact is, that the first wish of an orientalist is that mentioned in Scripture, "that the king shall sit in the gate giving judgment."

9707. You do not mean that justice is not done, but that they do not like the delay?—No, and the complication.

9708. You have not any idea, have you, that it was our system of law, or anything that we have done with respect to the courts of justice, that made them disaffected or led to insurrection in the country?—The natives have always had the very strongest dislike to our system of law; but I do not think that that has had anything to do with the present mutiny.

9709. You do not dispute that the investigation of titles has caused some irritation?—The investigation of titles has been closed for 22 years; I believe it was brought to an end in 1836, and therefore, whatever feeling of irritation it might have created at that time must have in a great measure passed away; I do not think, therefore, that it was at all the cause of the present mutiny.

9710. I presume the prominent cause was an idea that we were interfering with

with their religion?—I do not think that that had anything to do with it; but the mutiny is a very wide question, on which there is the greatest diversity of opinion. I do not think that the natives put forward that as an objection to us. They themselves did not think that we were interfering with their religion, except in regard to that one point of the greased cartridges.

9711. But suppose that were carried to a greater extent than it is now, should we have anything to apprehend from our countrymen interfering with the religion of the people; that they would become more disaffected than they are at present?—I think that if the Government of this country, more especially at the present time, when we are going to inaugurate an entirely new system of things, were to declare that the Government was a Christian Government, governed upon Christian principles, but that it gave perfect liberty of conscience to every individual in India, this would have a very salutary effect upon the country, and the Government would thus be enabled to refer perpetually to this proclamation on any occasion of a future panic, because we must not suppose that in time to come there will not be such panics, and that native fanatics will not arise, and endeavour to persuade the people that the Government are about to change their religion.

9712. There is no instance, is there, within your knowledge, of any settler, capitalist, or indigo planter, or other, offending their prejudices or interfering with their religion?—I do not consider it an act of interference if a man is not armed with public authority.

9713. But it is not the custom of our fellow-subjects there to insult the religion of the people, is it?—No; on the contrary, I think the feeling is rather too much on the other side; at the same time there are many pious missionaries employed throughout the country, two or three hundred, who have been very successful in making converts, and throughout this mutiny the missionaries have been invariably treated with a degree of respect quite unexampled.

9714. You have told us that you have read through a great deal of the evidence we have taken here?—I read the evidence of Mr. Freeman, Mr. M'Kenzie, and Mr. Theobald; and I guessed the rest.

9715. But you do not point out any passage in the evidence to which you offer any contradiction, or with which you disagree?—No; I read over the evidence in order to ascertain what were the particular points on which the Committee seemed to require information, in order that I might rub up my own recollections.

9716. Mr. *Mangles*.] Do you agree with the evidence that has been given?—You have had evidence of two different characters.

9717. Mr. *J. B. Smith*.] As regards roads, is there, in fact, any other metalled road from Calcutta except the Grand Trunk Road?—I do not think there is, not to any great distance from Calcutta; there is one on the Barrackpore road.

9718. What distance is that from Calcutta?—About 16 miles.

9719. With the exception of the Grand Trunk Line, and this line of 16 miles, in that great centre and seat of Government there are no other roads?—No other metalled roads.

9720. You have been asked about bridges; do you know Mugra?—Yes.

9721. That is about 40 miles from Calcutta, is it not?—Not quite so much.

9722. Is there a bridge there?—There was a bridge, which was broken down by the floods.

9723. Was that bridge built by the Government?—I am not quite certain; I think I have heard that it was built by public subscription.

9724. Was it not built by the Rajah of Burdwan?—I could not answer that question with confidence, without reference. I believe it was built by him.

9725. But it was washed away?—Yes.

9626. And the Government have never rebuilt it?—No, because the railway runs alongside of it.

9727. Are you aware that, notwithstanding the fact that that bridge has been washed away, the Government levy a heavy toll at the little toll-bar just above the ferry?—Yes, I have paid the toll myself.

9728. Are you aware that travellers on the Grand Trunk Road are often detained at the edge of the river for many hours, both in the day and night,

Marsham, Esq.

22 July 1858.

before they can get across by means of the ferry?—I do not think that is often the case; I have heard very few complaints of that nature from travellers; the rivers during the rains swell suddenly, and there is then very great difficulty in obtaining boats to cross.

9729. Are you aware that within 320 miles of Calcutta there are seven rivers without bridges?—On which road?

9730. From Calcutta on the Grand Trunk Road?—I was not aware that there were so many, but I know that several of the rivers and streams are unbridged.

9731. Do you mean to say that in consequence of railways it is no longer necessary to have bridges across the rivers, occurring in the line of the roads?—Not on the Grand Trunk Road; on the Grand Trunk Road the proximity of the railway almost supersedes the necessity of establishing bridges where you have one for the rail; the fact is that the railway will almost supersede every other kind of carriage.

9732. Do you mean to say that the railway runs alongside the Grand Trunk Road?—No; because it branches off from Burdwan to the banks of the Ganges, but it will perform the functions of the Great Trunk Road.

9733. What is the distance between the railway and the Grand Trunk Road?—Perhaps 100 miles or more; but the Grand Trunk Line of communication from the North-west Provinces, as soon as the railway is finished, will be the railway; all our communications almost will be made by that route, and I think you will find the Grand Trunk Road deserted by passengers and by traffic.

9734. Do you mean to say that in all cases where there is a railway within 200 miles there is no longer any necessity for Government to build bridges in order that people may pass along the roads?—I do not say that; but as to the Grand Trunk Road, I say that the whole of the railway in the Gangetic valley is in progress; and with the prospect of having it opened in two or three years, the Government act wisely, I think, in not incurring the expense of bridges throughout the line of the Grand Trunk Road.

9735. You have given an opinion that it is not desirable to exclude natives from offices under Government; do you think it is just to exclude them also from a fair share of the emoluments of office?—I think they ought to be paid according to the position of life in which they move.

9736. You are aware, are you not, that in this country we pay all our judges high salaries?—Yes.

9737. And also retiring pensions?—Yes.

9738. And that the reason for that is, that they are the men who have the control of our lives and property, and that therefore, as a matter of policy, it is wise to place them in such a position of independence as will remove every temptation to do wrong; do you not think that the same policy, if pursued in India, would result in the same manner as it has resulted in this country, in producing a highly independent and just body of judges?—Does your question apply to native judges?

9739. Yes?—I think it would be; 750 rupees a month to a native is quite as much as 2,500 rupees to a European; it enables the native to occupy the same position of respectability and dignity in his own circle as a European with three times the amount.

9740. But 2,500 *l.* a year is not the salary of a European judge; it is double that, is it not?—Two thousand five hundred rupees a month is 3,000 *l.* a year; a civil and session judge has 2,500 rupees a month, and in some instances rather less, and in no instances more.

9741. Have not the judges of the Sudder Court more than that?—Not the civil and session judge; the judges of the Sudder Court are paid from 4,000 *l.* to 5,000 *l.* a year.

9742. And what are the judges of the Supreme Court paid?—I think the Act fixes the salary of the chief justice at 8,000 *l.*, and the puisne judges at 6,000 *l.* a year.

9743. You have stated that there is a great improvement of late years in the education of the native judges, do you find that that improvement in education has also improved the morals of the judges?—To a certain extent it unquestionably has.

9744. Do you not think that improved emoluments would have a great tendency

tendency to place them beyond the danger of temptation?—I think that the emoluments of the native judges might certainly be increased, but it is not necessary to place them on an equality, in point of actual salary, with the European judges, because they are in their own country; they have not the same expenses as European judges in the covenanted service, and they are enabled to maintain with one-third of the salary the same position in society and the same dignity as the Europeans do.

9745. Complaint is made of the corruption of the native judges; is it not the fact that the officers of the East India Company during the period when they were underpaid, were also very corrupt?—So Mr. Courtenay Smith said to the House of Commons.

9746. And is it not the fact?—They were unquestionably corrupt.

9747. You have stated that of late years there has been a great improvement in the Government of India, and you attribute that in some measure to the discussions in the English Parliament on Indian affairs?—I think that has had some effect.

9748. Do you think of late years there has been any improvement in the conduct of the English to the natives?—I cannot say that there has not been, I think there has; perhaps a greater kindliness of feeling was beginning to grow up between the natives and the Europeans, but that has been entirely swept away by this mutiny; the feelings of the European population in India, whether in the covenanted or uncovenanted service, whether in the service or out of the service, have undergone a total change in consequence of this mutiny.

9749. Is it not the fact, that the behaviour of the English to the natives is that of great contumely?—On the contrary, the behaviour of the civil servants to the natives has been marked by a great degree of kindness, but that which the natives object to in us is just what the foreigners object to—our brusque and haughty English manner.

9750. I am speaking of the English people at large; of those who are settled there?—There is the English brusquerie and the English loftiness of character, which an Englishman carries about with him all over the globe.

9751. Do they not kick and knock them about, and call them niggers, and other opprobrious names?—That is a term which I have heard applied to them only within the last three years.

9752. Is it not common to hurt their feelings by the use of brutal language being addressed to them?—All this is almost entirely new to me; young boys fresh from Addiscombe, and unaquainted with the habits, manners, and feelings of the people, may sometimes have done so; but I thought that the conduct of Europeans generally towards the natives was characterised by extreme kindness and gentleness.

9753. Do you not think it a great evil that young boys should be sent out to administer justice in India who have had no experience of mankind or any knowledge of the world?—If you have a civil service you must have men trained, and you must send them out at an age at which they shall be capable of forming new associations in the country. A man going out at the age of 25 or 26 would not fall in with the associations or habits of the people of the country. You must, therefore, submit to the little disadvantage of the men being, in a measure, under age; but no man can be appointed as a magistrate before he is 25 years of age. The earliest age at which they go out is 22; and I question whether, under any circumstances, a man has been appointed to office, even among those who are considered the youngest magistrates, of much less age than 26 or 27.

9754. You do not deprecate discussions in Parliament on Indian affairs; but you think, on the contrary, that they are rather attended with benefit?—We in India entertain a very different opinion as to the value of Parliamentary discussions from what you do in England.

9755. Have you not said that the Government in India were induced to make more roads than they otherwise would have made in consequence of the discussions which have taken place in the British Parliament?—What we understood was, that Mr. Bright made a great noise about it in Parliament, and that Sir C. Wood wrote out to the Government, and told them that they could not spend too much money on roads; and the consequence was, that in three years they exhausted the treasury and upset the coach.

9756. But if it had not been for those discussions you would have had no roads, would you?—And we should not have had the loans.

J. Marsham, Esq.

22 July 1858.

9757. Might not the Government have made those roads in a very different manner from what they have done, without causing any embarrassment to the finances of the country, by raising the money on loan instead of taking it out of the revenue?—The Government must eventually resort to that, for it is impossible for them to carry out these public works in India without a surplus revenue, which it is not likely they will have for the next 10 or 12 years.

9758. Mr. *Gregson.*] Are there any obstacles offered by the Government to Europeans proceeding to and settling in India?—None that I am aware of, or that I have ever heard of.

9759. Are there are any obstacles in the climate, or in the want of security to persons or to property?—There is no obstacle to their taking up their residence there; but there is every obstacle to their going out as colonists, and planting the hopes of their families in that country.

9760. Are there any inducements to attract capitalists to go to India?—The inducement is a beneficial return for their capital.

9761. Can capital, in your opinion, be safely and profitably employed in cultivating, or in assisting the natives to cultivate, the land in India?—That is a very difficult question to answer, because our revenue laws in India do certainly present an obstacle to the employment of capital in land. As I have already said in the course of my evidence, until the Government are enabled to alter the sale laws, and to give to the putnee tenures (the only perpetual leases we have in India) a degree of perpetuity and security, Europeans cannot well lay out their money there in land; while these putnee tenures exist, there will be few sales of a zemindaree tenure in India. The only way in which a European can employ his money in connexion with the land is by taking a putnee tenure, and in order to induce him to do that it is indispensably necessary that the Government should so far modify the law that this tenure shall not be cancelled whenever the zemindar himself chooses to make default.

9762. In the event of the tenure being altered in the way you suggest, would there be an inducement for capitalists to go out and invest their capital in the purchase of land?—I think so.

9763. Would you recommend them to go and settle in India with their families?—I do not think you will find any man advising an Englishman to go out and settle as a colonist.

9764. Not in the upper provinces?—No; there he would have no scope for the employment of his capital.

9765. In Bengal?—There the climate is entirely against it.

9766. And in Bengal proper the land is fully occupied?—Yes; and unfortunately the land is over populated. The great difficulty we have in Bengal arises in a great measure from the pressure of the people upon the means of subsistence. If we could provide a good system of emigration, and take off the surplus population of Bengal, and carry it up to Assam, or Tenasserim, or Pegu, we should relieve Bengal from that which is at present a very great disadvantage, and extend cultivation throughout provinces which scarcely pay their expenses now.

9767. Have you known families of Europeans live in India beyond one generation?—It has been said that the European constitution cannot survive the third generation.

9768. Not in Bengal nor in the upper provinces?—No, nor in the plains either of Bengal or the north-west provinces.

9769. *Chairman.*] You have mentioned that there is a want of labour in Tenasserim and the more distant parts of India; do you not think it is very desirable to give easy means of access to those provinces which are in want of labour, from Bengal, where labour is superabundant?—I think that that is one of the very first wants of the country, and I hope it will be impressed on the new Government that the sooner they adopt a system of emigration from the lower provinces of Bengal to these provinces, either to Assam or to the Tenasserim provinces, or more especially to Pegu, the better it will be for the country. It is of no use to enact laws for the protection of the ryots; a zemindar laughs at them; he knows that nine-tenths of the population, or more than nine-tenths, depend entirely upon the culture of the soil for the means of subsistence, and he knows that if one ryot refuses to accept land on the exorbitant terms

terms he asks, there are ten who will be ready to step into his place; that, of course, neutralises all the laws that have been passed for the benefit of the ryot. But if the tables were turned, and the surplus population were carried into those countries where they are required, the zemindar would be immediately obliged to conciliate the ryot, and that would produce a greater improvement in his condition than all the laws we could make.

9770. It is a social evil to be remedied, you think, by social means, and not by legal enactment?—I think that the evils under which the cultivators in the lower provinces labour, are more of a social than of a legal character.

9771. They are evils arising from the state of society?—Yes; I would mention in exemplification of what I have now stated, that in the province of Chittagong, where the natives are oppressed by their zemindars, and a man is happy to obtain subsistence on two or three rupees a month, those very individuals, if they can get away into the neighbouring province of Aracan, can immediately earn four or five times that amount. A man who is the most abject slave imaginable in Chittagong, becomes an erect independent man as soon as he gets into that province.

9772. The machinery by which you must improve the position of the ryot and diminish the preponderating influence of the zemindar, must be, in fact, raising the rate of wages?—Yes; and you cannot do that without taking off the surplus population.

9773. You want facilities for doing so?—Yes.

9774. And you think that there might be greater facilities given?—I think that the Government, as they have an emigration agency in Calcutta for sending our surplus population to the Crown colonies, might establish an agency of the same kind for sending the surplus population to our own provinces likewise.

9775. In referring, apparently, to the evidence given before this Committee, you appear to imply that some part of it conveyed an idea of the exclusion of natives from every object of ambition in their native land, and also that appointments to the office of judge and other civil offices, were suggested by witnesses examined before this Committee, to be conducted entirely through European agency, you did not intend to state, did you, that that was the meaning of the witnesses?—No; I merely intended to place upon record that which has always appeared to us out in India to be a grave fact, that you cannot deprive the natives in their own country of all those prospects and objects of ambition which they enjoyed under their own native Governments.

9776. You agree, do you not, with those who think that a judicious infusion of European superintendence generally, would be a benefit to India?—Very much so.

9777. Do you think that the character of the planters has improved within the last 30 years or so, and that it is still improving?—I have reason to know that it is very considerably improving. Twenty-five years ago we had nothing but faction fights among the planters themselves, and between them and the zemindars; for one such fight that we have now, we had 10 formerly. There certainly, therefore, has been a very great improvement in the character of the European settlers.

9778. You have alluded to what you very properly term wars between the planters, were not those wars very much produced by the want of a due limitation of the boundaries between the estates?—Almost entirely; the fact is that the Court of Directors when they gave their sanction to the permanent settlement used this pithy expression: "You seem to have dispensed with the necessity of defining any boundary;" and so the permanent settlement was made without the definition of a single boundary.

9779. A survey, therefore, and a registration would seem to be most desirable?—Yes; and, if it were possible, it would be desirable to add to that a partition of the Government revenue upon each separate portion of the estate.

9780. It, therefore, was not so much the quarrelsome propensities of the planters as the want of an ascertained boundary that occasioned the wars to which you have referred?—Perhaps both causes combined to produce them.

9781. You have mentioned the use of those pacific gentlemen called lattials; was not that occasioned by the conduct of the police?—The police were certainly not strong enough to give the necessary protection.

9782. I understand you to say that you object very much to English being adopted as the language of the Mofussil courts?—Yes.

J. Marsham, Esq.

22 July 1858.

9783. But, as a question of national policy, you probably would not object to the gradual introduction of the English language, wherever it can be safely introduced?—I think we cannot cultivate the use of the English language too extensively throughout the country, because we have found, wherever it has been thus cultivated, that it has resulted in weakening the prejudices of the people, and, to a certain extent, in giving them a principle of fidelity; but we do most strenuously object to turning courts of justice into seminaries for instruction in English.

9784. Lord Auckland, I believe, abolished the use of the Persian language as the legal language of the courts; is the language which is now used in the court, and by the court itself, always understood by the people by whom the court is frequented?—I believe it is; in Bengal there may be individuals who do not understand it. There may be men from Hindostan who do not understand Bengalee, or men from Bengal who do not understand Hindostanee; but the language which is used in the court is the language which is current in the province.

9785. You have stated that in your opinion barristers are not desirable as judges, and that a judge is much better from having been first employed as a collector. Would not a collector be better for having had some previous legal or rather juridical education?—We have always wished that they should receive that preliminary education in this country before they were sent out. I think that every civilian instead of wasting his time in endeavouring to gain a knowledge of the oriential language, which he could never obtain to any purpose in this country, should devote his time to the acquisition of that elementary juridical knowledge which would be of use to him in his future career.

9786. You seem not to approve of a suggestion which had been made to the Committee, that the redemption of the land-tax might be allowed; do you think it would be well to allow the free purchase in fee simple of uncultivated lands by the Government?—I think there can be no objection whatever to that; but there is no uncultivated land in Bengal, that does not belong to some zemindar, except the Sunderbunds.

9787. But in parts of India there are such, are there not?—The Government have in Gurrockpore and other places encouraged settlers, and if the Government were to sell the land out and out, it would be, I think, a great advantage; but the great question that has been raised, both in this country and in India, is whether it would not be advisable for Government to sell all the land in Bengal for the sum of some 75,000,000 *l.* or 80,000,000 *l.* sterling, and pay off their debt. It is a very important financial question, and I believe that what Mr. Theobald says is very true, that the Government would very likely be obliged to lay on other taxes after having allowed the public to redeem the land rent.

9788. Mr. *Mangles*.] An honourable Member asked you whether you pointed to the evidence of the gentlemen who have gone before you as witnesses, or to any part of it, as differing from them. Did you mean by the answer you gave to that question to represent that you differ in opinion from Mr. Wyse, Mr. M'Kenzie, Mr. Theobald, and Mr. Freeman?—I made that remark in reference to the evidence that has been given partly by Mr. Baillie, and by Mr. Hawkins, which appeared to be rather on one side, as contradistinguished from the evidence given on the other side. I must say that I do generally coincide with the evidence given by Mr. Hawkins and Mr. Baillie, and to a great extent with the evidence of Mr. M'Kenzie; but, generally speaking, to the assertions made in Mr. Theobald's and Mr. Freeman's evidence, I could not give my assent. At the same time there are some parts of their evidence to which I should give my full concurrence; more especially where Mr. Theobald says, that the insecurity of the putnee tenures is a considerable obstacle to the application of English capital to the improvement of land.

Veneris, 23° *die Julii*, 1858.

MEMBERS PRESENT.

Mr. Campbell.	Mr. Mangles.
Mr. William Ewart.	Mr. John Benjamin Smith.
Mr. Gregson.	Mr. William Vansittart.
Mr. Kinnaird.	Mr. Villiers.
Mr. Lowe.	

WILLIAM EWART, Esq., IN THE CHAIR.

John O'Brien Saunders, Esq., called in; and Examined.

J. O'B. Saunders, Esq.

23 July 1858.

9789. *Chairman.*] IN what part of India have you been?—I have resided mostly in the North Western Provinces.

9790. When did you go?—In 1827.

9791. When did you return?—I returned in 1852.

9792. Were you in the North Western Provinces during all that time?—I was.

9793. In what capacity were you there?—As an indigo planter and merchant.

9794. Are there many indigo planters in the part in which you were?—Very few.

9795. Will you describe the exact locality?—In the district of Allygurh, in the centre of the Doab, near Agra.

9796. What is the extent of settlement by Europeans in the North Western Provinces?—There are very few. I do not think that, in the Doab and Rohilkund Provinces, there are more probably than 30 or 40.

9797. Has their number increased?—No, it has decreased.

9798. Can you assign any cause for its diminution?—The failure in trade. The competition of Bengal has affected the interests of the trade in the North Western Provinces very much.

9799. Mr. *Mangles.*] The indigo there is not so good as in Bengal?—The indigo is of an inferior quality; but the production of indigo has increased very much in Bengal and Tirhoot.

9800. *Chairman.*] Do the settlers complain of any impediment to their extension of settlement there?—Of nothing but the general legislation, which affects the interests of Europeans.

9801. What are the objections to the legislation?—Principally the question of placing Europeans under native courts, and under the courts of the country.

9802. Is that in criminal cases?—Yes.

9803. Do they object in civil cases?—They do not; they object to native judges.

9804. Then do you give an unfavourable account of the present state of settlement in the North Western Provinces even prior to the late disturbances?—It is unfavourable for Europeans; there is nothing tempting for Europeans.

9805-6. How long has the indigo cultivation gone on in the North Western Provinces?—The indigo cultivation in the North Western Provinces was very large previously to 1830; after that it fell off.

9807. Did it fall off on account of the great competition?—Principally from the cultivation of an improved quality of indigo being very large in the Bengal provinces, and in those under the permanent settlements.

9808. Do you think that there is any prospect of its revival?—The only hope of any revival would be from the Great Ganges Canal assisting the irrigation of the country.

9809. You think that that will be a favourable means of restoring prosperity?—I think that it will be a very great advantage.

9810. Mr. *Mangles.*] Does that canal run through the Allygurh district?—Yes.

J. O'B. Saunders, Esq.

23 July 1858.

9811. *Chairman.*] Will that enable you to produce a better sort of indigo?—It will enable us to produce a better sort of indigo, and will enable us to cultivate it much cheaper.

9812. Then do you think that there is a prospect of successful competition with the more Southern provinces?—It will enable us to compete on better terms with the Eastern provinces.

9813. Is your distance up in the country an unfavourable circumstance to the sale of your indigo?—The expense of carriage is not a serious thing upon so valuable an article as indigo. We are more affected by the time that is taken in the transit.

9814. Will the facilities of railways, and of communication generally, be of advantage to you?—These will be of advantage for indigo.

9815. Do the settlers complain of any particular evils in that part of the country, or of any impediments to their extension?—There is a strong feeling of the general dislike on the part of the governing officers, the civilians, as we call them, against the European settlers; nothing of particular importance.

9816. Do you mean that there is a feeling on the part of the civilians against European settlers?—I think there is a general dislike to English settlers.

9817. In what way does that exhibit itself?—In the bias against the Europeans; in their business; in the courts. A friendliness or unfriendliness towards the Europeans is immediately felt and known by the natives; the settlers there are few, and it is soon recognised whether the chief persons of the districts, the magistrates or collectors, are friendly or not.

9818. Do you mean that at present a settler would find that he was looked coldly upon by a civilian?—Yes; the natives would discover it in a very short time.

9819. Do you think it likely that it would be the case that he would be so regarded?—In many instances I have observed it.

9820 Even in modern times?—Even in modern times.

9821. Mr. *Campbell.*] On the other hand, you have found many civilians disposed to advance your interests as a settler, have you not?—I could always detect the difference immediately; and I have found many friendly.

9822. The general disposition however is unfriendly?—I think so; merely to the settler.

9823. *Chairman.*] If that feeling existed on the part of the civilian, has not it been very much diminished of late years?—I think it was diminishing, perhaps; I could not say that it was so personally; sometimes one set of officers would be friendly and another would be unfriendly; I could scarcely say that it has diminished.

9824. Could you, if required, furnish us with instances at present of such a want of fellow feeling on the part of the civilians to the planters?—I think you may observe it a little in Mr. Hawkins's evidence, where he says that Europeans would oust natives from their lands. In answer to Question 4326, I observe that he states that.

9825. Mr. *Campbell.*] Does he say that the practical effect of settlement by Europeans would be to oust natives from the land?—He says that natives would very much dislike to see Europeans in possession of the land; the European settlers would have no power to oust natives from their lands; they could only purchase land which was set up for sale by the Government officers who ousted the native proprietor.

9826. What has been the feeling generally?—I have generally found the feeling to be that they would rather sell the lands or mortgage them to Englishmen than to natives.

9827. From what cause?—The English are more liberal in their terms, and the natives would rather that they had the lands; they looked on our hold of the country as ephemeral.

9828. *Chairman.*] Do you think that the civilians entertain the idea that the free admission of settlers would oust the natives from their lands?—This is the first time that I have noticed the remark made.

9829. Mr. *Campbell.*] Practically, in your experience, in the communications between yourself as a settler and the officers of the Government, have you had means of arriving at the fact whether a civilian was favourable or unfavourable to you?—Yes; the neighbouring police would seize all my carts when I had an immense number collected for my indigo purposes, whilst there were plenty of carts

carts to be had of people who had them for hire. When I had a friendly magistrate, my carts were never touched nor sought after.

9830. *Chairman.*] Do you think that the other settlers like yourself, in that part of the country, would make the same statement as you do with regard to the feeling of the civilians?—I think they would all agree with me that there is a general dislike to the European settlers.

9831. Mr. *Mangles.*] Does the Government show it?—No; I have always found that the Lieutenant-governor of Agra and the Governors-general, when I have occasionally met them, have wished to encourage the settler rather than the contrary.

9832. *Chairman.*] Have you been in Lower Bengal?—No.

9833. Mr. *Campbell.*] You have not been there as a merchant?—Not in the districts.

9834. *Chairman.*] What do you consider to be the results of the revenue settlement in that part of India with which you are acquainted?—The results have been that a very large proportion of the lands have been sold to capitalists, merchants, and traders; the land has passed from the people who have held it for hundreds of years before.

9835. Do you consider that a good or an evil?—I think that it has now been shown what a mistake it was to take away the lands from the charge of the talookdars and other large holders in the North Western Provinces.

9836. Have those landholders become officials under the Government to any extent?—Not one of them.

9837. They have not become judges?—No.

9838. Have none of the old families of that part of India come under the employment of the Government?—When Lord William Bentinck first introduced the system of employing natives as judges, he was very anxious to get the old families to accept appointments, and some of the old Mahomedans who reside on the northern side of the Doab were employed, indeed, at Agra and Allygurh; but they very soon found the rules irksome and threw up the appointments, and they gradually fell to the lot of the class of people who had been brought up in the inferior departments of the courts.

9839. How do you connect the purchase of land with the traders?—Previously to the settlements, all the small holdings were in the hands of talookdars; they were capitalists; they never were driven to dispose of their property in the way that the small holders have been since they have been recognised as proprietors paying revenue direct, holding titles in their own names, with power to alienate.

9840. Do you think, therefore, that it has been an evil to diminish the number of talookdars?—I think so.

9841. The talookdars became dispossessed of the land?—We found the talookdars originally in possession of the land there, under many different tenures and in many different shapes; but they were all rather farming leases than proprietary rights. The settlement in our districts was made with the intention of giving to the people whom we thought the real proprietors the possession of their property.

9842. Mr. *Mangles.*] The village zemindars?—The village zemindars; small holders of every description. The Government revenue was arranged in this manner, out of 100 rupees of the rent-roll, 66⅔ were taken as Government revenue, 18 rupees were laid apart for the talookdar, who was withdrawn from all authority and management of the estate, and 15⅓ remained for the recognised proprietor, for his profit and for his expenses. When the talookdar was managing, he had the difference, 3⅓ rupees, to cover the risks of season and for the profit of management. The settlement withdrew 18 from the margin for risk, and gave it to the dispossessed talookdar as a salary or allowance. The proprietor now engaging to pay the revenue had to manage the property with a margin of simply 15⅓, which was evidently not enough to cover his risks, as small holdings are much less able to meet the risks of seasons than a large estate would be; and he had thus still less than the talookdar formerly had to meet his risks. The consequence of this arrangement was, that the recognised proprietors naturally fell into debt; they were unable to pay their revenue regularly, and to meet the risks of management and of seasons. The new proprietors had never had the management of money; they had never before in their lives conducted revenue arrangements and paid money direct to the Government; and when they were entrusted with money, they were very apt to squander it. These people had money in their hands when they had never before been allowed to have a fraction; the talookdars themselves

J. O'B. Saunders, Esq.

23 July 1858.

formerly always looked after the crops, and took very good care that nothing was cut till the revenue was paid, or secured by drafts upon a money-lender. The consequence has been that nearly all the recognised proprietors have got into debt and lost their property; they have been sold up, or their property has been mortgaged; it has been transferred under some form or another.

9843. *Chairman.*] Who are the present proprietors?—Capitalists, traders, and merchants; principally merchants.

9844. Mr. *Campbell.*] What has become of the old proprietors?—They have all fallen into the position of cultivators of the land of which they were formerly the proprietors; their position is very little altered, except that they no longer call themselves proprietors.

9845. *Chairman.*] Is the present state of the proprietor a prosperous state?—Certainly not; he has fallen into the hands of the hard-dealing money-lender. In consequence of the mistake made by Lord Cornwallis in Bengal, in recognising the zemindars as the proprietors, the mistake in the North Western Provinces was made in the contrary direction, by taking too great care for the people who were said to be the real proprietors.

9846. Mr. *Mangles.*] Do you believe that the talookdars were the real proprietors of the soil?—No; they always held it under farming leases of many kinds and descriptions, which they took advantage of during the anarchy of the times which followed Nadir Shah's conquest, and they have claimed an hereditary right of management.

9847. *Chairman.*] Who do you think were the real proprietors?—The true proprietor is the Hindoo family which has been dividing and subdividing the property for any number of years. We cannot go back to their history, but I do not think that within any period of the Mahomedan reigns these proprietors were ever managing their property separately; I do not think that they ever paid the revenue direct to Government; I think that the Mahomedan kings always found it a good policy to have managers of large estates between them and the small proprietors.

9848. Mr. *Campbell.*] The practical effect of the new settlement was to destroy that influential and respectable class, and to create a new class, which took little heed for the property, and fell into arrear and did not pay the Government rent?—Yes, they were incompetent to manage as cultivators and good managers of an estate.

9849. Mr. *Mangles.*] How could men be destroyed who had so considerable an interest left as 18 per cent. still paid to them by the Government?—I do not mean that the talookdars were destroyed; they remained there as very respectable gentlemen, receiving a handsome income, but with nothing whatever to do of any interest in the world, except to idle and to squander their money.

9850. Mr. *Campbell.*] You say that 33 per cent. was originally given to the zemindars as a protection, and that that was reduced to 18 per cent.?—Yes, these people originally received the difference, or 33 ⅓, which was supposed to be a sufficient remuneration, and also a sufficient margin to cover the risks of season and the management of the estate.

9851. But the practical effect of this new settlement has been to destroy the importance and the influence for the preservation of order, and for the prosperity of the country, of a very influential class which existed before this new settlement was made?—It destroyed their influence and interest in the management of the country; it left them nothing whatever to do.

9852. *Chairman.*] What effect has that upon the settlement of Europeans?—It scarcely affects them very much beyond this: previously to this arrangement, the persons who used to make contracts with settlers were men who were able to fulfil them, and able to give us a security for our advances, which is now not the case.

9853. Mr. *Mangles.*] After the mistake was once made of admitting these village zemindars to a direct settlement with Government, was not what has happened the necessary consequence of that mistake, and of the state of society which you have described as a perpetual division of property; is it not natural that property, under such circumstances, should gradually glide into the hands of capitalists?—It would have been natural if there had not been this zemindar between.

9854. After the mistake was made, as you called it, of admitting the village zemindars, and excluding the talookdars, what happened was the natural consequence?—Yes, it was the certain consequence.

9855. And

8955. And those sales which have taken place were not, generally speaking, sales by the collector for the recovery of the revenue, but they were an enforcement of the rights of the mortgagees?—It is the character of the natives to cleave to their lands, and when they got into difficulties they exerted themselves to the utmost to save their lands from being sold by the Government authorities. They mortgaged them, and did everything they could to retain them. The end of the mortgage was sale and dispossession.

9856. The estates have been sold, not by the collector for the recovery of the revenue, but by decrees of court in satisfaction of the mortgage debts?—Yes, generally.

9857. All these mortgagees who are now in possession have to pay and do pay the same revenue?—Yes.

9858. The settlement cannot be excessive?—The settlement is not excessive but full. In the case of the estates which I have just been describing, it is scarcely worth while for any one to purchase them, so little is left for profit.

9859. The mortgagees foreclose their mortgages and get their estates, and they make them pay, I suppose?—It is just a little better than leaving the native in possession and losing their debt.

9860. There cannot have been an excessive settlement, because these mortgagees who foreclose and get possession must continue to pay the revenue, as they enter upon the estates subject to the Government revenue?—There is still a profit remaining sufficient for a mortgagee to take possession.

9861. Mr. *Campbell.*] Is not the rate of interest exacted from these poor persons most extortionate?—I do not think it is so very extortionate as you have heard described in other parts of India. The natives of the North Western Provinces are very well able to defend themselves from oppression; they are not so easily oppressed.

9862. *Chairman.*] Is the occupation of this land by the mortgagee more or less beneficial than the occupation of it by the old zemindar?—It is very beneficial; it is of immense advantage. The towns in the North Western Provinces are increased, and trade is improved; the prosperity of the country appeared to be very much improved under the change which had taken place.

9863. To what do you attribute that?—To the traders investing money in lands; the traders finding an investment for their money.

9864. Then the demolition of these ancient talookdarees, if I understand you rightly, has been ultimately a benefit?—It has raised another class; it has been beneficial to another class of people.

9865. Has the European planter been able to obtain land?—The European planter in his own neighbourhood has taken land upon the same terms.

9866. If the old talookdarees had continued to exist, would the European occupant have been able to come in?—The European occupant would not have been able to get land so easily.

9867. Then upon the whole, if I understend you rightly, the breaking up of these kind of aboriginal feudal rights has been beneficial to the commerce of the country?—It has.

9868. Will you explain the difference between a talookdar and a zemindar?—The terms are both used very loosely; it is impossible to explain it in a few words. The talookdars in the North Western Provinces are large farmers.

9869. Then I clearly understand you to say, that however objectionable this change may have been, as a matter of general policy, it has not been without its advantages in a trading point of view?—Quite so.

9870. It encourages the settlement of Europeans, if I understand you rightly?—No, I do not think it encourages the settlement of Europeans, because they could trade with the talookdar on quite as good terms; it has made very little difference with them.

9871. But it has probably been of advantage in the employment of money by the European?—I do not know that it has made any difference with the Europeans. The Europeans do not wish to buy lands or to invest money in lands in the North West Provinces.

9872. Mr. *Campbell.*] You have stated that it is important to have a talookdar in making a contract?—It was of great advantage to Europeans.

9873. Have you lost that advantage under the new *régime*?—We have lost that advantage, and on the other hand we have been compelled to buy lands to secure ourselves.

J. O'B. Saunders, Esq.

23 July 1858.

9874. *Chairman.*] What is the interest in the land which the modern European takes in that part of India?—He has every tenure; I hold as zemindar, and as mortgagee, and I have managed estates for the Government; I was called ameen.

9875. What observations have you to make with regard to the civil courts in that part of India?—I do not think that I can say anything too bad of the procedure of the civil courts.

9876. In what way are they so bad?—From the means of oppressing the native through the procedure of the court. Every form of false suit can be carried through by clever natives; the native judges presiding are not honest; their own friends have interest with them of which they can take advantage; and there is a general corruption of the native attendants and servants of the courts; the whole of the natives themselves are naturally corrupt.

9877. Do you refer not only to the omlah of the court, but also to the witnesses?—Yes, every one of them; I have as much difficulty with my own servants as I should have with the officers of the court.

9878. Do you think that that state of circumstances is unfavourable to settlement by Europeans?—Very much so.

9879. What remedy would you suggest for it, if any?—I do not think that there is any remedy for it; there is a remedy for the courts in simplifying the proceedings: many proposals have been made for so doing.

9880. Is there much chicanery in the present proceedings of the court?—Endless; the natives are very clever in quibbling and carrying on frauds in the courts.

9881. Do you think that a simpler and more summary state of the law would be a benefit?—Anything approaching to an Oriental system; I would give almost a despotic power to the chiefs in each district.

9882. Then you think that something more of the non-regulation system would be advantageous?—I do not know the non-regulation system, but from what I have heard of it, I believe that that is an approximation.

9883. So far as it is more summary in its character?—Yes.

9884. Mr. *Lowe.*] Do you think that a despotic system of judicature would suit English settlers?—They would not like it; but I think that it would benefit the country generally.

9885. With reference to the colonisation by Europeans, do you think that a despotic system of judicature in the district would suit English settlers?—I think that they would even prefer it to the present system.

9886. *Chairman.*] A despotic power is not synonymous with a summary power; do you not think that there might be a more expeditious mode of justice adopted?—I would rather run the risk of a little injustice to have it more expeditious.

9887. Mr. *Villiers.*] In either case would it not depend upon the purity of the judge?—It would; and the English judges are undoubtedly pure.

9888. An English settler would sooner have a pure despot than an impure judge, otherwise qualified?—Infinitely.

9889. *Chairman.*] Do you think that it would be of advantage to have a further extension of English judges in that part of India?—I would have all English judges if possible; and I do not think that it would be difficult even to get subordinates from this country on cheaper terms than the civilians for another department which is now filled by native judges.

9890. Would you then retain the native language in the courts?—I would as a matter of policy more than anything else.

9891. Mr. *Campbell.*] Practically, what effect would be produced amongst the natives by a magistrate or judge ordering his darogah to address a letter to you in the Persian language, without the usual oriental courtesies, instead of English?—The practical effect as respects the European is not good; the position of the European is very undefined in India.

9892. Have you not received Persian letters?—Yes.

9893. Whilst Persian was the language of the courts?—I have received a letter which has been addressed to me without the usual courtesies that would have been used to a native holding the same position as I did in India. There are rules in the Indian language for addresses, and the people are very particular on this subject. It is a thing which Englishmen would care very little about; but the effect on me and on my native neighbours was very different.

9894. Mr. *J. B. Smith.*] Was it intended as an insult to you?—It had that appearance.

9895. Mr. *Mangles.*] You only mean that it would have a lowering effect in the native language if it was written disrespectfully, not if it was written respectfully?—Just so. For want of a defined position in India the omlah of the court are very apt to take advantage of it to address a European in an insulting style.

9896. *Chairman.*] Do you think that it is desirable to have a greater infusion of Europeans generally in India?—I have no doubt that it would be a very great advantage.

9897. Are you of opinion that greater European superintendence, wherever it can be safely adopted in India, should be introduced?—It is the one thing wanted.

9898. You coincide with the great majority of the witnesses in that respect?—Yes; there cannot be two opinions upon the subject.

9899. Would you extend your observation to the police?—To every department.

9900. What is the state of the police in the North Western part of India of which you speak?—Very good; it is very much superior to what I learn is the case in Bengal.

9901. To what do you attribute that superiority?—First to the junction of the offices of collector and magistrate; we have certainly the *élite* of the service appointed as collectors of the revenue, and who act as magistrates. Again the character of the people in the North Western Provinces is very different indeed from that of the people of Bengal; they are able to take care of themselves; they are men of spirit and manliness; they do not submit to oppression, or to people in authority, so easily as I understand the Bengalese do.

9902. Mr. *Villiers.*] To what race are you referring?—They are Hindoos, but they are quite distinct in their physical character. The climate is also very different.

9903-4. Mr. *Campbell.*] These are inhabitants of the North Western Provinces?—Yes; they are Hindoos and there is a very large Mahomedan population.

9905. *Chairman.*] The Bengalese are an inferior race of Hindoo?—Yes, physically, and I believe that their moral character is inferior.

9906. To what other causes do you trace the superiority of the police?—I think it is to be attributed likewise to the careful survey of the country; the country is a more open country; it has been more carefully surveyed and examined, and we know the whole of it much better, and we know the people much better than it appears to me we do in Bengal.

9907. Then there are no impediments to European settlement arising from police in that part of the country?—Not more than a certain corruption of the natives, which sometimes affects it.

9908. Mr. *Mangles.*] Is it not also true that the physical character of the country is better; that it is more traversable?—Yes, it is more open.

9909. There are not so many streams or rivers?—No.

9910. And it is not so much under water in the rains?—No, certainly not; it is not so subject to inundation. There is also a superior organisation of the police from, I believe, the better character of the officers who have been placed in charge of that department.

9911. *Chairman.*] Are those European officers?—Yes, all of them.

9912. Then not only is the condition of the people better, but the constitution of the police is better?—Much better.

9913. What is the state of the survey and registration of land in that part of the country?—It has been very close and very correct.

9914. Is that a great advantage to Europeans settling there?—A correct registration of titles and lands is very advantageous to all Europeans. Almost every field has been mapped.

9915. In your opinion, is the system in the North Western Provinces the most perfect system of survey and registration existing in India?—It is very perfect.

9916. What is the state of the roads in your part of the country?—We have a great number of roads in the North Western Provinces which have been made under the local committees, besides the Great Trunk Road which passes through the centre of the Doab.

9917. Are those very good roads?—Very good indeed.

9918. Are they also numerous?—They are numerous.

9919. How are they maintained?—They are maintained by an assessment of one per cent. on the revenue of the whole villages of the country.

9920. Does that mode of assessment give satisfaction?—No, it does not; it

was first assessed as voluntary at the instigation of the collectors and magistrates; but it was afterwards extended by order, very much to the dissatisfaction of the people.

9921. Mr. *J. B. Smith.*] Is that one per cent. extra?—Yes; when the settlement was made the amount of revenue was fixed, and afterwards one per cent. more was taken for the roads.

9922. *Chairman.*] How did it succeed when it was voluntary?—It was nominally voluntary.

9923. It was really compulsory?—It was.

9924. If it was really compulsory before, they hardly suffered much when it was made absolutely compulsory by law, did they?—In the first instance they were rather pleased to comply with the views of the authorities, but afterwards when the regular payment came to be made they were tired of it, and were very much dissatisfied.

9925. Do you think that any more advantageous way of maintaining the roads could be suggested?—It would be more advantageous if the Government gave the money; they paid nothing out of their share of the land assessment.

9926. Have you any local system of taxation for roads?—There is a ferry fund in existence.

9927. Is there a constituted committee for the superintendence of the roads?—There are local committees, and they are all appointed by the Government.

9928. And the expenses of the roads were paid by a per-centage, as I understand you?—Of all the roads, except the Great Trunk Road, and afterwards the road from Agra to Allygurh was excepted from the local funds, and made by Government.

9929. What is the state of the Grand Trunk Road in the North Western Provinces?—In the Doab it is very good; from Allahabad to Delhi it is very good indeed, but when I left it was not finished from Delhi to Umballah.

9930. Have the Grand Trunk Road and the other roads been an improvement to the country?—An immense benefit.

9931. What is the state of the bridges on the Grand Trunk Road?—The bridges have all been improved between Allahabad and Delhi. In the first instance, they were insufficient, but they were afterwards extended and improved.

9932. The roads are now well bridged?—Yes, very fairly in the Doab.

9933. And the bridges are all complete?—Yes.

9934. Mr. *Campbell.*] We had it in evidence the other day that some of the bridges on the Grand Trunk Road were incomplete?—Between Mirzapore and Calcutta the bridges are not complete.

9935. *Chairman.*] What is the state of the sugar trade in the North Western Provinces?—There is a very large internal sugar trade, but very little of the sugar is sent to Calcutta.

9936. Mr. *Campbell.*] The consumption of sugar by the natives is very large?—Very large indeed; the demand is so great, that prices are higher in the North Western Provinces than in Calcutta.

9937. Is ft not the fact, that with a high price of sugar in this country the sugar comes down the Ganges for export, and with a low price of sugar in this country the sugar goes up the Ganges for local consumption?—Yes, from the Benares district.

9938. *Chairman.*] Has the consumption of sugar by the natives very much increased?—I should not say that per head it has much increased; they always consumed a very large quantity.

9939. Mr. *Mangles.*] The population has increased?—Yes.

9940. Mr. *Campbell.*] They eat sugar as an article of food with rice?—Yes; and on all their fêtes and festivals sugar is given to the Brahmins.

9941. How much more sugar do you think that a native would consume than a European?—I have heard of the native eating enormous quantities of sugar.

9942. What may be the comparative difference between the two?—The Europeans are regular in their consumption; the natives are very irregular. I cannot state the proportions between the one and the other; the natives use as much as they can possibly get.

9943. *Chairman.*] You have no sugar-producing date trees in that part of the country?—None whatever.

9944. Have you been much in the hill districts in the north of India?—Yes; I have visited Almorah, Nynee Tal, and Mussoorie.

9945. What is your opinion of the healthiness of those districts?—They are very healthy; very excellent for the European constitution.

9946. Do you think that Europeans could continue to live there?—I think they could on the higher ranges.

9947. Have you known European families continue there?—I have heard it doubted whether it would be possible to continue the race in the hills; there is no doubt that it could only be done on the higher ranges.

9948. Have you been through any of the passes?—Only the passes next the plains of India.

9949. Mr. *Campbell.*] To what elevation have you been?—Nine thousand feet high.

9950. *Chairman.*] What room is there for European settlement in the hills?—I do not think there is much room for European settlement there; there is not a sufficient quantity of lands to supply food for a large population in the hills.

9951. Mr. *Mangles.*] The character of the hills is very much broken and mountainous, is it not?—The declivity is very great; almost all the lands for cultivation must be terraced more or less.

9952. *Chairman.*] The declivity is very abrupt, is it not?—Yes; there is no such thing as valleys between the hills; they go down almost to narrow water-courses.

9953. Mr. *Campbell.*] Is there a cultivation of tea in those hills?—I believe that that is the only cultivation likely to succeed, and there is a good deal of it there. I understand that the tea cultivation is better on the higher ranges; that it does not require so much irrigation as the other crops do, and therefore there is plenty of land to spare not requiring much terracing.

9954. *Chairman.*] Do you think that the consumption of tea is likely to increase much in India?—Yes; I think that if there were plenty of tea, the natives would be very glad to purchase it.

9955. Is there much uncultivated land in the North Western Provinces where you have been?—None whatever.

9956. But there is, I believe, in the tea-growing provinces?—In the hills, not in the plains.

9957. Is there any other special point bearing on the inquiry of this Committee, upon which you can give us any information?—Nothing particular.

9958. Mr. *J. B. Smith.*] With regard to the new settlement in the North Western Provinces, am I correct in understanding you to say that the talookdars formerly received 33 ⅓ per cent.?—Yes.

9959. In return for that share, they managed the estate?—Yes.

9960. But under the settlement, that 33 ⅓ per cent. was reduced to 18 per cent.?—Yes.

9961. Which sum they at present receive, but they have now nothing to do?—Which sum they received as an allowance, when the property and management were taken out of their hands, and they have nothing whatever to do for it.

9962. *Chairman.*] It is a retiring pension?—Yes. In the first instance, it was understood by the talookdars that the 18 per cent. was to be hereditary; but I think during the time of Sir Charles Metcalfe the question came before him, and he decided that it should be only an allowance for life, and that it should be an open question, whether any descendants and heirs were to receive it or not.

9963. Mr. *J. B. Smith.*] Have the heirs received it?—I do not know of any question having as yet come before the Government, but that doubt being cast upon it dissatisfied the talookdars very much.

9964. In fact, they are sinecurists to the extent of 18 per cent.?—To the extent of 18 per cent., out of the 33⅓ per cent. which Government allows for the profits.

9965. Has not it a very bad effect upon the character of these men, their receiving so large a sum as 18 per cent. of the land revenue, and doing nothing for it?—It has had in every way a bad effect; it has dissatisfied them, and they are idle, having nothing to do in the world except to indulge in debauchery and opium eating.

9966. In fact they are a useless class of men?—Yes.

9967. And that in consequence of being placed in this isolated condition?—Yes; all influence being taken from them.

9968. What has been the effect of this 30 years' settlement upon the condition of the ryots?—The effect of it on the small cultivators, the newly recognised proprietors, was that having very small holdings, with long leases, and little margin

J. O'B. Saunders, Esq.

23 July 1858.

for profit, they fell into debt in a very short time, and they gradually were obliged to alienate their lands in many different ways, such as by mortgage, or sale, public or private.

9969. Has a new class emerged from all this turmoil which has been created by the settlement?—The result was that a new class arose in the shape of the money lender, who had never before been allowed to hold lands under any native dynasty, and who had never come into importance as a landholder.

9970. What, in your opinion, is the effect, taking a large view of the question; though there may have been a great deal of injustice to particular parties in this new arrangement, has the effect been, upon the whole, beneficial to the community?—The effect apparently was very beneficial; but the dissatisfaction and dislike towards our Government amongst the larger number of people, such as the cultivators and landholders, and people of influence in the country, was extreme at the same time. On the whole, as a simple question of political economy, it was apparently very advantageous. Probably, in a different form of society, not Oriental, it would have been advantageous.

9971. What, in your opinion, is the prospect of the result?—We know the results from the late rebellion, namely that the whole of those money-lenders, traders, and people who came into possession under mortgages and sales have been ousted, and more than one of them murdered.

9972. You do not mean to say that the talookdars have got possession of the land?—No, I am not sufficiently acquainted with the matter at this minute to say who are the people who have recovered the property, but it is only the people of influence; it cannot be the small proprietors separately. A number of villagers would join together for the purpose of ousting a new man, a man of mere capital, to get rid of him; and probably they would fight among themselves as to who should have the property; thus adding to the anarchy.

9973. You said that the people were a good deal dissatisfied with the assessment of one per cent. upon the revenue, for the roads?—Yes.

9974. Has not the effect of good roads being made through the district been very much to improve the value of their property?—I will mention a fact, from which you will see the difference between the Oriental and the English view. I was a member of a road committee when the first plans for roads were taken into consideration; the magistrate called a meeting of all the influential natives in the district to consult with him on the subject of making roads. The natives' view, in the first instance, was to make a road, say from Agra to a point on the Ganges, which appeared to us English to be of no great advantage, and on inquiring why they should prefer that line, they said that it would be a very pious work; that it would be for the benefit of all the pilgrims of Central India who came on a pilgrimage to that special point on the Ganges.

9975. Mr. *Campbell.*] What point was that?—Soron Ghat. The magistrate represented to them that that line would be of very little benefit to the commerce of the country; that it was not a good line for carrying the produce of their own districts to their markets, and that in his opinion another would be a far more advantageous line to take than the one which they wished; but they still held the opinion that it would be a very charitable thing, and best, to make a road for the pilgrims. We separated; but the magistrate carried his opinions into force, and commenced a road from Allygurh towards Agra.

9976. Mr. *J. B. Smith.*] The decision of the magistrate was, no doubt, more beneficial to the country than their view?—Yes; but the native opinion and wish was put aside; it shows the difference of opinion between the European view of what would be advantageous, and the native view.

9977. Do they not see the advantage of the facility of roads increasing the value of their produce?—Yes; but still the Oriental is essentially religious, and prefers what he thinks an act of charity and piety to other considerations.

9978. They grumble to pay the assessment, although they see the advantage of the road?—They grumble to pay the assessment, decidedly, because the Government, in their opinion, paid no share for the road, at the same time that they took a very large proportion of the rent-roll. Had it been agreed at the time of the settlement, I do not think that they would have been dissatisfied; they would have considered it as a bargain, and part of the assessment.

9979. Mr. *Campbell.*] But they looked upon it afterwards as an imposition?—As an imposition, and an addition made to the revenue.

9980. Mr. *J. B. Smith.*] Then is it the opinion generally that those who derive rent from the land ought to make the roads?—That was understood, I believe, in

in the native mind. All the time that I was in the North Western Provinces, and for some time previous to it, the roads were completely neglected up to the time when the assessment and the arrangements were concluded for making roads.

9981. We had it in evidence, I think, on the Cotton Committee from Mr. Mangles, who is a Member of this Committee, that he considered that it was the duty of the Government as the owners of the land to make the roads; but it seems that in the North Western Provinces they do not carry out that duty?—They do not do so, and the charge of 1 per cent. was made on the people for doing it. At Allahabad the system of repairing the earthworks every year after the rains was always carried on, but the natives did it; the zemindars residing on each side of the road did it; they sent out men when the rains ceased, and levelled the earthworks. That was always understood to be the duty of the zemindars; but not so further west.

9982. Mr. *Villiers.*] There is nothing peculiarly Oriental in these people wishing to have roads made, but not at their own expense; that is common to the rest of mankind?—That is common to the rest of mankind, certainly.

9983. That is pretty much what they wish to have?—They would like to have the roads made, but not at their own expense.

9984. And if it is for a pious purpose, or if you can pretend that there is a pious object as well as a commercial one in making the road, it does not seem that they would object to the assessment?—I think they would object to the assessment in the mode in which it was made, under any circumstances.

9985. You said that if it was a work of piety they would pay?—No, I did not say that if it was a work of piety they would pay. The question of assessment for roads was at an end; they were to pay undoubtedly; then they were consulted on the committee as to what line of road in their opinion would be the most favourable to commence with in the district. The intention of the assessment was to make roads throughout the district; on the committee I alluded to the question was, which line should be commenced with.

9986. But they knew that they should have to pay for it?—It was settled that they would have to pay for the roads under any circumstances.

9987. The road has been made, and the assessment has been imposed?—The road that I speak of was made, and the assessment was still continued to the very last; and other roads have been made.

9988. I suppose, after a time, they will get accustomed to the advantage of the road, and they will not object to the assessment?—They will object to the assessment as a separate charge from revenue always; but there is no doubt they like the roads.

9989. With whom does it rest to decide that matter in the North Western Provinces?—It rests with the local committees appointed by the Governor of the North Western Provinces, of which committees certain persons are *ex officio* members, namely, the magistrate, and probably the engineer officer of the district, if it happens to be in a district where there is an engineer military officer.

9990. The Lieutenant-governor appoints local committees of competent persons to decide upon the road?—Yes.

9991. Is that a sufficient authority for the assessment?—No; the assessment was an order of the Government for the purpose of making the road; the Lieutenant-governor confirmed the proposition.

9992. I take for granted there is no assessment made without the authority of the central Government?—There is no assessment made without the authority of the central Government.

9993. The people do not complain of the authority?—No.

9994. I do not quite understand why you say that the ryots are necessarily to be in debt; you say that they have long leases, that is to say, a permanent interest in the land, and that the land is generally cultivated, and that there is a great demand for the produce?—There is a very fair demand for the produce.

9995. I do not understand why they are necessarily to be in debt?—The most improvident people in the world are the people of India. Besides the amount of profit estimated as left for the proprietor, after the Government revenue and the allowance to the talookdar is provided for, there is not enough left to cover the risks even of a good management: it is barely enough to cover the risk of seasons.

9996. They are taxed too highly?—They are taxed too highly by the difference which is given away to the talookdar.

J. O'B. Saunders, Esq.

23 July 1858.

9997. Under such circumstances, sooner than part with their land they get into debt?—Yes, they mortgage it.

9998. And upon the first opportunity they cut the throats of their creditors?—That is what has occurred during the late rebellion.

9999. That is not peculiar to Orientals; there is an impulse among all men to get rid of their creditors?—Yes; but semi-barbarous nations are perhaps more eady to do it by violence than those who are more civilised.

10000. That was the first way in which they showed their disaffection lately?—They took the opportunity. I will relate an anecdote which was told me by the Lieutenant-governor, the late Mr. Thomason, with regard to the disposition of the natives of India in this respect. I am not certain whether it was in the Bhurtpore territory, but it was in an independent native territory. There were several villages which the native chief held, dotted throughout our territory, and we had villages dotted within his territory. A proposal was made by the local collector to round off each territory by exchanging the villages within each other's boundaries: this was confirmed by the superior authorities, and the transfer was made. Several villages in our territory had been sold by decrees of the Courts; traders and merchants had become the proprietors, whilst the old landlords and proprietors had all been ousted under these sales. The moment that these lands came under the native Government, the traders were at once ousted, the old landholders took possession of their property again, and the arrangement was recognised immediately by the native Government. The traders so ousted brought suits against the English Government for the property which they had lost by this transfer, and obtained decrees against our Government. I think the question came before the Court of Directors, and I understood that orders were issued that no such transfer or bargain should ever again be entered into between a native independent state and our authorities.

10001. Will you state what is your inference from that circumstance; what is the moral of that story?—That the old proprietors according to the native system should never be dispossessed; they invariably look to their lands under any circumstances, and will resume them whenever there is an opportunity, as a rebellion, whenever it occurs; they never lose sight of their lands.

10002. Are we to understand that the talookdars are these "old proprietors"?—No; the talookdars in the North Western Provinces are properly speaking contractors for the management of estates, and they have become hereditary from the state of misgovernment in which the country has been for many years previous to the English conquest.

10003. Who are the persons that you call the "old proprietors" who have come back to that property?—The Hindoo proprietors; Hindoo families.

10004. What position do they hold in the country?—From the Hindoo law dividing and subdividing the property these people have always been little better than cultivators; but the talookdars and others holding estates in farm have always given them their land to cultivate on rather better terms than the mere cultivators who have had land for short periods of time.

10005. According to your account these must be men without wealth?—Yes; having merely a title to these lands from family rights.

10006. Are they recognised in the country as men of ancient descent?—They are recognised; they are generally high castes; Rajpoots and Brahmins; those are the ancient castes.

10007. Are they respected by the people?—They are highly respected and always looked up to. There is a labouring class, a low caste, in each village, who have never had any proprietary rights; they always look up to those shareholders with respect, let the holding be small or large.

10008. What you call the labourers of course are distinct from the small proprietors, the ryots?—They are, but many of these labourers take lands on lease from year to year from the shareholders.

10009. Have these "old proprietors," who you say are people of ancient family and without much property, rights of any kind?—They have always a right to the division and subdivision of the land belonging to the family, and they are always looked upon as shareholders. Every village has a sworn accountant, and he keeps a record of their rights and titles.

10010. Do these men ever enter our service?—The younger sons are many of them sepoys.

10011. Are

10011. Are they officers?—No; every sepoy must enter the ranks, and rise.

10012. Do you know anything of the sepoys who came from this part of the country?—I know them well.

10013. Do you know whether they were distinguished at all by being more loyal or less so than others?—No; but I think that many sepoys returning from their regiments on furlough, and finding their property alienated, have gone back very much dissatisfied with the state of things which they found in their villages.

10014. Of what time are you speaking; during the last 25 years?—I am speaking up to 1852, which was the last time that I was in the north-west.

10015. How long had this state of things been going on before?—From the time that the talookdar's superintendence was done away with, and these people's rights were so recognised and recorded that they were able to alienate them.

10016. Then you are referring to the origin of the settlement?—Yes.

10017. What was the date of it?—1833 and 1834 were the years of the settlements in my district, but some of them were a little earlier; in Allahabad it probably might be 1829 or 1830.

10018. During all that time there has been an amount of discontent going on amongst these classes owing to the settlement?—I think so.

10019. And you think that it must have existed as much among the sepoys as among those who dwelt upon their properties?—I have not a doubt that wherever the sepoys' property was alienated, when they came back to their villages they returned dissatisfied men to their regiments.

10020. You are speaking, probably, from personal knowledge of the fact?—I knew them well; many of the sepoys were in my own villages, and they have often spoken to me upon the subject.

10021. Do you know whether these matters were ever under consideration by the Government; were any persons in authority, either in the North Western Provinces, or at Calcutta, aware of the disaffection which was being produced by this settlement?—I do not think there was any one of them who was aware of it; and when it was brought to their notice, it was invariably put down, it was poohpoohed. I once had an opportunity of speaking to Mr. Robert Bird himself, the gentleman who commenced the settlement.

10022. Mr. *J. B. Smith.*] What was Mr. Bird?—He was the chief of the Revenue Department, the Sudder Board of Revenue; he was the author of this careful settlement of the North Western Provinces. I happened to be at Agra when he was making his rounds, and in consequence of some one referring him to me, he requested me to call upon him to speak upon the subject; and, according to my views (for I have always been against this settlement), I expressed my opinion that the breaking down of the talookdars was certain to end in an excessive dissatisfaction and disloyalty amongst the natives. I said that the result of it would also certainly be, that the small holders whom he had recognised would all be driven out, that they could not hold their lands under the terms, and that they would be all sold up for debts; and, if I remember rightly, his answer was, "We shall get rid of a complicated set of tenures, which will be an advantage to the country; we shall clear the titles, and make the land more easily transferable and saleable." That was his view of it.

10023. Mr. *Villiers.*] But the settlement was actually made, I suppose, with a view to the revenue of the Government; was not that the original purpose of it?—I do not think that that portion of the scheme was with that view, because making the revenue settlement with a poorer class, instead of a richer, was not the way to benefit the revenue.

10024. It might have been done in error; but still, had not a settlement of that sort in view, the revenue which the Government would collect?—I think their idea was to protect the ryot; it was a good intention in reality.

10025. I suppose it was before the experiment was made, that Mr. Bird said what you have narrated to us?—It was at the time when the settlement had been completed; when the terms had been agreed upon.

10026. Have the Government been satisfied with it since that time; I presume from what you say that there has been some manifestation of discontent for some years past?—I think that no one has had an opportunity of judging; all have been pleased with the settlement; it has appeared to Government to work well.

10027. Has the revenue been easily collected?—It has.

10028. Do you think that the revenue could have been as easily collected under the system which you would have recommended?—I think it would have been

been collected much more easily under the old system, with much less expense probably of establishment. It would have been much better to have had one man paying a large portion for a large estate, than a numerous tenantry paying for small holdings.

10029. Then up to the outbreak, you say that the Government had generally been satisfied with what they had done?—Yes.

10030. And had been disinclined to listen to any information upon the subject?—Not disinclined; but the views which they took were so strong, that it was believed nothing could be said with justice against it.

10031. Are you of opinion that it would be wise, even at this moment, to alter the settlement?—I think it would be wise, even at this moment, to restore in some mode influential men; call them talookdars, or any other name you like.

10032. Then we understand you to say, supposing it to have been only an experiment, based upon our political economy, that it has failed in that respect?—It has failed in that respect.

10033. I understood you that, economically speaking, it was favourable to the better cultivation of the land?—Perhaps it has attracted the capital of the trader towards the land more than before.

10034. Still, as far as I understand you, these people are very much impoverished, owing either to their bad habits or to the difficulties which they get into?—They become the actual cultivators under the capitalist; they have all fallen to the position of the mere labourer; they still work on the lands.

10035. What should you say is the general result; do you think that the produce has been greater under this arrangement?—There certainly has been an extension of cultivation; there has been no improvement in the cultivation of lands; there have been more lands brought into cultivation. Any little corners of the villages which had before remained neglected were brought into cultivation by falling into the hands of the trader.

10036. Do you know anything of the actual state at present of that district?—Nothing but what I learn from letters.

10037. They have got rid of their mortgagees?—I believe that they have got rid of all the mortgagees and all the mere money-lenders, men who have no hold and no influence whatever. I have not the slightest doubt that if they have not been murdered they have been ousted.

10038. Mr. *Campbell.*] You have property there at this moment, have you not?—Yes.

10039. Do you not hear from your correspondents what has occurred?—Not in sufficient detail. My brother has been obliged to leave; he has gone down to Calcutta, and I have not sufficient details to say what has been the result in our villages.

10040. Mr. *Villiers.*] Were you ever a mortgagee yourself?—Yes.

10041. You have advanced capital?—I have advanced capital to ryots; I have purchased in every mode, through the sales at Government auctions and also by private purchases.

10042. Did you superintend and cultivate the estate which was mortgaged to you?—We superintended the whole management of the estate.

10043. These people now you almost expect would incur debt from their very improvident habits?—I think so.

10044. So that although they have got rid of their mortgagees you cannot expect them to be in a better position?—The chances are that they will not be able to borrow money quite so easily till we introduce peace again; but the people are so improvident, that I have not the slightest doubt that they would get into the very same difficulties all over India.

10045. Have you ever had to foreclose any mortgage which you held?—The system of mortgage there is thus: The lands having to pay the Government revenue, the mortgagee takes possession on lending the money. When I lend money under a mortgage I take possession of the villages and manage them with the proprietor, rendering him an account; I take the interest of the money and I am allowed a per centage for management, accounting to him for the difference.

10046. Do you pay the revenue to the Government?—I do.

10047. And you remit to the mortgagor the difference?—Yes; the mortgagors are generally resident in the villages themselves, and superintend their own interests at the same time.

10048. Had you ever occasion to go to law upon any matter connected with mortgages?—Frequently.

10049. What has been the occasion of litigation in these matters when you have taken possession of the estates?—The cause of litigation has generally been shareholders putting up claims for shares in the village, asserting that this man had no right to mortgage their shares; and probably the party who mortgaged to me aiding and abetting in a scheme to defraud me.

10050. Previously to your taking a mortgage, do you make any inquiry into the title?—Yes; as close an inquiry as we possibly can, and in nine-tenths of the cases I have mentioned the suits are dismissed and the parties gain nothing by them, but compel me to pay law expenses which I never can recover.

10051. Where do you contest it; in the native courts?—Generally in the native courts now, as they have got such extensive jurisdiction lately.

10052. And these native courts are presided over by native judges?—Yes.

10053. These are the people, I think, of whom you have complained?—Yes.

10054. That the whole system there is bad and impure?—It is bad to the last degree; but at the same time, as every native, let him be who he may, is anxious to pay a bribe, the temptation is very great; no man is satisfied that his case will be attended to unless he pays money, and therefore the temptation to take bribes is very great.

10055. Have you ever had occasion to complain of injustice to yourself?—I have had occasion to complain of great injustice; but I have almost always had it remedied by appealing to a court over which an Englishman presides, in the same district, or the Sudder Court at Agra.

10056. I think that you have no suggestion to make with respect to the improvement of those courts from anything which you have seen, excepting, if possible, to appoint better judges?—To get rid altogether of the natives; the native people are unfit to be judges. There are many other employments for which they are more suited; I think that their principles and their morals are such as to render them quite unfit to preside as judges.

10057. But I presume you admit that it would be difficult to put Englishmen as judges in every court?—I do not think so; it would be very difficult to place judges with the large salaries of the present civilians; but I do not think that there would be any difficulty hereafter in finding men willing to go and commence in the lower departments and rise to appointments with moderate emoluments, much less than is now paid to a covenanted civilian.

10058. Do you think that European settlers would be satisfied with anything but a covenanted servant to preside in one of these courts, if it was to be a European judge at all?—I should think that they would be perfectly satisfied with a fairly qualified European.

10059. As far as European settlers go, you think that they are not so tenacious of the covenanted servants as the Company themselves?—I think not.

10060. Would they have confidence in others?—They would have just as much confidence in any properly-qualified Englishman presiding in those courts as in a covenanted servant.

10061. Do you think that there are the means, among the Europeans now settled, to find persons who would act as magistrates or judges?—Not immediately for such a number as I am speaking of; but we have no difficulty in finding very suitable men for employment in the customs department to superintendend the lines of customs, which is a very responsible duty. Many of the officers in India are very glad to get those appointments for their sons; and I should think that if there were appointments open in the civil departments, many in India would be very glad to look forward to them for their children.

10062. Those are not covenanted servants?—No, not in the customs' lines.

10063. Do you say that those are the sons of officers?—Many of them are sons of the English officers in the Bengal army. They come from England with an English education, and not being able to get any other employment, they are very glad of that employment; they are not at all disappointed with it.

10064. Have you any experience of the Indians; that is to say, the half-castes?—I have had a great many of them in my employment; that is to say, as managers of factories and villages.

10065. Are they more trustworthy than the natives?—Certainly.

10066. Do you think that they could be well employed in the different offices?

J. O'B. Saunders, Esq.

23 July 1858.

offices?—They are pretty nearly all so employed now; it is the only direction in which they look for employment.

10067. Would you say that their predilections would be more to side with the natives than with the Europeans?—Certainly not; they are decidedly favourable towards the Europeans. They are so treated by the natives, that they will always be so.

10068. Why should they not be appointed as judges?—Some of them make most excellent Sudder Ameens; they are very good judges indeed.

10069. Do you think that the Europeans would prefer to see them to the native judges?—I think they would; there is a prejudice against the East Indians also; some of them are said to have the education of an Englishman, and all the vices of the native; but with exceptions I have found them very good men; in my own employment I have had men in whom I have had every confidence.

10070. How are they considered by the natives?—I have heard them speak of them indifferently; but where they fill respectable positions, the natives themselves hold them in very fair respect; they occasionally hold them in contempt, speaking of them as half castes, but generally speaking, I think, where they are occupying respectable positions, they are held in very fair respect.

10071. What is the feeling towards English settlers; men who are known to bring out capital to give employment?—My own experience is, that I have always been on the most friendly terms possible with the natives; I have been on the most intimate terms, both with the Hindoos and with the Mahomedans; as intimate as with the Europeans, and always most friendly.

10072. How has it fared with Europeans in this district during the late outbreak; has their property, where it has been tangible, been destroyed?—My factories and those that I am acquainted with, have been destroyed, but it has been done by the mutineers escaping from Delhi; they were respected by the natives up to October; all the respectable natives surrounding us have respected us, and rather protected our property; I have a cousin on the northern side of the Doab, and his property was entirely protected by the natives during the whole of the mutiny.

10073. Mr. *Campbell.*] By his own people?—By his own people and by some of the neighbouring zemindars; they made indigo for him in his absence, and they gave him the indigo when he returned after the mutineers passed through.

10074. Mr. *Villiers.*] You consider these men running from Delhi, and coming into those districts, as a species of fanatics; I suppose they were for indiscriminate destruction?—The sepoys seem to have got perfectly wild.

10075. As far as you observed, what was the ground of the feeling on the part of the natives against the Europeans; was it from regarding them as hostile to their religion, or from their being a different race which they wished to get out of the country?—The Mahomedan was always hostile, but the feeling of the Hindoo was much more favourable.

10076. Do you make a selection in taking natives into your employ; do you ask whether they are Hindoos or Mahomedans?—No, I never thought of such a thing. We employed Mahomedans, because they were better clerks; they were better acquainted with the languages of the courts, which still used more Persian and Arabic than Hindoostanee.

10077. Do you say that the Mahomedans, intellectually speaking, are superior to the Hindoos?—No; merely that their acquaintance with certain laws and procedure of court, which we wanted, was more extensive than that of the Hindoo.

10078. To the Hindoo and the Mahomedan there is still a very broad distinction between themselves; is there anything like hostility between them?—No; there is always the difference of religion and of systems of food; they never eat with one another on any consideration.

10079. You do not find any inconvenience from that in the employment of them?—Not the slightest.

10080. Do you observe that settlers, or English people coming out there, have increased of late years?—No, they have decreased in the North Western Provinces.

10081. Do you know why that is?—I have stated that the trade in the North Western Provinces has been very unfavourable; there has been the competition of the Bengal Provinces in the particular line which the settlers have taken.

10082. That is accidental, perhaps, and may not be permanent?—That is accidental, and, as I have mentioned, the position of the settlers may be improved by the Ganges Canal enabling them to extend their business in that direction.

10083. You

10083. You consider that there is a fair opening?—I consider that with the Ganges Canal there will be very great opportunities for English settlers.

10084. Are there any railways?—There are no railways. Since I left, the railway from Allahabad has been commenced.

10085. Mr. *William Vansittart.*] That goes from Allahabad to very near Cawnpore?—Yes, about 50 or 60 miles.

10086. Mr. *Villiers.*] I suppose that will be a great improvement?—A very great improvement.

10087. Mr. *William Vansittart.*] Are there not some very good roads in the North Western Provinces?—Yes; there are plenty of roads made by the Road Committees.

10088. I think you say that the Mahomedans have always been very inimical to our religion?—Yes, always to Englishmen.

10089. Have they not behaved extremely ill as sudder ameens and moonsiffs during the late rebellion?—So I understand.

10090. Are you in favour of their continued employment in offices of trust?—We must employ them in certain offices, but I object to their being employed in any judicial offices whatever.

10091. What office can they hold?—Why should not they be placed in charge of estates? why should they not be allowed to take land as talookdars, and with long farming leases, which would give them an interest in the country?

10092. With regard to the conversation which you had with Mr. Bird, are the Committee to infer that, in your opinion, this outbreak may be attributed to the revenue system and the resumption laws?—No; that may be a small item in the dissatisfaction which the natives generally feel towards us, and the cause of their general dislike to our coming back again.

10093. I apprehend, therefore, that you attribute it more to the fanaticism of the Mahomedans?—The causes of the mutiny are very large, I suspect, and I myself have not had sufficient opportunity to investigate them to give a proper opinion.

10094. Mr. *J. B. Smith.*] It does not depend upon one particular cause?—Certainly not.

10095. But upon a combination of causes?—I think that one very serious cause of it is the rapidity of our reforms and changes, and meddling with the social systems of India.

10096. Mr. *William Vansittart.*] Are you in favour of Mr. Robert Mertins Bird's system of settlement?—Certainly not.

10097. You think that the perpetual settlement is much better?—Of the two it is the best; still the errors committed there are also very serious.

10098. The advantage, I apprehend, of the perpetual settlement is in keeping up the middle class, the zemindars?—That is my opinion.

10099. There is a total absence of the zemindars under Mr. Bird's system?—There is not a total absence, but a very general absence of the zemindars. The whole intention of the settlement was to break down all forms of rights which were not proprietary.

10100. I think that Mr. Bird's settlement, even by his own friends, has been pronounced to be a failure?—Yes, since this rebellion.

10101. In fact, there is a great reaction in the North Western Provinces on this subject?—Only from the results of this terrible outbreak.

10102. Are you acquainted with Mr. Charles Raikes, the Judge of the Sudder Court at Agra, and late Civil Commissioner with Sir Colin Campbell?—I am not.

10103. He says of the Punjaub system, "The Punjaub system of government, as introduced by Lord Dalhousie, and carried out by Sir Henry Elliot, the Lawrences, Mansel, Montgomery, Edmondstone, and M'Leod, is so simple, so powerful, so entirely adapted to the genius of the people, that it must, like truth, prevail, and sooner or later extend over the entire peninsula; and I believe but for the opposition of the Legislative Council in Calcutta, this simple system would ere now have been introduced as the basis of our future administration in the North Western Provinces;" do you take that view of the Punjaub system?—I do not know it sufficiently, but from all that I have heard of it, I believe that it is the first step towards simplifying our whole system of procedure.

10104. With regard to our revenue system, he says, that he thinks Government would do well to sell their land-tax to the proprietors wherever purchasers at 20 years' tax can be found; do you concur with him in that opinion?—I do not

J. O'B. Saunders, Esq.

23 July 1858.

not think that we could find purchasers at 20 years' purchase for the land-tax with the revenue system which must prevail in India.

10105. Do you not think that there are natives sufficiently wealthy to be able to buy the land-tax at 20 years' purchase?—There may be some wealthy enough, but I do not think that they have sufficient confidence in our stability to give a large sum of money for the purchase of an estate, or to give 20 years' purchase.

10106. In fact, then, your answer depends entirely upon the stability of our rule?—That, and the mode in which we govern the villages. If I were to purchase an estate in fee-simple, I should still have so much interference in the management of it by Government officers (for we must always have ryots in the villages) as not to make it worth my while to give a very large sum of money for it.

10107. In point of fact, then, if our system was changed, and there appeared to be a greater stability of our rule, and if there was the introduction of the Punjaub system, and of other systems, you think that the natives might be induced to avail themselves of this suggestion of Mr. Raikes?—I should have great doubts on the question of people paying a sufficient sum of money for the Government to accept for their revenue.

10108. Do you not think that it would very much add to the stability of our rule if Allahabad was made into another presidency?—Anything which promoted closer superintendence would be advantageous.

10109. In fact, the greater the number of Europeans in India, the stronger, in your opinion, will be our rule?—The greater the number the better, and the stronger will be our rule.

10110. That being your opinion, would you advocate the employment of young men of good family and education, if they could be procured in this country, to fill the offices of moonsiffs and sudder ameens?—Decidedly.

10111. Mr. *Villiers.*] Assuming that they were competent for the situations to which they were appointed?—Assuming that they were competent, and also that they were brought up from youth in the practice of the departments for which they were intended; they should be well qualified.

10112. *Chairman.*] Do you think, as has been stated to this Committee, that such a course of proceeding would produce great dissatisfaction to the natives?—I do not think so. At the same time we must find some employment for the natives more suited to them than civil judgeships, such as the management of estates and Customs appointments; but, generally, I think, the management of estates, with some influence and some power attached to it.

10113. Mr. *Gregson.*] You state that you have employed both Mahomedans and Hindoos; have both generally served you faithfully and honestly?—Both, I think, have pretty equally served me dishonestly.

10114. You cannot trust either the one or the other?—Neither the one nor the other. The Mahomedan when he has been dismissed, or fancied himself ill-used by me, has revenged himself with more implacability and power, and more determinedly than the Hindoo; but they are both bad; they are both not to be depended upon as servants without much superintendence.

10115. Mr. *Villiers.*] Would they serve a native master more honestly than they would a European?—I do not think so; they must make more than their pay, let that pay be what it may.

10116. Mr. *Gregson.*] In your business intercourse with the native merchants of the higher class, have you generally been satisfied with the honesty of their dealings?—Yes; the necessity of their position compels them to be honest; the banker class is honest, from the necessity of their position to be so.

10117. With respect to those parties with whom you have had the money transactions and mortgages, have you generally been satisfied with their conduct?—I have always had much trouble in every money transaction with natives not bankers.

10118. Can capital be safely or profitably invested or advanced on loan in that district?—It may be very safely advanced, where the advancer has a thorough acquaintance with the country; when he has experience.

10119. But not until after a residence in the country?—Not until after a residence in the country, and some knowledge of the people.

10120. What is the rate of interest which you get?—The rate of interest is usually 12 per cent.

10121. On mortgage?—On mortgage.

10122. Is there a want of capital in this district?—A great want of capital.

10123. Still you do not think that it can be advantageously and safely invested there?—I would not recommend Europeans to go there with capital.

10124. Why would you not?—Without skill and experience of the country, there is no prospect of any profit, and a great chance of risk from the practices of the natives, and the deceptions which they would very likely practise upon a stranger.

10125. But you, after residing there some time, have been successful in advancing capital to the natives?—I have been rather more successful than a stranger would be, but it has always cost me a great deal of money and trouble in the courts; and I would not have advanced the money, excepting that it gave me the advantage of the control of the land for my indigo cultivation; it has not been for the sake of the interest on money, but to secure my advances for cultivation that I have taken land.

10126. Is there any inducement for Europeans to go there?—I think there is some inducement, from the prospect of the Ganges Canal making speculation in that country more profitable than hitherto.

10127. Will the advantages of the Ganges Canal be immediately developed?—This rebellion has cast a great doubt upon that point; but otherwise previously to it the prospects were considerably better.

10128. Suppose the country to be restored to tranquillity?—Then the Ganges Canal would be a great advantage, and would give opportunities such as we have not had before.

10129. Then you think that there would be an inducement for Europeans to go there?—I think that there would be more room for it, and a better prospect for the employment of capital than heretofore.

10130. Is the climate pretty favourable for Europeans?—Very fairly so. I have been 25 years there, and have never been seriously ill; and I have had 12 brothers and cousins residing in the same district, and I do not think that any one of them has ever suffered seriously from the climate.

10131. Of what district do you speak?—The whole of the centre of the Doab; the whole of those districts between Agra and Delhi in the Doab.

10132. In that country are cotton and indigo chiefly grown?—Cotton and indigo used to be very largely grown; but they have very much fallen off.

10133. Why?—Cotton has very much fallen off in consequence of the opening of the trade and the competition of American cotton in our Eastern markets and the stoppage of the purchases by the East India Company, in consequence of the trade being withdrawn from them. The indigo has been affected by the competition of Lower Bengal and Tirhoot.

10134. What is substituted for cotton?—The only crops which have been substituted are cereals, wheat, barley, and all kinds of grain, which is exported towards Central India, Gwalior, and the Rajpootana States.

10135. Mr. *Campbell.*] Is not Allygurh one of the hottest parts of India; the hot wind prevails there, does it not?—It is as hot as any part of the plains; it is generally about the same.

10136. Notwithstanding that, you and your family have been always healthy?—Myself and my relations have been there for very many years; great numbers of us, and have all been healthy.

10137. *Chairman.*] Have you been as much in the open air as the other planters have told us they have been?—Yes; not in the middle of the day.

10138. Mr. *William Vansittart.*] Were you ever at Nynee Tal?—Yes.

10139. It is about 70 miles from Bareilly, is it not?—I am not acquainted with that road.

10140. Would it not be an admirable site for the location of an European regiment?—I do not think so, for want of room. But speaking of the hills generally around Nynee Tal, that would be an admirable place.

10141. How far is it from Almorah?—Only about 36 miles.

10142. Would it not be an admirable thing to locate an European regiment between Almorah and Nynee Tal, as proving a most effectual guard over the whole of the important Province of Rohilcund?—I have some doubt on the subject, respecting the dangerous Turaee forests at the foot of the hills; if the regiment were required in a particular season of the year, they could not be brought down to the plains.

10143. Surely by clearing the jungle we could make a railway from Bareilly to Almorah and Nynee Tal?—You could make a railway through the jungle, but not in the hills; of course money will do anything.

J. O'B. Saunders, Esq.

23 July 1858.

10144. Mr. *Campbell.*] Would it not be an advantage, in a sanitary point of view, to have a regiment or two regiments of Europeans located on those hills?—The advantage for health would be very great; but there are certainly six months in the year when you could not bring them down except by railway; with a railway you could do anything.

10145. I suppose it was for health and change of air that you went there?—For salubrity there is no place better.

10146. You mentioned that the competition of Bengal in the production of indigo has materially interfered with the remuneration in the North Western Provinces?—Yes.

10147. Do you not think that the Madras indigo, from its being of a like quality with the Doab indigo, has more materially interfered with it than the Bengal production?—It was the interference of Bengal in the first instance which destroyed the trade of the plantations in the North Western Provinces.

10148. Are there not other crops besides indigo which could be grown profitably in the North Western Provinces?—I do not think there are any other crops, always excepting the power which may accrue to us through the Ganges Canal.

10149. Are you aware of the price at which tea is grown in the Dhoon and the hill provinces?—I have seen Dr. Jameson's reports, which are very favourable.

10150. What may be the cost per lb.?—I think his statement was, that he could grow it at from 6 *d.* to 9 *d.* per lb.

10151. You are aware that that is a very superior quality of tea?—Yes, it is very good.

10152. Infinitely superior to the China tea, or to the Assam tea grown down in Lower Bengal?—All the Europeans in the North West Provinces give very much higher prices for it than for any other tea.

10153. What may be the price which European residents in the North Western Provinces pay for the tea?—They pay as high as 6 *s.* to 7 *s.* per lb. for it.

10154. Whereas, by Dr. Jameson's report, it is produced at from 6 *d.* to 9 *d.*?—Yes; that is tea grown in the Kumaon hills and the Dhoon.

10155. How do you account for the tea production not having a greater extension in those provinces?—The Government are the only tea growers in the Kumaon hills as yet; they still retain the whole in their own hands.

10156. If those tea nurseries were thrown open to British settlers and to British capital in the same way as the Assam tea nurseries were, do you not imagine that the tea production in the hills would become a most valuable commercial commodity?—I have not the slightest doubt of it.

10157. And that in addition to meeting the wants of the people of that country, it might become an article of export?—I have no doubt of it.

10158. Have you seen any reports of the value of that tea in this market compared with China teas?—I have not.

10159. You have stated that the condition of the North-Western Provinces is infinitely superior, as regards the administration of the laws and the roads, to that of the provinces of Bengal; would you attribute that to the extension of the European uncovenanted system, by the employment of the sons of European officers in the Customs and in other departments?—No, certainly not; when I spoke of the laws, I alluded only to the criminal and the police departments, not to the civil judicial courts; I attribute the superior condition to the fact of there being a very superior class of men in the department, to a careful selection of experienced men from the covenanted service.

10160. Would you not attribute to the minute examination made by the Lieutenant-governor of the provinces, in his annual tours and inspections of the different departments under his control, the greater efficiency in the service under him?—No doubt of it; the close superintendence has been of great advantage.

10161. There has been a much closer superintendence exercised by the Lieutenant-governor of the North-Western Provinces than by the Governor of Bengal?—I believe so; the superintendence of the Lieutenant-governor in the North-Western Provinces is excellent; I do not know what it is in Bengal.

10162. What is your opinion of opening the civil service to enterprising intelligent Europeans?—The questions with regard to that I have not carefully considered, but I think that you require a covenanted civil service.

10163. If you can get a more competent uncovenanted man than a covenanted, is there any objection to advancing him into the civil service?—There is no absolute objection.

10164. Would

10164. Would it not be a benefit if such were done?—I think it would be better to confine the services for India to a good selection from England.

10165. Mr. *William Vansittart.*] I gather from your answer that you would rather keep the civil service as it is, as an exclusive service, or else alter the whole thing?—Yes.

10166. You would not have a half and half measure?—No; at the same time the alteration which has been made on this side as respects competition has very much improved the mode of selection for the service.

10167. Mr. *Campbell.*] In the system of seniority what encouragement is there for talent?—I do not think seniority has been so much respected in the north-west as to render it a very serious blot.

10168. Then qualification is more consulted in the north-west than seniority?—It is.

10169. But you are aware that that is not the practice throughout India?—That is not the rule of the service.

10170. Then you are still of opinion that whatever amount of intelligence you might find in an uncovenanted Englishman in India, though that intelligence for any particular department might be much greater than in a covenanted servant, it would not be expedient to advance that uncovenanted Englishman to a post for which he was better qualified than the covenanted officer?—I think, considering the nature of the country to be governed, and the necessity of having a good class of men for the country, you must provide yourself from England, and not be dependent merely upon the chances of finding experienced men in India.

10171. I am not contemplating a chance case; I am contemplating the existence of practically able men on the spot?—There is not the existence of them now.

10172. Has not the tendency of the East India Company been to discourage the development in India of a class that might have filled the office?—I do not think that there has been any intention to do so; but I think that that has been the result, and we have not the men, nor are we likely to have the men.

10173. If there be no encouragement for them, you are not likely to obtain them; are you not therefore of opinion that it would be advantageous to encourage them?—There is no doubt that it would be well to have Europeans if you wanted them.

10174. Mr. *Villiers.*] Do you not attach the greatest importance to having European servants?—Quite so.

10175. As far as I understand you, there is a class of service which you say is now open to persons not of the covenanted service, and you have found those offices well filled?—Yes, there are officers who are sufficiently competent for these offices.

10176. Mr. *William Vansittart.*] Are those of the natives?—No; I am speaking of the customs department; and men have been found for the patrol department.

10177. You call them uncovenanted?—Yes.

10178. Mr. *Villiers.*] These offices are filled by uncovenanted persons, and are well filled?—Yes; I do not think that the mere residence of a European in India would prevent his being a good civil servant, or being qualified for any department; but I think, remembering what is to be done in India, you must have a service in which there is a regular promotion, and a sufficient temptation for persons to seek it.

10179. As far as I have understood you, you do not require the temptation of these very high salaries to induce men to leave England for service in India?—I think there are classes of people who would go out to certain appointments of which I speak.

10180. Have you any doubt that Englishmen might be tempted, if there was an opening, to go out to India to discharge the duties of an important office?—I have not a doubt of it; but they must go out with an appointment, or the prospect of an appointment.

10181. Mr. *Campbell.*] How do barristers go to Calcutta, Madras, or Bombay, to practise at those courts; there is no prescriptive right?—No.

10182. They depend merely upon their merit?—Yes.

10183. Do you not think that the extension of that principle to India at large is perfectly feasible, when the temptation is held out of a salary amounting to 6,000 *l.*; 6,000 *l.* or 7,000 *l.* is the extreme salary of a civil servant; would not that

J. O'B. Saunders, Esq.

23 July 1858.

that offer a temptation?—I do not think that it would secure that quality of service which you require for the governors of India.

10184. Mr. *Villiers.*] You have pointed to a class of persons, namely, men born in England, but being out there, not covenanted servants, who would fill these offices; you have alluded to the sons of officers, and have spoken of it as being a good provision for them?—Yes; I said that enough could be found to fill those departments which are now filled by natives, native judges; but I think that we must still have a certainty to depend upon.

10185. Mr. *Campbell.*] How do you account for the fact, that perhaps the greatest improvements which have taken place in the last 40 years in India have been effected by men who went to India in the position perhaps of Governor-General. Are you aware what Lord William Bentinck did for India during his reign. He had nothing to do with the civil service?—Should you say that everything which Lord William Bentinck did was an improvement?

10186. The Grand Trunk Road was introduced by him?—Undoubtedly; and he was the first who introduced this great interference and meddling with the habits and customs of the natives, which has ended so disastrously.

10187. Mr. *Villiers.*] Are you alluding to Suttee?—Not merely Suttee; but it was he who approved of these revenue settlements, and of the general course of interference with the possessions of the natives.

10188. Was not the settlement made in the North-Western Provinces, after Lord William Bentinck's time?—It was approved and confirmed by Lord William Bentinck.

10189. Mr. *Campbell.*] Was not that settlement initiated by a civil servant in his character as a civil servant?—Yes.

10190. And is it fair to attribute that settlement to the Governor-General?—I merely answered your question generally.

10191. With reference to inland steam navigation, are we not indebted to Lord William Bentinck for that?—Yes; it was pressed upon him.

10192. Are we not indebted to Lord William Bentinck for the overland route?—I think not to Lord William Bentinck; I think the whole of the European community pressed it upon Lord William Bentinck.

10193. Was not it the influence which Lord William Bentinck used while in India, and when he came home, with the Court of Directors, which induced them to send out steamers overland?—Yes.

10194. Did he not introduce the medical college?—Yes; there are his educational schools and colleges throughout the country.

10195. Did not education receive a great impulse through the exertions of Lord William Bentinck?—Yes.

10196. Do we not owe the uncovenanted service, of which you have spoken so highly, to Lord William Bentinck?—I do not remember exactly; I think it was initiated in his time; in fact, I think you can trace almost all the changes which have taken place in India to Lord William Bentinck's time.

10197. Mr. *Villiers.*] Is it not of late years that you considered that there has been great improvement in India?—From the time of Lord William Bentinck; then commenced the reforms and changes.

10198. Has there not been a much greater material development in the country during the last 30 years?—Yes; the results of all these changes have been developed during the last 30 years.

10199. Has it not been the great error of the past government of the Company that they have not promoted the material development of the country so much as they might have done?—That has been the error.

10200. And has it not been very much under the influence of the British Government and the opinion of England, that that improvement has taken place of late years?—The whole thing has been pressed upon the East India Company.

10201. Mr. *Campbell.*] You have complained of the corruption, and everything else, that is bad, which exists in these courts; and I think you have indicated that by an extension of the European system in these courts that it would be avoided?—It might be less. The more of European superintendence that we had, we should have less of that corruption.

10202. If instead of native and other officers of the court, you had Europeans, do you not think that the temptation to bribery would be much less?—There would be much less bribery, if there were European servants in every department.

10203. You have said that the natives imagine that they cannot have justice done

done them unless they do bribe?—Yes, and they would get better informed from a European establishment.

10204. They bribe the native officials at present?—They pay the native officials on all occasions.

10205. Practically, would they attempt to offer a bribe to a European official? They would attempt to offer it; I do not think that anything would stop their doing that.

10206. Have you ever known a case of their offering a bribe to a European?—I do not know an occasion of its having been directly offered.

10207. I think you said that railways would be of great advantage to India?—Yes.

10208. They no doubt would be the pioneer to an increased European settlement?—Most probably.

10209. The state of the roads and of the laws, and the hostility of the classes, have hitherto, I gather from your evidence, stood in the way of settlement?—They have to a considerable degree disinclined Europeans to seek employment in India as merchants.

10210. The cost and risk of the transport of any commodity from Alligurh to Calcutta is very great, is it not?—Very great.

10211. River insurance is with great difficulty effected, and the cost is very great?—Yes.

10212. On the question of the revenue settlement, I believe that the East India Company, on the annexation of Oude, attempted the introduction of a similar settlement to that of Mr. Bird in the North Western Provinces?—I am not acquainted with that; I have only heard that such things are.

10213. And to the proposed introduction of that settlement you think is to some degree to be attributed the dissatisfaction of the people of Oude?—I have no doubt that the knowledge of what has been done in our territories has made them distrust us very much on that subject.

10214. If that settlement had not been made do you not think that the talookdars or ancient families who hold the land, would have been on the occasion of this sepoy mutiny a barrier of strength to our territory?—I think there is every probability of it.

10215. But instead of being that barrier of strength, they have joined the disaffected?—From the fear of being dispossessed, I have no doubt.

10216. And from the desire of being reinstated in the property which they considered as usurped?—That is matter of inference; that would not be pressing so much upon Oude, immediately.

10217. I suppose you are of opinion that safe settlement with a large native army in India can hardly exist?—I doubt it very much.

10218. And you are against the creation of a large native army in India?—As far as I can pretend to judge on that subject, I certainly think it very objectionable.

10219. You are averse, from political reasons, to introducing the English language into the courts of the country?—Yes.

10220. But you have stated that Persian or Arabic, although Hindostanee is the language of the country, is more commonly used in the local courts than Hindostanee?—Formerly the language in the courts was Persian. When the order came to introduce Hindostanee, the natives of the courts made a jargon of their own, consisting almost entirely of Arabic and Persian, with a few Hindostanee verbs, a jargon as unintelligible to the bulk of the people as Persian was.

10221. Did you not find, in your own experience, that the number of your law-suits increased or diminished with the efficiency or inefficiency of the judge or the magistrate presiding over them?—They increased with the native judges; the business of the country very much increased.

10222. With an inefficient English judge or magistrate, would there not be scope for litigation which would not exist if you had efficient magistrates and judges knowing the language and the laws of the people well?—Since the introduction of native judges, the English judges have had very little to do with first jurisdiction.

10223. Then you are clearly against the continuance of the native judges?—Decidedly.

10224. Mr. *William Vansittart.*] I gather from your answers regarding the covenanted and uncovenanted services, that you are in favour of our civil service

J. O'B. Saunders, Esq.

23 July 1858.

as it is at present, and that you think highly of the civilians, but that you are not satisfied with our system?—Quite so.

10225. Mr. *J. B. Smith.*] I think you stated, that there had been a great diminution in the growth of cotton in the North Western Provinces?—Yes.

10226. Is not cotton still grown for native uses?—A very considerable quantity is still grown.

10227. Then the diminution in growth has been for exportation?—The diminution in growth has been for exportation from our districts.

10228. And that exportation has been diminished probably in consequence of the high price of carriage?—No, not altogether; but from the very large quantity of cotton goods of all descriptions which have been imported into the country, through Calcutta, from England.

10229. Mr. *Villiers.*] Made from American cotton?—Made from American cotton.

10230. Mr. *J. B. Smith.*] Do you think that cotton might be grown in the North Western Provinces as an article of export?—I think that with the assistance of irrigation by the great Ganges Canal, we may be able to grow an improved cotton, suitable for exportation to England.

10231. Have you ever known any instances of cotton being grown by means of irrigation?—I have grown it myself by irrigation.

10232. What has been the result; how much per acre of clean cotton could you grow?—I grew a quantity of cotton, at the request of Lord Auckland, from American seeds, and irrigated them, but it was a complete failure, from the nature of the seed; and I know that in former days, when cotton was largely exported from the country, the natives used to grow it sowing it a month sooner, and irrigating it before the rains set in, and that gave a much larger crop and a better quality of cotton than the cotton sown with the rains.

10233. As regarding your own experiments, what were the results?—On our experiments with the American cotton seeds, they were a failure; they were not suitable to the climate.

10234. Have you made any trial of the native seed?—No.

10235. Mr. *Villiers.*] Did the American seed degenerate after the first year; was it good the first year?—The white ants always destroyed it, and we had a drought in the middle of the rainy season of the year I tried it.

10236. Mr. *J. B. Smith.*] Have you ever known instances of native seed being grown by means of irrigation?—No, not in my time; I only know that the practice formerly, when lands were cheaper and cotton dearer, was very common; but it became too expensive to irrigate, and therefore the plant was entirely sown with the first fall of the rains.

10237. Is it your opinion that by means of irrigation the cultivation of cotton might be very greatly increased?—The cotton itself would be improved, and there would be a much more certain crop by its being sown a month sooner, and irrigated.

10238. And a much larger production?—And a much larger production.

10239. You perhaps have no means of giving an opinion whether or not it might become an article of export if it were cultivated by means of irrigation?—I can scarcely say, because the competition with the American cotton would make it so very uncertain in the values here, that I am not sure whether we should be able to export it. The prices here fluctuate so much, that I have doubt upon the point.

10240. *Chairman.*] Your cotton, I suppose, cannot compete with the American cotton?—No.

10241. It is used as supplementary to it?—Yes.

10242. Mr. *Campbell.*] The Doab Canal was not commenced when you left the North Western Provinces?—Not to supply water.

10243. The fertilising effects of that canal upon a soil so poor as many parts of the North Western Provinces are, may produce a very beneficial result?—It is not that the soil is poor, but the whole of our lands are irrigated. Our best crops are irrigated; our wheat is irrigated; and if we had the command of water from the canals, probably at one-tenth of the present expense we should be able to do everything cheaper, and should be much more independent of droughts and rains, thus making the crops more certain.

10244. With that canal you may probably compete with America?—That is a question

question which requires experience; but with other places we should be able to compete very well.

10245. Mr. *J. B. Smith.*] Can you tell us what is the usual increase in production by means of irrigation over the dry growing?—The rain crops are very doubtful; in indigo my proceeds are three times as much from an irrigated acre as from one left entirely to the rains.

10246. Do you know what is the increase in sugar?—Sugar is always irrigated.

10247. *Chairman.*] Can you tell us the proportion of corn grown in the North Western Provinces of India as compared with the other crops?—The growth of wheat and barley is very large; there is an immense breadth of land under them.

10248. Is the cultivation of land increasing?—There is a decrease of cotton and indigo crops, but the breadth of land under cultivation is pretty much what it has always been.

10249. I suppose they are a wheat-consuming population in that part, and not rice?—Yes.

10250. I suppose the cotton grown there is very inferior to the cotton of Dharwar?—I believe it is inferior to all the Bombay cottons.

10251. Do you think that the quality of your indigo will be improved by irrigation?—The quality of our indigo has been very much improved within the last 20 years. I do not think that it will be improved more.

10252. Then irrigation will only improve the quantity of it?—It will enable us to export it more cheaply.

10253. It will enable you to come into competition with the more southern grown indigo?—Yes, we have improved our indigo very much in quality; but the expense of it is so great at present that we cannot extend the cultivation with any prospect of success, as the demand for it is limited.

10254. Mr. *Campbell.*] When produced, what is the market difference per pound between a pound of indigo produced at your own factory and a pound of the best Bengal indigo?—The difference is 25 or 30 per cent.

10255. Taking the Bengal indigo to be now at 8 *s.*, what would your indigo be worth compared with it?—Five shillings and sixpence.

10256. There is 2 *s.* 6 *d.* a pound difference?—Yes; 25 to 30 per cent. difference.

10257. *Chairman.*] Can you suggest anything which might encourage the settlement of Europeans in that part of the country?—The general improvement of the courts, and the knowledge that every one connected with the Government wished to encourage the settlement of Europeans.

10258. In fact, the converse of the policy which (according to your previous statement) has been so far a good deal adopted?—Certainly.

10259. From your experience, do you think that it is easy for Europeans to agree with the natives?—Nothing is simpler than for the capitalist to be on good terms with the natives.

10260. What in your opinion after this outbreak would be the reception of Europeans going to re-settle in India?—The feelings of dislike against the Europeans generally, I am afraid, are not promising; however, I am speaking from hearsay only.

10261. Would lands be occupied either by their former possessors or by new possessors?—The former possessors, I think, would all be found in possession.

10262. You think that the old zemindars would come back?—Yes, all of them.

10263. Mr. *Campbell.*] Would the mass of the people who have everything to lose against those who have nothing to lose, be in favour of the return of men bringing capital and order with them?—There is no doubt of it; there would always be less dislike to the European settler coming back than to the governing powers, the Mahomedan always excepted; his hatred of the Christian and conqueror is not to be overcome.

10264. *Chairman.*] Then they would most likely hail the return of Europeans?—They would like it.

LIST OF APPENDIX.

Appendix, No. 1.

The following Petitions were referred to the Committee:

Petition of the Indigo Planters' Association on the State of the Magistracy, Law Courts, and Police - - - - - - - - - - - - - - - p. 229

Petition of Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal - - - - - - - - - - - p. 233

Petition of British Subjects, resident in Calcutta and the Mofussil Districts of the Presidency of Fort William in Bengal, and not in the service of the East India Company - - - - - - - - - - - - - - - p. 236

Appendix, No. 2.

Papers delivered in by William Theobald, Esq., 27 April 1858:

Revised Affray Bill and other Bills referred to in the Evidence of W. Theobald, Esq.:

No. 1.—Report of the Secretary of the Indigo Planters' Association, on the Act IV. Bill and Revised Affray and Mochulka Bill, read at a Meeting of the Society on the 5th April 1855 - - - - - - - - - p. 238

No. 2.—Report of a Meeting of Europeans to complain of Disorders in the Dacca District, through the Inefficiency of the Deputy Magistrate - - p. 243

No. 3.—Report of Meeting of Indigo Planters' Association, respecting an Outrage on an European in the Jessore District - - - - - - - p. 244

No. 4.—Petition and Report on Mr. J. P. Grant's Bill to give better Security to Under-tenures - - - - - - - - - - - - p. 245

On the Original Affray Bill, referred to in the Evidence of W. Theobald, Esq.:

Petition of the Members of the Indigo Planters' Association, on behalf of themselves and the Association - - - - - - - - - - - - - p. 251

Report of the Committee of the Indigo Planters' Association on the Draft Bill now before the Legislative Council, entitled, "A Bill for the more effectual Suppression of Affrays concerning the possession of Property," being the Report referred to in the above Petition - - - - - - - - - - - - - - - p. 252

Appendix, No. 3.

Fort William—Home Department:

Revised Rules for the Examination of Assistants in the Lower Provinces of the Bengal Presidency - - - - - - - - - - - - - - - - p. 258

Appendix, No. 4.

Paper put in by Captain John Ouchterlony, 15 June 1858:

Letter from H. Williams, Esq., to the Rev. F. A. Dawson - - - - - p. 261

Appendix, No. 5.

Paper put in by Captain John Ouchterlony:

Statistical Memoir of a Survey of the Neilgherry Mountains - - - - p. 263

Appendix, No. 6.

Paper delivered in by Rev. J. Mullens, 6 July 1858:

Petition of Protestant Missionaries residing in or near Calcutta - - - - p. 290

Appendix, No. 7.

Sales of Land for Arrears of Revenue (Bengal) - - - - - - - - p. 297

Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency - - - - - - - - - - - - - - - - p. 300

Annexure to Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency - - - - - - - - - - - - - - p. 309

Papers relative to a proposed Revision of Act I. of 1845 - - - - - - - p. 326

Paper relative to the Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency - - - - - - - - - - - - - p. 328

Minute on the Sale Law Improvement Bill, by F. J. Halliday, Esq. - - - - p. 332

Further Papers relative to the Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency:

No. 1.—From the Secretary to Government, North Western Provinces, to the Clerk of the Council - - - - - - - - - - - - p. 340

No. 2.—Petition of the Indigo Planters' Association and Enclosures - - p. 343

No. 3.—Petition of Rajah Sutt Shurn Ghosaul, dated 19th September 1856 - p. 351

No. 4.—From the Secretary to the Government of Bengal, to the Clerk of the Legislative Council, No. 671, dated Fort William, 19 September 1856 (with Enclosures) - - - - - - - - - - - - - p. 352

No. 5.—Petition of Rajah Sutt Shurn Ghosaul, dated 19 November 1856 - p. 414

No. 6.—From the Junior Secretary to the Government of Bengal, to the Clerk of the Legislative Council, No. 864, dated Fort William, 8 December 1856 (with Enclosures) - - - - - - - - - - - - - p. 414

No. 7.—Petition of certain Zemindars of the 24-Pergunnahs - - - p. 417

No. 8.—Petition of Protestant Missionaries residing in or near Calcutta - p. 419

No. 9.—From the Secretary to the Government of Bengal, to the Clerk of the Legislative Council, No. 1296, dated Darjeeling, 11 April 1857 (with Enclosures) p. 426

No. 10.—Minute by Mr. H. T. Raikes, Judge of the Sudder Dewanny Adawlut at Calcutta - - - - - - - - - - - - - - p. 432

No. 11.—From the Member of the Legislative Council for Bengal to the Junior Secretary to the Government of Bengal, dated Fort William, 3 September 1856 - - - - - - - - - - - - p. 433

From the Secretary to the Government of Bengal, to the Member of the Legislative Council for Bengal, No. 13, dated Fort William, 6 January 1857 (with Enclosures) - - - - p. 434

From the Secretary to the Government of Bengal, to the Member of the Legislative Council for Bengal, No. 17, dated Fort William, 10 January 1857 (with Enclosure) - - - p. 442

From the Secretary to the Government of Bengal, to the Member of the Legislative Council for Bengal, No. 59, dated Fort William, 2 February 1857 (with Enclosures) - - p. 443

APPENDIX.

Appendix, No. 1.

The following PETITIONS were referred to the Committee.

PETITION of the Indigo Planters' Association on the State of the Magistracy, Law Courts, and Police.

Sess. 1857. App. No. 993.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble Petition of the undersigned Members of the Indigo Planters' Association in Bengal.

Showeth,

THAT at the annual meeting of the Indigo Planters' Association (a society whose members are settled in all parts of the lower provinces of Bengal), held in January last, it was resolved to make a representation to the Houses of Parliament on the administration of justice, and state of the law courts and police in the said lower provinces, and this petition is prepared in conformity with the said resolution. Your petitioners who have signed the petition being all members of the said association and representatives of it under the said resolution.

That in November 1852, a Select Committee was appointed by your Honourable House to inquire into the operation of the statute 3 & 4 William 4, cap. 85, "for effecting an arrangement with the East India Company, and for the better government of Her Majesty's Indian territories till the 30th April 1854," but the said inquiry was prematurely concluded; only the evidence was reported to your Honourable House, the said Committee came to no resolution on the subject matter referred, and on the 20th August 1853, nine months before the said statute expired, the Royal assent was given to the statute now in force, 16 & 17 Victoria, chapter 95, "to provide for the future government of India."

That owing to the very great extent of the subject, discouragements and difficulties in the way of giving evidence, the abridgment of the time devoted to investigation, and probably some aversion to obtaining a full disclosure to Parliament of the truth, many parts of the inquiry received scarcely any or a very imperfect elucidation, and among these were the important subjects of the administration of justice and state of the magistracy, law courts, and police in the said lower provinces.

Your petitioners deeming the ends for which courts, magistracy, and police are established to be the preservation of the peace, the security of persons and property, and the enforcement of legal obligations and civil and criminal responsibility, beg to state to your Honourable House that it is almost incredible how comparatively worthless the country courts, magistracy, and police are for these purposes, how they have failed for the enforcement of civil obligations and legal responsibility, and to how great a degree the police, instead of giving security, are the terror of the people, and instruments of oppression and cruelty.

That the said association has made representations to this effect both to the Legislative Council and the Bengal Government, and your petitioners beg here to quote and re-affirm some of those representations.

"Police, magistracy and courts are the means established, and on which all regular communities rely for the preservation of the peace, the enforcement of civil and criminal responsibility, the defence of the rightful possession of property, and expulsion or dispossession of those who have no title to it. The connexion between these means and order and security is that of cause and effect in all civilised communities. In Bengal the means are established. There is a police force, a magistracy and courts criminal and civil; but it cannot be affirmed that there is anywhere order and security. The means therefore which succeed elsewhere, fail in Bengal. Obviously, on this state of the case, a very grave suspicion [of incompetency] rests on the police, magistracy, and law courts of Bengal."

Appendix, No. 1.

Sess. 1857.
App. No. 993.

Again,

"As to the police, there is but one opinion of it throughout the mofussil (country). In its chief duty of affording protection to persons and property, it is nearly useless. As a sword, as a shield, for defence, for attack, it cannot be trusted. At the same time it is universally reproached with many corrupt habits and practices, among them extortion on all sorts of occasions and pretences,and great venality; "and to these your now petitioners add the practice of torture.

Again,

"Such being the state of the police, the laws for the preservation of the peace are not enforced, the authority of the police is much abused, the inhabitants have to rely on their own resources for the most common protection of themselves and their possessions, and are left free in their quarrels. The poor protect themselves as best they can, by combinations and otherwise; and the propertied classes and persons engaged in traffic, by the employment of large and costly establishments. In the opinion of this committee the state of the police is in a considerable degree a cause of affrays, and of all sorts of agrarian disputes and disorders."

Again, as to the civil courts:

"With respect to the civil courts it is a general complaint on the part of members of this society, that if they obtain a decree of any court in their favour, they can rarely and with great difficulty get it executed. Those whose concerns are of great extent, speak of having hundreds of decrees which on this account are mere waste paper. The causes of this failure may be various. But some of them are in the courts themselves, or their officers or amlahs."

Again,

"Another complaint is the great length of time passed in obtaining a decree. In many cases the delay, two, three, and four years, renders a decree of no value. Another universal complaint is of the extreme uncertainty of the law, which also arises from a variety of causes; partly, for example, in the want of an authoritative text of the law, more generally in the vacillation and incompetence (and want of professional training) of its administrators; but from whatever cause, the effect is the same on the public and suitors. The general result is, that there is scarcely any certain rule of right, and the want of certain rules is general insecurity. The step from general insecurity of rights to the general practice of violence, fraud, and minor irregularities, is easy."

Again, referring to a peculiar class of grievances:

"By law under these circumstances the ryots, and the zemindar also in the case supposed, are liable to make the planter compensation. But the planters can never get compensation. They get decrees by hundreds after an infinity of trouble, they fail universally on the most notorious cases of instigation; the law, such as it is, is invalid, the legal right worthless to them. Breaches of contract and those who commit them are practically protected and favoured, while the planter, who is in such cases a manufacturer and capitalist, is regarded as an oppressor of the people. If the law on this subject were more equitable, and at the same time more effective, or if, such as it is, it were not wholly invalid, broken contracts, which are the provocations of affrays and the true causes of them, would less frequently happen."

Again, referring to a recent Act of the Legislative Council which had greatly failed:

"I have already remarked on the fact of affrays concerning the possession of land having been rendered more frequent by the Act passed to prevent them. Its intention was to provide a summary and immediate interposition of magisterial authority on a dispute happening. To crush the element of affrays before it was developed, or as soon as formed, was the legislative principle. That Act therefore may be considered a legislative declaration, that disputes concerning possession come to affrays, because, or in a degree because, there were no ready-at-hand means of obtaining or enforcing a decision upon them. Why then, did the Act fail? Plainly from maladministration or faults in the administration; and as the legislative principle of the Act was unquestionably sound, the presumption is that, with better functionaries to administer the Act, the result would have been different."

Your petitioners are aware that the recent statute (16 & 17 Vict., c. 95) provides for the appointment by Her Majesty of Commissioners, with the view of effecting reforms in the law and judicial establishments in India, and that Commissioners have been appointed, but their powers of inquiry appear to be limited. In August of the present year they will cease. They have reported without taking evidence on the state of the courts as respects the personal efficiency of the magistracy, judges, and judicial officers, and they have proposed nothing to raise that efficiency. Their attention has chiefly been directed to procedure, and except as to procedure, the principal changes proposed by the said Commissioners are, as your petitioners are informed, a reconstruction of the one court, the Suddur Dewanny Adawlut, or Chief Court of Appeal, by the amalgamation with it of the Supreme Court Judges, and the conversion of the Supreme Court to a merely local or Calcutta court, except as respects the upper provinces; and an inquiry into the state of the police appears not to fall within the scope of the said Commissioners.

That without wishing to disparage the labours of the said Commissioners, your petitioners beg to observe, that for 20 years the Legislative Council has been employed in modifying and

and reforming civil and criminal procedure, and in remodelling jurisdictions, and during that period judicial officers and courts of all kinds, from the lowest to the highest, have undergone in these respects some legislative change. But little substantial improvement in the courts or benefit to the public has resulted; and your petitioners are of opinion that, whatever improvements may be made in procedure, a great reform of the magistracy and courts themselves, as respects the personal qualifications of all classes of judicial functionaries and in many other particulars, not falling within the scope of the said Commissioners, is imperatively needed. It is true that by the commission itself power is reserved for the Board of Control to enlarge the sphere of inquiry, but this power has not been exercised; and to your petitioners it appears that it would be of the highest public utility for your Honourable House still to institute a full inquiry, specially into the character of the courts, police, and magistracy.

Your petitioners also beg to observe that public opinion, with reference to the said proposals of the said Commissioners, in the lower provinces has been clearly expressed on several occasions in a regular or constitutional manner, on the comparative merits of the one Queen's Court of the Presidency, and the many country courts of the East India Company. That opinion has been generally condemnatory of the latter, while the Supreme Court has generally for 80 years given satisfaction to the public and suitors by reason chiefly of the superior merits and qualifications of its judges; and now the said Commissioners, in indifference apparently to such oft expressed and well-settled public opinion, propose to transfer that important part of the jurisdiction of the Supreme Court which is exercised beyond the limits of Calcutta to the unreformed country courts of the East India Company; and even as to so much of the jurisdiction of the said Supreme Court as the said Commissioners propose to reserve, it may, on the plan of the Commissioners, be exercised by those who are not even English lawyers.

That by the course prescribed to or taken by the said Commissioners, an investigation into the most important and unquestionably difficult branch of that general inquiry, which was referred by your Honourable House in 1853, to a Select Committee, has been avoided.

That in the hope of inducing your Honourable House to take up the subject, your petitioners will humbly submit a few remarks relative to the persons and classes of which the judicial body is composed. Your petitioners beg to premise that one broad distinction has hitherto run through the East India Company's entire system of civil administration in Bengal. There are two orders of public servants, the covenanted and uncovenanted, and both are employed in the judicial line. The former, supplied from England, have hitherto come direct from college or school, inexperienced in business and the world, with only the advantages of a liberal education; and with the addition, after a few months' study, of some imperfect acquaintance with the language of the people, they enter on their public duties. The duties first assigned to them (with the designation of assistant magistrates), are nominally of little but really of great significance. Though called assistants, they are in fact practically in a great degree independent, and they soon rise to an important official position; become while still young, and after being a very few years in the country, managers of the police, exercising at the same time important judicial functions, in districts of six, seven, or eight thousand square miles, and with perhaps a million of inhabitants. The uncovenanted have a different origin, and are appointed by the local government, which is comparatively unfettered in making its selections. Respecting their comparative merits the said association made several representations to the said Legislative Council and Bengal Government, and which your petitioners beg here to quote and re-affirm:

"Bearing in mind the distinction of covenanted and uncovenanted, this committee would willingly pay a tribute of praise as due to many able men in both branches of the service. At the same time the committee could not forget that there are others wholly unfit for the judicial office. Passing by exceptions, this committee must advert to the fact, that the judges and magistrates of all ranks and degrees, civil and criminal, are neither prepared by practice at any bar, nor by a scientific education in law, nor by any education at all specially designed to qualify them for the judicial office. * * * * * * * * * * * * * * The uncovenanted judges generally are pre-eminent in one qualification, a knowledge of the language of the people; in which the covenanted are often deficient. But the uncovenanted branch on the other hand is much complained of for (to use general terms) the want of those important virtues and qualifications which depend on the united advantages of education, and a previously respectable status or origin, and for the defects and vices the opposite of those virtues and qualifications."

And then follows the remark:—

"That in this state of the police, the magistracy and courts are agencies constantly at work tending to produce and producing disorders, and at the same time nullifying the remedies passed for their removal."

That further evidence to the same effect is contained in the petition presented to your Honourable House in 1853, from the British and Christian inhabitants of the Lower Provinces of Bengal, which said petition contains the following, among other allegations which your now petitioners beg to re-affirm, and for further explanations on the same point your petitioners beg to refer to the Blue Book printed in 1853, by order of the House of Commons, and the copy therein of the said petition:—

"Your petitioners confidently represent, that their [*i. e.* the covenanted] administration

Appendix, No. 1.

Sess. 1857. App. No. 993.

of justice is the subject of universal complaint and dissatisfaction, and which are founded, as your petitioners believe, on experience of their want of proper qualifications, and the bad quality of their decisions." * * * * * * * * * * * "They come to India, and are appointed to the judicial office, without professional qualifications; for sixty years they have been in exclusive possession of the whole or some important part of the administration of justice, and yet have furnished the inferior courts with no body of general rules or principles."

With respect to the powers of the two classes. If the manner in which judicial offices and duties are divided between them is considered, it will appear that so far as the public interests are concerned they are of equal importance. Criminal judicature primarily and chiefly belongs to the covenanted class; the uncovenanted are employed in criminal judicature only with generally subordinate and inferior jurisdiction. Nearly all civil judicature on the other hand in which the revenue is not concerned, is vested in the uncovenanted, except that they are not eligible to the Sudder or chief Court of Appeal.

Here then your Honourable House has two classes of public servants in the judicial line, of totally different origins and connexions, but with (in point of importance) an equality of functions and equal want of qualifications, but there the equality between the two ends; in pay, emoluments, official designations, honours, recognition by Government, and class interests, the covenanted are placed at such an elevation above their uncovenanted brethren, that there is no comparison. On this part of the case your petitioners would again beg to refer to and to re-affirm the statements made in the said petition of the British and Christian inhabitants.

Your petitioners are aware of the great change made under the recent statute in the mode of appointing the covenanted portion of the service (no longer to be put under covenants), and they anticipate great benefits to the public from this change, especially in the diminished influence of connexions and patronage, and the increased chance which the public interests will have; but still much of the description given above will remain applicable. It will still be true that they come direct from college or college studies, inexperienced in business, with only the advantage of a liberal education, though now of a higher order; and it will still be true that after a few months study of the languages they will enter on their public duties, and after being a very few years in the country they will rise indiscriminately to posts of the greatest importance, without provision made for their fitness for judicial office. The superior merit therefore of the new civilians will probably only consist in superior capacity for learning, and the description given above of the uncovenanted branch will remain entirely applicable. Your petitioners therefore cannot see in the measures hitherto proposed respecting the courts and magistracy, a prospect which can properly be accepted in lieu of inquiry, or which renders inquiry on these subjects less desirable than when in 1852 your Honourable House referred the operation of the statute 3 & 4 Will. 4, c. 85, to a Select Committee of Inquiry.

That your petitioners beg to illustrate the importance of an intimate acquaintance with the qualifications of the judicial body and officers, while proposing important changes in their jurisdiction, by a short example, in which will appear a great contrast between the Legislative Council and Her Majesty's said Commissioners, arising from the different degree in which the Council and Commissioners are informed respecting the qualifications of moonsiffs, the inferior class of the East India Company's judges. The Legislative Council had before it a Bill for the more easy recovery of small debts and demands in Bengal, and in it was a provision that every moonsiff's court should be a small cause court for the summary trial of actions. This peculiar part of its jurisdiction not to be subject to appeal. This provision raised the question of the competency of the moonsiffs. The Legislative member produced a record from one of the courts in a mortgage suit of value *Rs.* 60 (6*l.*), which record extended to very great length and bulk, quite a volume, the real question being whether a certain deed was executed by the defendant, which was lost sight of, and it appeared that nearly the whole course of the trial was beside the question; this record was presented as a fair specimen of the proceedings of courts of this kind. The Bill awaits a third reading, which has been delayed in consequence of difference of opinion as to the expediency of investing the existing moonsiffs indiscriminately with the proposed summary jurisdiction. Your petitioners will quote the annual report of the said Association respecting the Bill referred to:—

"The Small Cause Courts Bill has been settled in a Committee of the whole Council, and only waits a third reading, which from the tenor of the debate upon it has been deferred, probably from doubts as to the expediency of investing, as it does, the existing order of moonsiffs with the summary jurisdiction to be established by this Bill. It appears to the committee of this society that the Bill would be a great boon, if properly qualified persons were appointed as Small Cause Court judges. The Bill follows the spirit of the institution of small cause courts in England, and of the similar courts in the presidency towns, and it appears to the committee that it is incumbent on the Executive Government not to arrest this expedient and just measure, but to provide such a remuneration for judges of these courts as may induce properly qualified persons to accept the appointment." With respect to these very moonsiffs Her Majesty's said Commissioners propose to raise their jurisdiction nearly tenfold.

That your petitioners, though deeply impressed with the importance of inquiry, beg to point out some reforms as certainly desirable and likely to stand the test of any inquiry.

1. In the office of magistrate judicial duties and ministerial and executive duties are combined

bined, and make antagonistic claims on the time and attention of the officer. In the higher office of judge also, whose duties are principally judicial, many functions are vested which are not of a judicial kind. In these cases, and generally, it would be better in the opinion of your petitioners that the non-judicial duties should be separated, and vested in an officer of a different kind.

2. That all functions properly of a judicial kind and affecting private persons, now belonging to collectors, commissioners, and others whose duties are not primarily judicial, should be taken from those officers, and transferred to judicial officers.

3. That no preference on the ground of class should be given to the covenanted class, as respects appointments to judicial office of any kind; that the judicial service should be a distinct service and be open, and that admission to it and the terms of admission should be put on a footing to attract the legal profession both in India and at home, and that it should be made an object of ambition to barristers and pleaders, European and native, who have earned distinction, or who are of known attainments, character, and talents.

4. That the responsibility of judicial officers should be restored to what it was before Act 18 of 1850 of the Legislative Council, and that that Act should be repealed; and that judicial orders of any kind, civil and criminal, should be made subject to revision for the purpose of being annulled by summary processes and motions as in English law, of which the writ of *habeas corpus* is an example.

5. That the areas of jurisdiction, sometimes extending 40, 50, and 60 miles in different directions, and everywhere too large, should be reduced, the number of courts and magistrates increased, and every town with a certain population should be a separate jurisdiction.

6. That the portion of the public service supplied from England should be specially prepared for special duties, and not employed in offices for which, like judicial office, special qualifications are required, unless they have those qualifications.

7. That certain educational tests should be applied to all judicial officers who are not taken from the legal profession, and a knowledge of English should be essential in all judicial officers and the heads of their executive establishments.

8. That every court should be provided with interpreters and translators to assist the judicial head, who should be permitted a large discretion to avail himself of them. Their importance should be more highly estimated than at present.

9. With respect to the police, your petitioners beg to quote and re-affirm the following observations from the paper already referred to, and submitted to the Legislative Council and Bengal Government:—

"Turning from these general traits to its numbers, composition, and organisation, I am to remark that its numbers are too few for the wide areas over which it is distributed; that it is not taken from the best classes of men for a police force, and that improper men are not only not carefully excluded, but are admitted in large numbers into it. The general opinion also is, that it requires both more officers and of a better class than the existing darogahs. The darogahs have enormous power, and that their power is much abused is notorious. Effectual superintendence over the darogahs there is none. The superintendence and general command belong to the magistrate, but the darogah often through his reports rather directs the magistrate than the magistrate him. These various allegations could be illustrated by cases, but they would swell this letter beyond limit."

In conclusion, your petitioners humbly pray your Honourable House to take this their petition into your gracious consideration, to institute an inquiry, parliamentary and local (the latter under guarantees for its fulness and freedom), into the state of the courts and magistracy, especially as respects their personal efficiency and qualifications, and into the state of the police, and to pass the reforms specifically mentioned in the paragraphs at the latter part of this petition, numbered consecutively 1 to 9, and generally for the reform of the police, magistracy, and country courts of the East India Company.

And your petitioners shall ever pray.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble Petition of the undersigned Landed Proprietors, Indigo Planters, Merchants, and Traders in Calcutta and the Lower Provinces of Bengal.

Sheweth,

That the interests of your petitioners are deeply affected by the character of the courts and administration of justice in Bengal, and that the said courts and administration are greatly in need of reform.

That by the Act of Parliament passed in One thousand eight hundred and fifty-three (16 & 17 Vict. c. 75) to provide for the Government of India after the expiration of the then existing arrangement with the East India Company, provision is made for (among other

things) the appointment by Her Majesty of Commissioners to consider and report on the reforms proposed by the Indian Law Commissioners (the said Indian Law Commissioners having been appointed under the 3 & 4 Will. 4, c. 85, for the purposes therein mentioned).

That Her Majesty accordingly appointed Commissioners, who have since, according to the design of their commission, reported concerning the reform of the judicial establishments, judicial procedure and laws of India, and your petitioners are informed that measures founded on the said report are about to be brought into Parliament. Your petitioners beg here to premise, that the Report referred to appears not to have been printed until the present year, One thousand eight hundred and fifty-six; no copy accessible to the public arrived in Calcutta until very recently, and only two or three copies came, as your petitioners are informed, to as many high official persons whose opinion was officially requested, and therefore your petitioners are only acquainted with the general tenor of some of the recommendations of the said Commissioners, and are now induced to address your Honourable House in consequence of the alarm with which chiefly one of those recommendations at present is regarded by your petitioners.

Your petitioners confine themselves now to that portion of the said recommendations which relates to judicial establishments. They are informed that a complete or extensive subversion of existing judicial establishments in Bengal is recommended, and is designed not only for the East India Company's or Mofussil courts, but also for Her Majesty's Supreme Court of Calcutta. Your petitioners readily admit that the East India Company's courts are universally deemed to require reform of the most extensive and fundamental kind, and that those courts have not the respect or confidence of any portion of the public; but Her Majesty's Supreme Court of Calcutta as universally has the public esteem and confidence.

Connected with this general subversion of existing courts is a plan or scheme for an entire reorganisation of judicial establishments in one uniform system of merely local courts and magistracy for the Presidency and Mofussil. Without entering at present into details, your petitioners submit that this new organisation is necessarily only an experiment, and it would be wise to confine it as an experiment to those courts or classes of courts which are universally regarded as requiring such extensive reform; and it appears to your petitioners that to extend it to the Supreme Court would be a premature sacrifice of a valuable tried and honoured institution, and a wide departure from the maxims of political prudence, for the sake of a mere theoretical idea of establishing an uniformity of organisation. If the experiment tried on the courts undoubtedly requiring the most extensive reform succeeds, all the reasons, whatever they may be, in favour of exclusively local courts and uniformity of system, will have undiminished force, and there will be one objection less to the change; but it may from a variety of causes fail, and in that case a popular and respected institution will have been sacrificed past revival to a theoretical idea and a vain system, greatly to the injury of the industry, enterprise, capital, personal security, and well-being, especially of British people and the numerous bodies of natives connected with them, and their business and transactions.

Entertaining so strongly such objections to one part of the proposed plan, your petitioners have great satisfaction in representing that it may easily be separated from the rest of the plan, and consequently that the abandonment of the proposal for the abolition of the Supreme Court needs not retard the reform or re-organisation of the East India Company's courts in the Mofussil. For instance an illustration:—The abolition of the Supreme Court is proposed under the name of an amalgamation, and the benefit to be gained is the introduction of the three Supreme Court judges to the sudder court, and their incorporation with the East India Company's judges in that chief court of appeal. It is obvious that these three professional judges are wanted for their forensic training and knowledge of English law and general knowledge of practical jurisprudence. But the Supreme Court may be preserved, and the object alluded to be obtained, only by doubling the number of the judges of that court, and establishing a rota among them to sit in the Court of Appeal, or by some other slight modification of this plan, the Supreme Court bar and different bars, English, Scotch, and Irish, of the United Kingdom, would be amply sufficient to supply the demand.

Equally unnecessary is the abolition of the Supreme Court for the practical establishment of other parts of the plan for reforming the courts of the Mofussil. For example, the procedure of those courts is indescribably faulty and bad to so great an extent that the Commissioners propose not its reform, but a new code of procedure for them; it is not necessary to touch the Supreme Court for the purpose of making this change in the Mofussil. The Supreme Court is a reformed court; its procedure is in some respects in advance of the reforms in England, and is well adapted for its jurisdiction. Why then force a wholly new procedure on this court? It will only have the effect of unsettling the court and not be an improvement; and obviously, as your petitioners submit, the wise and prudent course would be to introduce a new procedure only into those courts which need such extensive reform.

Again, for illustration, the Commissioners have proposed a new criminal code, and purpose to prepare a new civil code. There is no more difficult duty than to bring new codes into operation; and it appears to your petitioners highly inexpedient to abolish the most competent, and, indeed, only qualified court, just on the eve or with the immediate prospect of such a change. The hundreds of local courts will, on the proposed plan, have but one court, and that court merely of appeal, to look up to for authority and precedent; whereas the Supreme Court, with its centralised action and general jurisdiction, could afford the local courts daily instruction in all sorts of juridical questions and the most minute details.

Your

Your petitioners have yet to refer to that part of the plan of the Commissioners which relates to criminal judicature over British people. They have been to the present time exempt in the case of the graver offences from the criminal jurisdiction of the East India Company's courts in the Mofussil, and have had the right of being tried in the Supreme Court, for which purpose they are brought to Calcutta. Repeated attempts have been made by the local Government to abolish this exemption, and give the criminal courts of the Mofussil an indiscriminate jurisdiction over British people. The said Commissioners have revived this proposal. On all former occasions it has been regarded with extreme alarm and apprehension, and the opposition made to it by the British inhabitants has been successful; and generally, as your petitioners believe, their grounds of opposition have eventually had the concurrence of the Governor-General for the time being. The proposal is now revived on a supposition, it is presumed, that the new courts will be more worthy of their judicial functions. It may be admitted that that assumption divests the proposal of some of the former grounds of objection. But in the opinion of your petitioners, the judicial body, as much as the judicial system, requires to be changed, and without that change all other changes will end in a greater or less degree of disappointment. The Commissioners appear not to have proposed any change of this kind. It can be made only by the Government. Your petitioners strongly submit it would be more wise, just, and prudent first to see the courts in operation, and afterwards to propose any extension of their jurisdiction. The British inhabitants would be the last persons to resist any change in the true interests of justice as ascertained by experience; but they protest against being made the victims of an experiment. Such as the courts are, your petitioners regard the said proposal with the same alarm as on all former occasions, and feel the most serious apprehension of danger to the British inhabitants of the Mofussil. The criminal courts of the East India Company have been the dread and terror of the people; are used as instruments of revenge and persecution; convictions in them are regarded as evidence quite as much of misfortune as guilt, and the public have no confidence in them. It is in the character not of a privilege that the British inhabitants so tenaciously cling to the exemption from these jurisdictions, in cases in which not mere fines are involved, but the life, or liberty for long terms, or character and social existence of the accused is concerned. The British inhabitants only desire justice and fair trials, and they claim these in the Supreme Court because there only can justice and a fair trial be had. It is a claim simply of remaining secure as heretofore from a calamity, the effects of which are seen and deplored in the condition of all classes in the Mofussil. All these things, then, considered, your petitioners regard the extension of the Mofussil jurisdiction in the graver cases to themselves as a new evil, in the same light, in short, as if the question were of some new pestilential influence, some misery of misgovernment from which they have been hitherto exempt, but which it is now proposed to bring upon them.

Your petitioners have already adverted to the very short period, a few weeks only, since a few copies, two or three only, of the Report of the Commissioners, arrived in Calcutta. The Report also is founded not on evidence taken by the Commissioners themselves,—only one or two official persons were examined,—but on the papers and reports of other Commissioners, the Indian Law Commissioners, those Commissioners also having never proceeded in a Parliamentary way, by the examination of witnesses, or an extensive collation of different kinds of evidences.

Your petitioners, therefore, submit that further inquiry, Parliamentary and local, is desirable, and that legislation should not proceed on the said report until the British inhabitants have had the opportunity of previously knowing, in detail, what is proposed, and conveying their respectful opinion to Parliament.

If however the subject be pressed,—with respect to remedies, your petitioners having regard to the interests of capital and commercial enterprise, and to the security of persons, would hope for changes in the opposite direction, so far as concerns the Supreme Court, to the recommendations of the Commissioners. By the law at present the Supreme Court may acquire jurisdiction by the agreement of the parties, and no merchant or capitalist in Calcutta ever lends or invests without such agreement, when the transaction is with persons to whom the jurisdiction would not otherwise extend. Mofussil capitalists often resort to the same expedient. It is the jurisdiction of this court which gives the immediate commercial and practical value to the mortgage bond or bill. On the faith of that jurisdiction large enterprises depend for capital, and many millions of capital would, in the opinion of the parties concerned, be jeopardised, if the jurisdiction of the Supreme Court were cut down. By these and other similar considerations your petitioners are led to believe the extension of the jurisdiction of the Supreme Court highly desirable. To give it in all cases above, say, 5,000 rupees (500 *l.*) a jurisdiction, at the option of the creditor, would tend to the increased investment of capital in the Mofussil.

Your petitioners, therefore, humbly pray your Honourable House not to sanction any plan for the conversion of the said Supreme Court into a merely local or Calcutta court, nor the transference of any part of the jurisdiction of that court exclusively to the East India Company's courts in the Mofussil, but, on the contrary, to extend that jurisdiction, when the subject shall be brought for legislation; and to postpone the plans of the said Commissioners until there has been ample time for their discussion and consideration in India.

And your petitioners shall ever pray.

Appendix, No. 1.

Sess. 2, 1857.
App. No. 37.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble Petition of the undersigned British Subjects, residents in Calcutta and the Mofussil Districts of the Presidency of Fort William in Bengal, and not in the service of the East India Company,

Sheweth,

That your petitioners regard with deep anxiety and alarm the changes which it is proposed to make in the criminal courts of this country, in accordance with the recommendation of the Indian Law Commissioners.

That the Commissioners propose to abolish the Supreme Court, to which alone British subjects in this country have been criminally amenable, except in cases of petty assault, for upwards of 80 years, and where trial has been always, as in England, by an independent and trained judge appointed by the Crown, and a jury of 12 persons professing the same faith as themselves, and speaking the same language, and to substitute for the Supreme Court four new classes of criminal courts; firstly, the courts of session in which a Company's judge, holding office at the pleasure of the Government of India, shall sit to try the more heinous offences with a jury of not less than three, and not more than nine, taken from a class registered according to rules to be made by the Governor-general in Council; secondly, the magistrate's courts, where the magistrate is to sit alone and punish lesser offences summarily with imprisonment not exceeding two years and a fine of 1,000 rupees; thirdly, the subordinate criminal courts of the first class, the judges of which are to be first assistants to the magistrates and principal sudder ameens, and are to have power to sentence to one year's imprisonment and a fine of 200 rupees; and fourthly, subordinate criminal courts of the second class, the judges of which are to be second assistants to the magistrates and moonsiffs, and are to have power to imprison for three months and fine 50 rupees.

In other words, the Commissioners recommend that, as regards the numerous class of offences falling within the jurisdiction of the three last mentioned courts, your petitioners should henceforward be deprived of the right of trial by jury, and that functions hitherto discharged by the judges of the Supreme Court and a jury of 12, should be henceforward entrusted to single officials of the East India Company, European and native, and against such recommendation in all and every part, your petitioners most energetically protest as unwarranted, oppressive, and dangerous in the highest degree.

Your petitioners say, that to deprive them of trial by jury, is to deprive them of that which at all times and in all places under British rule, has been held to be the inalienable right and surest protection of every Englishman against injustice and error; and that to do so in this country, where the fabrication of evidence is a trade, and the common practice is to make all cases of disputed possession and other civil questions the subject of false charges of assault and robbery supported by perjury, forgery, and subornation, as the ordinary weapons of litigation, and where consequently the assistance of a jury is more necessary to the court, and its protection to the accused, than in any other part of the British dominions, is, your petitioners submit, an invasion of their constitutional rights, called for by no necessity and attended with the most serious consequences.

That whatever additional aggravation the loss of trial by jury is capable of is afforded by the inferiority and unfitness of the officials, whom it is proposed to put in the place of the judges of the Supreme Court, and to invest with such extraordinary powers over your petitioners.

Your petitioners say that the proposed judges of the three lower criminal courts, European and native, are all alike unfit for the office, as being servants of the East India Company, owing their appointments to, and holding them at the pleasure of the Government of India, and therefore wanting that independence and freedom from influence which it is impossible to contend, is not at least as necessary to a judge in this country as in England, and in that they are also all deficient in the necessary experience and legal knowledge and training; and further, as regards the native officers whom it is proposed to invest with such powers, your petitioners boldly and confidently assert that no class of natives is fit to be entrusted with criminal powers over Europeans, being wholly disqualified for the due exercise of such powers by antagonistic feeling, inveterate prejudices of caste and religion, and utter want of independence of mind and of freedom from improper influences of all kinds.

That the position of your petitioners in this country is, from the smallness of their numbers, in comparison to the native population, the antagonism of race, the insecurity of property, and the weak administration of law in the Mofussil, one of great difficulty and risk, and that to add to that difficulty and risk by subjecting them to the jurisdiction of the magistrates and native officials in the manner proposed, is to offer an invitation to the preferring of false charges against them, and to expose them in their property to utter ruin from error of judgment, incompetence, prejudice, corruption and perjury, and in their persons to sentences of imprisonment, which to Europeans in this country are equivalent to sentences of lingering death.

That the summary powers proposed to be given to single magistrates are unknown to the law of England, though there all courts are surrounded by the checks of publicity, and persons accused have also the benefit of the assistance of trustworthy advocates; and that to give such powers in this country, where the court is without such check, and the accused without

without adequate assistance in his defence, where the only apparent corrective of injustice is the delusive one of an appeal, which can hardly ever be successful, if it be against the finding on facts, or if successful, will not in most cases be decided till the accused has lain some months in prison, is most intolerable and unwarrantable, and must inevitably lead to the great present depreciation of mofussil property, and to the discouragement of all European commercial enterprise in this country.

That the justice of your petitioners' objections to these courts, and their unfitness to deal with charges against Europeans, is fully admitted by the Commissioners when they propose, as they do, to exempt from the jurisdiction of these courts the members of the civil, military, and naval services of the East India Company, as regards all offences committed by them, whether as public servants or otherwise, and their unfitness to deal with any cases of any importance or difficulty whatever, is equally admitted by the proposed extension of that exemption to nazirs, darogahs, and others, native or otherwise, whose duty it is to receive or keep any of the property of Government, or to investigate or report on any matter affecting the pecuniary interests of Government, or to keep any document relating to those interests; your petitioners say that they are unable to understand on what grounds it can be proposed to assign to the body who represent the producing power and commercial wealth of this Presidency a status and importance in the eye of the law below that of the last arrived writer, or cadet, or a darogah of police charged with an abuse of authority, or a public office writer with making away with stationery, or any other native officer charged with the most trivial peculation. Your petitioners submit that they are not to be treated as outcasts and outlaws, on no other ground than their having come to this country, and engaged in lawful pursuits without having a voice in the legislature, or being numerous enough themselves to protect their own interests; that their importance politically is equal to that of the last-mentioned persons, and that therefore they are entitled to the same exemption and to equal justice with them, and upon all these grounds they protest against being in any degree subjected to the proposed jurisdiction of the three lower criminal courts.

As to the jurisdiction proposed to be given to the courts of session, to the displacement of the Supreme Court, your petitioners submit that it is incontestably clear that such change as proposed will give your petitioners a worse judge and a worse jury, and much increase the difficulty and expense of getting professional assistance for defence. The judge appointed by the Government from among their own servants, not on account of any experience he has had, or proof he has given of fitness for judicial functions, but because his time has arrived for promotion from some other branch of the civil service, his employment in which has by no means qualified him for the judicial bench, will almost always at his first appointment, have his new duties to learn. Being removable at the pleasure of Government, with everything to fear and hope from them, he cannot be and is not, as your petitioners' experience convinces them, independent of the influence of Government on him as a judge, and in any case must be exposed to imputation. The jury consisting of any number from three to nine, and the opinion of two-thirds prevailing, it is patent that the facility of corrupt practice and tampering is greatly increased, and in cases of prosecutions instituted by wealthy natives against British subjects, your petitioners' past experience leaves them no doubt that such practice will be largely resorted to, and with every probable success, if the jury shall consist wholly or chiefly of native jurors.

Your petitioners submit that no sufficient ground has or can be shown for a change so hazardous. Uniformity cannot be the object, as the proposed system starts by establishing distinctions all to the prejudices of your petitioners, and further uniformity in the administration of law can only be desirable, when it introduces tribunals all equally good, not when it places all alike in equal peril of suffering injustice. The argument from the alleged inconvenience found in bringing British subjects from considerable distances to Calcutta to be tried, if proved by facts which your petitioners question, may be a ground for bringing good courts within reasonable reach of the several mofussil districts, but can never be a reason for depriving Englishmen of their rights, or subjecting any body of men to the imminent peril of bad or partial law and corrupt juries.

Your petitioners submit that such an inconvenience, if it exist, can be fully and easily obviated by the establishment of Queen's courts presided over by judges appointed by the Crown, and independent of the Government of India, through all the principal districts of this Presidency, in which alone all British subjects and such other persons as the Legislature shall think proper shall be triable by a jury of their own countrymen on all charges affecting life or liberty. Such change, your petitioners submit, would not only remove the alleged inconvenience without introducing any other, except a curtailment of the patronage of the Government of Bengal, but would also establish through all this Presidency a higher order of judges, and a better standard and administration of law than it has hitherto enjoyed, on which ground your petitioners submit that if any change be considered necessary, it should be that of the establishment, all through the Presidency, of Queen's courts, with independent and competent judges, and not the abolition of the only court which at present possesses the confidence of this Presidency. Your petitioners submit that no considerations of economy or of loss of patronage should be allowed to prevent the adoption of such reforms if found necessary. But if the establishment of Queen's judges generally in India be found too burdensome to the East India Company, or too great an interference with the vested rights of the civil service, or otherwise impossible, and the subjecting of your petitioners to the jurisdiction of the court of session be considered indispensable, in such case your petitioners submit that it is the bounden duty of the Government of India to provide for those courts the best judges procurable in the civil service, and with that view

Appendix, No. 1.
Sess. 2, 1857.
App. No. 37.

to form and keep distinct a regular judicial service, and not, as now, to appoint their judges indiscriminately from the revenue or other judicial branches of the civil service according to a mere routine of promotion, and without regard to the fitness or unfitness of the individual, and that the judges so appointed should hold their office during good behaviour, and be in all respects independent of the Government of India; and that your petitioners are further entitled to demand as Englishmen, that they be subject to the jurisdiction in criminal matters of no lower court than the Courts of Sessions so reformed, and that they shall have there the protection of trial by a jury of their own countrymen.

Your petitioners would further remind your Honourable House that the Supreme Court which it is now proposed to abolish, was notoriously and avowedly instituted by the English Legislature to act, and has always, and lately on several occasions, acted as a check on the abuse of power by the Government of India and its officers; that the wisdom of the imposition of such a check has been yearly proved, that there is nothing in the present day which leads your petitioners to believe that the Government of India or its officers stand less in need of that check or can be more safely trusted with uncontrolled authority than before, but much which leads to a contrary conclusion; and therefore your petitioners protest against the adoption of the Commissioners' report on the further ground, that while they recommend the abolition of the Supreme Court, they provide no other check, but, on the contrary, place the whole judicial power of the Presidency at the mercy of the Government, and leave the numerous questions which from time to time shall arise between the Government of India and individuals, to be tried in courts, of which the judges are either absolutely removeable, as in the Sessions and Lower Courts, or suspendible as in the High Court at the pleasure of Government.

Your petitioners therefore respectfully pray, that your Honourable House will be pleased to take this their petition into consideration, and to protect them from the attacks with which their liberties and properties are threatened by the said Report, and to secure them in the possession of those rights which as Englishmen they have hitherto enjoyed, at least as far as the maintenance of them is not shown to be prejudicial to the rights of others, and that your Honourable House will not allow the Supreme Court to be abolished, without at least providing some other sufficient check in its place on the Government of India.

And your Petitioners shall ever pray,
&c., &c.

Appendix, No. 2.

Appendix, No. 2.

PAPERS delivered in by *William Theobald*, Esq., 27 April 1858.

REVISED AFFRAY BILL and other Bills referred to in the Evidence of *W. Theobald*, Esq.

No. 1.—REPORT of the SECRETARY of the INDIGO PLANTERS' ASSOCIATION, on the Act IV. Bill and Revised Affray and Mochulka Bill, read at a Meeting of the Society on the 5th April 1855.

1.—*Act* 4 *Bill.*

THE original Bill for the prevention of Affrays has been divided into two Bills, one of which is confined to amending Act IV. of 1840, and is entitled, "A Bill to repeal Act IV. of 1840, and to amend the Law for giving Relief in Cases of Forcible Dispossession within the Presidency of Fort William in Bengal." The other is a substitute for the parts most objected to in the late Affray Bill; and besides, it proposes to repeal Act V. of 1848, the substance of which is to be re-enacted, with amendments. This Bill is entitled, "A Bill for the better Prevention of Offences against the Public Tranquillity, and to amend the Law regarding the taking of Bonds for keeping the Peace."

I may add, that these two Bills together embrace the objects of the late Affray Bill, which objects, however, as respects affrays, are proposed to be accomplished in a different manner.

These Bills have been brought up with reports of select committees, copies of which have been furnished to this society.

The first main feature to be observed is the division of the late Affray Bill into two Bills. The select committee of the Legislative Council have reported on this as follows:

"We have considered this Bill" (the late Affray Bill) "in connexion with the Bill for the taking of penal recognizances for the prevention of breaches of peace, and we think it will be better to include in the latter all the penal provisions that appear to us to be necessary for the prevention of affrays, confining this Bill to the provisions necessary for empowering the magistrate to maintain persons in the possession of immoveable property. We have prepared an amended Bill accordingly, which is annexed to this report."

From this plan it has resulted that the amendments on Act IV. of 1840 are entirely separate. The amended Bill differs in a very important manner from Act IV. The difference

difference between the Bill and the Act is indicated in the preamble of the Bill, which is as follows :—

"Whereas it is expedient to take from magistrates within the Presidency of Fort William in Bengal the power of instituting inquiries into cases of disputed possession when no act of forcible dispossession has occurred, and to amend the mode of procedure in cases of forcible dispossession." And it is also alluded to in the report of the select committee as follows :—

"The Lieutenant-governor of Bengal strongly objects to giving magistrates authority to interfere in cases of threatened dispossession. He is of opinion that the reasonable and natural course for a magistrate to adopt in cases of disputed claims to property in and concerning lands, is to cause the apprehension and punishment of persons committing an affray, and to uphold and replace in possession the person forcibly attacked or dispossessed; and he considers it especially unnecessary to empower the magistrates to enter upon investigations into a dispute about possession, or into the fact of previous possession, before the occurrence of an affray."

Accordingly, sections 2 and 3 of Act IV., which relate to disputes or claims as contra-distinguished from dispossessions, are altogether omitted. The parts of Act IV. which are renewed in the Bill are only those which relate to forcible dispossessions actually perpetrated. The select committee have expressed their own opinion in favour of this change as follows :—

"The principle that there should be no magisterial interference where no dispossession has been effected, is, in the opinion of the committee, a sound one. The power of interference was first given to the magistrates by Section III, Regulation VI. of 1813, with the view of enabling them to remove at once the *origo mali*, by determining who is in actual possession, and thus to prevent a breach of the peace; but the committee think that this system of procedure tends to encourage persons who may have no right to the land, to use, or to threaten a recourse to force, by which means they gain the chance of the magistrate declaring the fact of possession (oftentimes a most difficult point to ascertain) to be in them; and that the object which the section has in view will be better secured by strengthening the district police, and by prescribing stringent penalties for assembling or conniving at the assembly of club men and other persons, whereby breaches of the peace are threatened. We therefore propose to strike out of the Bill (*i. e.* Affray Bill) "Sections II. III. and IV."

The general principle being thus agreed, it is carried out in Section II. of this Bill, as respects land, watercourses, trees, crop, and the produce of land, all being of a corporeal nature, and it is carried out in Section VI. as respects rights of use connected with the land, being of an incorporeal nature; and I may add, it is not extended as was proposed by the original Bill to merely personal things.

The remaining parts of the Bill are secondary or subsidiary, and relate (1) to procedure; (2) to the offence of obstructing orders made under this Act; (3) to the jurisdiction of the different classes of magistrates; (4) to appeals.

The procedure enjoined appears to be a great improvement on Act IV. procedure, with, however, one drawback, presently to be noticed. The magistrate can only act on a complaint on oath or solemn affirmation, or supported by witnesses; and then, if the magistrate sees a *primâ facie* case, he cannot make an order *exparte*, but must issue a summons, returnable within 15 days; he is then to make proclamation of the complaint, which I presume is intended to increase the chance of the complaint and summons becoming known to the opposite party, who may defend the case in the ordinary manner; and then comes a provision that the magistrate may call for a report from the tehsildar or darogah of police, upon any point connected with the dispute. The committee remark in their report, that this intervention of the darogah is opposed both by this association and the British Indian Society. The committee states in support of it as follows :—"We have, as suggested by the Lieutenant-governor of Agra, empowered the magistrate to call for a report, after local inquiry, from the nearest tehsildar or police officer, upon any point connected with the dispute. We disagree with the Indigo Planters' Association, who object to the admission of such reports. The report of a native officer on the spot, made upon his official responsibility, is often of great value, as indicating where the truth of the case is to be sought." This society objects to these reports being used in competition with regular evidence, on the ground especially of the general untrustworthiness and venality of this class of officers. In the end, if the magistrate be of opinion that the complaint is substantiated, he is to restore the person who has been ousted. The time is limited to within 15 days after the fact of dispossession for making the complaint to the magistrate.

The next provision in the Bill merely subsidiary to the main object, provides a punishment for whoever by force, or show of force, impedes the execution of an order of a magistrate. The punishment proposed is a fine of *Co.'s Rs.* 500. Under Act IV., as well as in the Affray Bill, it was fine and imprisonment, both or either, and this Bill was to have been committed last Saturday, but was postponed at the instance of Mr. Peacock, who thought the punishment proposed too mild;—a question which the committee would be competent to deal with.

With respect to the jurisdiction of the magistracy, it is limited as follows:

All officers exercising the full powers of a magistrate are to have jurisdiction; and magistrates may refer cases to any assistant who is vested with special powers, and to any deputy magistrate who is vested with special powers; but the magistrate may also recall any case which he has referred to an assistant or deputy.

Appendix, No. 2.

The provisions respecting appeals are as follows :—

" An appeal is to lie from the assistant or deputy magistrate to the magistrate within 15 days from the date of the order; from a magistrate's original order an appeal is to lie to the sessions judge; and a special appeal from both original and appellate orders of magistrates, and from the appellate orders of sessions judges to the Sudder, on the same grounds as in other cases of special appeal; the time of appealing being limited in each case to 15 days from the date of the decision appealed against. Lastly, the Bill is to apply to all persons, without distinction of birth or descent.

Such is the Act IV. Bill of which the society has to form an opinion. It stands for committal on Saturday week.

2.—*The New Affray Bill and Mochulka Bill.*

This Bill consists of 32 sections, which are of two kinds, the distinction between them being indicated in the title of the Bill: one set of sections, the first 15, they are for the better prevention of offences against the public tranquillity: the last 17 are to amend the law regarding the taking of mochulkas or penal recognizances; these sections are Act V. of 1848, with amendments. The first part of this Bill is entirely new. In moving the first reading of it, Mr. Elliot thus characterised the first nine sections :—

" Their intention is, he said, to deter men from assembling, and from instigating others to assemble, in bodies under circumstances which might reasonably excite apprehensions of a serious disturbance of the public peace, in pursuance of the objects of the assembly; and most of them would be necessary to render any code of criminal law and procedure complete. He meant, he said, those comprised in the first nine sections." Having heard this statement from the lips of the mover of the Bill, I suspended my judgment until I could look for the code containing corresponding sections. The first section is a type of all the rest.

" When five or more persons assemble together under circumstances which may reasonably excite apprehension that it is the object of such assembly to overawe any public servant in the exercise of his lawful powers, or to resist the execution of any law, or of any legal process, or to commit any assault or mischief, or trespass, or to put any person in fear of hurt or assault, or unlawfully to take forcible possession of any property, the assembly shall be deemed a riotous assembly, and every member of it shall be deemed guilty of the offence."

The result of my inquiries is, that I can find no code containing such provision. There was one celebrated code, the work of a man who combined the triple qualification for making a code, of a man of large experience in the world, a lawyer and philosopher, and not only of great learning, but of a generous regard for the public interests. I refer to the code of the penal law prepared by Mr. Livingstone for the state of Louisiana; and I mention it because it was extensively used by Mr. Macaulay in preparing the Indian penal code. In the Livingstone Code, there is a title " of Offences against the Public Tranquillity," and a chapter " on Unlawful Assemblies and Riots," but there is no such section as the section I have read. The analogous, not corresponding, section of the Louisiana Code is as follows :—

" If any three or more persons shall assemble, with intent to aid each other, by violence, either to commit an offence, or illegally to deprive any person of the enjoyment of a right, such assembly shall be called an unlawful assembly." This goes as far as any code ought on the subject of suspected and unarmed assemblies. The being armed is an aggravation, which is afterwards provided for; and proceeding from a purpose to overt acts, is also afterwards provided for: but in this code it is not made an offence punishable with fine or otherwise to be merely suspected.

From the Livingstone Louisiana Code I turned to the Macaulay Code, and there I find not this section, but what may be regarded as the rudiments or germ of it. But the Macaulay Code is not a passed code, and the Bethune Code, which is a revise of it, but was never published, also is not a passed code; and I know of no extant code containing such as the first and eight following sections, as respects constructively riotous assemblies and constructive rioting.

Failing to find an authority or precedent for such legislation, I will proceed to a short examination of its merits. The offence created by this section appears to me to belong to the class of offences by construction. Laws for making constructive offences, constructive treasons, constructive felonies, constructive misdemeanors, are known to the history of bad times, but are almost unknown to extant practical law; they are dangerous to the innocent, and are very generally regarded as traps and snares for them. Read the section. The abuse of terms is palpable. It is a perversion of the English language to designate an assembly a " riotous assembly," which has done no overt act of riot, and no violence whatever. An assembly may be an unlawful assembly, by reason of having an unlawful purpose; and in the code of Louisiana, assemblies for unlawful purpose are so designated. An unlawful assembly may be a light misdemeanor, or an offence of great gravity; but the term " riotous " confounds facts, and all degrees of culpability, and such an application of it is practically venomous. Obviously it has a tendency to establish an unworthy prejudice in the minds of the magistrates who will have to apply the law, and by means of that prejudice a further tendency to undue severity; and last, but not least, to arouse the aversion of the people for the magistracy and the law.

Next, the offence and conviction are not made to depend on the criminality of intention, purpose, or object on the part of the assembly, but on the apprehensions of the persons who bring

bring forward the charge, or are the informers. Conviction may ensue under this section, where in fact there has been no unlawful purpose or criminal object. The informer who makes the charge has only to show circumstances which might reasonably alarm him, or (in the words of the Act) excite his apprehensions. Lawful and unlawful purposes are thus confounded. The man who stands on the defensive as to his right, exhibits in his conduct much the same circumstances as the man who is the wanton aggressor; and yet those circumstances which may be essential to the preservation of his person or property may bring him under the penalty of this section. Suppose a charge following the words of the Bill:—That five persons, the servants of Mr. Mills, on such a day, at such a place, excited the apprehensions of Khadir Bux, police peon, then on duty, that their object was to take or maintain forcible possession of such a field; and Khadir Bux is supported in this view by Mudho, police peon, and Bulwunt Jemadar, as witnesses. They invent the circumstances, and swear to their excited apprehensions. The magistrate might convict on this case, and refuse to hear a defence on the ground of the absence of all unlawful purpose. Indeed this practical view of the operation of the clause agrees with the opening speech of the gentleman who moved the first reading of the Bill. It is perfectly clear that persons having a lawful purpose, and being on lawful business, may still be punished under this section for being five together, if a peon or jemadar chooses to be excited with apprehensions of any assault, or mischief, or trespass. This goes beyond the Macaulay Code, the words of which apply only to assemblies whose object is any assault, mischief, or criminal trespass.

Again, it is well known what precaution is taken in most regular systems of penal law to provide against abuse and misapplication, by well considered forms and rules of procedure. Thus the Livingstone Code provides that in every charge against a person for being at an "unlawful assembly," the charge must state the purpose which constituted its illegality and brought it within the criminal law. There is no such requirement in this Bill; not even the circumstances which, in the absence of an illegal purpose, excited the apprehensions of the informer, are required to be stated, but the utmost generality is therefore, according to practice, permitted.

I have referred to the Macaulay Code as containing the germ of the present Bill. It is in section 127, and is as follows:—

"An assembly of 12 or more persons is designated as a riotous assembly, if it is the object of that assembly to overawe the Legislature or Executive Government of India, or the Government of any Presidency, or any public servant, in the exercise of the lawful powers of such public servant, or of such body; or to resist the execution of any law; or to commit any assault, mischief, or criminal trespass; or wrongfully to restrain any person; or to put any person in fear of hurt, or of assault; or wantonly to insult or annoy any person; or if that assembly is attended with circumstances which may reasonably excite apprehensions that its object is one of those aforesaid."

I know not whether by some verbal hair-splitting refinements, the last two lines above may be distinguished from the first section of the present Bill, but they are its germ. I do not believe that any enlightened Legislature would pass them, nor that Mr. Macaulay would have added them to the rest of the section, which is unexceptionable, if he had been a practical lawyer, and had understood their operation, and seen what sort of offences (offences by construction) he was creating. I will proceed to the second section.

The first section having given to assemblies suspected by the police, whether riotous or peaceable (for that is the effect of it), the designation of riotous assemblies, the second provides the punishment, a fine not to exceed *Rs.* 200 on every person whose offence is designated "rioting," which is the same abuse of terms as in the first section. Besides this, I may observe there is a great want of feeling for human nature in thus branding with an odious name a man whose offence may be a very light one, and not at all rioting.

The third section makes it an aggravation for these assemblies to be armed, with no exception in favour of those parts of the country where by custom and habit all persons carry arms.

The next seven sections, which I must pass over for want of time to comment on them in detail, are open all to the above objections.

I proceed to section 10. This section makes zemindars, talookdars, or other owners or occupiers of land, punishable with a fine of *Rs.* 1,000, in case of their or their agents or servants not proving that he or they gave the earliest possible notice to the police of the fact of such assembly taking place, and that he or they used all the means in his or their power to prevent it.

In support of this section, the select committee who prepared the Bill observe, "We have thought it expedient to provide specially for the imposition of a penalty upon the owner or occupier of land or premises upon which a riotous assembly takes place, if he fail to give notice to the police of such assembly, and to use all the means in his power to prevent it." But what if he does not know of the assembly, how is he to give notice of it? Besides, a "riotous assembly," be it recollected, is not necessarily an assembly engaged in riot or actual violence, nor necessarily an assembly having even an unlawful purpose, but it may be merely a suspected assembly, an assembly which has excited the apprehensions of Buxoo, Mudhoo, Bulwant, police peons, and such persons we know will indulge in any amount of apprehensions if they are paid for them, and will justify those apprehensions by any necessary amount of perjury. Obviously, the main tendency of this law is only to create new occasion for, and new forms of bribery; and thus it would aggravate the domi-

Appendix, No. 2.

nation of a venal and corrupt police, and tend further to embitter the difficulties of capital in the Mofussil and of the propertied classes.

Suppose another case; one not merely of a constructively riotous assembly, but of an actually riotous assembly. Two zemindars, say, are at feud with one another, and some of their servants or retainers in crossing the country meet, either designedly or not, on the land of a third zemindar, and a fight ensues. This section establishes a presumption that this third zemindar is as guilty as the two others, and renders him *primâ facie* liable to a fine of *Rs.* 1,000; he may be in Calcutta, they in Gya; he may even have no establishment for many miles within the site of the disturbance, and yet he must prove that he or his servants gave notice to the police or used means to prevent the conflict on his land, or the liability will attach upon him.

The 11th section applies to the case of a breach of the peace by a riotous assembly on behalf of, or in the interest of, an owner or occupier, and for this case a penalty is provided, which can be warded off, only under conditions, which can rarely be complied with; hence here we have accumulated penalties, which will be severely felt by the propertied classes.

In the 12th section power is given to the chief police officer of the nearest police station to command these so-called "riotous assemblies," that is, these riotous, constructively riotous, but in fact not riotous assemblies, to disperse; to arrest them whether they are in the act of committing violence or not; and to command the aid of not only all persons present, but the zemindar or owner of the land. This power of arresting persons, because they are five together, and because a police peon may regard them as riotously disposed, or riotous by construction, when they have done no act of violence, is of a highly dangerous kind; it may be used greatly to the injury and annoyance of the population, and in the hands of the mere chief police officer of the nearest police station it will be sure often to be a grievous oppression.

To crown the whole, magistrates are empowered to tender pardon to rioters, with the view to obtain conviction.

As this Bill is intended for all the Presidencies, three months must be given after a second reading, to advertise it, which will be ample time for the further consideration of it. My report is confined to its chief traits, and is confined to the first part of it, which is new. On the subject of the second part, which is a repeal and re-enactment of Act V. of 1848, with some alterations, the Mofussil members of this society have a good deal of experience, and I reserve my report for a record of their opinions.

W. Theobald, Secretary.

The above Report having been read and the draft Bills discussed, the meeting came to the following Resolutions:—

"*Resolved*, That this meeting cordially approves of the separation of the Act IV. part of the late Affray Bill from the rest of that Bill. (2.) That this meeting also cordially approves of the principle of the new Act IV. Bill just read and reported on, which confines the jurisdiction of magistrates to cases of forcible dispossession actually perpetrated. (3.) That this meeting approves of the procedure proposed in the Bill, excepting the admission of reports of police darogahs. (4.) That this meeting is of opinion that 15 days—the proposed limit for making complaints of forcible dispossession—is too short for persons living at a distance, and that a month should be allowed in all cases as under Act IV. (5.) That this meeting is also of opinion that 15 days—the proposed limit for appeals—is too short, and that one month should be allowed and be substituted in the Bill for 15 days wherever that period is mentioned. (6.) That this meeting disapproves of the delegation of the powers of the magistrate to his assistant in any case, on the ground of the early age at which special powers are given in the present day to assistants, and this meeting is of opinion that jurisdiction under this Bill should be exercised only by magistrates and deputy magistrates vested with the full powers of a magistrate. (7.) That the appeal from the deputy magistrate should be to the sessions judge. (8.) That under protest against jurisdiction being conferred on assistant magistrates, yet if conferred, the appeal from them should be to the sessions judge.

Resolved, That a short petition to the above effect be prepared and presented to the Legislative Council at its next sitting, with a prayer that the Bill may be passed as early as possible.

With reference to the Bill for the better prevention of offences against the public tranquillity,

Resolved, That this meeting regards the tenor of the said Bill with great alarm as dangerous to all classes of persons, and particularly the propertied classes; and that the further consideration of it be postponed till it shall have been circulated among the members.

Resolved, That the Report prepared by the secretary on both Bills be printed, and a copy sent to every member.

To the Honourable the Legislative Council. Appendix, No. 2.

The humble Petition of the undersigned Members of the Indigo Planters' Association, on behalf of themselves and the Association,

Sheweth,

That at a meeting of the central committee and members generally of the said association, held on the 6th of this present month of April, the Bill entitled, "A Bill to repeal Act IV. of 1840, and to amend the Law for giving Relief in cases of Forcible Dispossession within the Presidency of Fort William in Bengal," was read, and taken into consideration, the matter thereof being, as your Honourable Council is aware, of deep concern to the members of this association, and having already been the subject of a previous petition to your Honourable Council; and the said meeting recorded their opinion on the said Bill, in the following Resolutions:

[*For the Resolutions, see the two first Resolutions above.*]

Your petitioners therefore humbly pray your Honourable Council to take the said opinion in the above resolutions contained into your most serious consideration, and to give effect to the same.

And your petitioners shall ever pray, &c.

No. 2.—Report of a Meeting of Europeans to complain of Disorders in the Dacca District, through the Inefficiency of the Deputy Magistrate.

Indigo Planters' Association.

5, Bankshall-street, July 25.

At a meeting of the Central Committee held this day,

Read a letter concerning the state of Manickgunge, a sub-division of the Dacca district, and the consequent danger to life and property. The writer says,—

"All the head sirdars that the former deputy magistrate put in gaol are now out, and revenging on those unfortunate men that gave evidence against them. I send you a list of all the principal lateeals under the deputy magistrate of Manickgunge, Hooshar Sirdar: he keeps a large body of men; he came out of gaol three months ago, and every day he has had a fight with Bishoo Sircar. On the 10th May Hooshar was taken prisoner, and the Elinga Takoors released him by paying a large sum to Bishoo. The Bettoor Takoors came out of gaol some time ago, and looted a large village of Mahajuns, belonging to the millionary of Dacca. Every way you may hear of fighting, looting, &c. &c. The head sirdars, with a lot of their men, are to be seen at every haut. Hundreds of petitions against these men go to the deputy magistrate, but nothing will rouse his indolence, and the poor ryots are suffering. The zemindars will do nothing but tell them to wait; it is of no use to go to the deputy magistrate. The following is a list of head sirdars, and those keeping lateeals: Hooshar Sircar, just out of gaol; Bishoo Sircar, ditto; Tossootoklala, ditto; Donook Sirdar, and Mumeen-deen, Kakoo Sirdar, the Molong Sirdars, Bettoor Takoors, Elingu Takoors. Any of the above sirdars will bring into the field, within four or five days' notice, 1,000 or 1,500 men." After speaking of his own losses, through the bad manner in which justice is administered, he proceeds as follows:—

"The policemen often come and tell me, 'Sir, what can we do; we do our best, and report the same, but as the charges are against the Takoors, and people that can pay, we get nothing but budnamee (abuse); besides, we have all been beaten by the rascals, and had no redress; so it is better to get a few rupees, and say nothing, and let them lootkar (plunder) all the country, as they have already commenced; perhaps Gunny Meah Sahib will put them (the Thakoors) to rights, and if he does not, why then the Thakoors must govern the country; they will be the magistrates, judges,' &c. Gunny Meah Sahib is a wealthy native merchant of Decca. The writer states his life is not safe, his property is sacrificed, and he concludes by asking for advice, and what steps he should take. The secretary said the advice he gave was, Hold your own as well as you can; the tide of wrong and injustice is evidently set in, and fast rising, and the Government must soon help you to save themselves, and meanwhile the Association will do all it can to hasten a change. The secretary said he had another letter from the same part of the country, which, after giving a character of the local authorities, concludes with observing, "If the whole truth came out, or even half of it, you would be astonished and surprised that the whole machine does not come to a complete standstill.'"

A member remarked that Oude was annexed for no worse state of things.

Appendix, No. 2.

Read a letter from Messrs. Mackay, Barry and Co., Serajgunge, covering report of proceedings of a meeting of the residents of that great European mart, and a petition, both for presentation to the Lieut.-Governor of Bengal, and requesting the committee to undertake the presentation.

Mr. Barry was present and said, Serajgunge is a sub-division of Dacca, 80 miles long from north to south, and 65 broad from east to west; he did not know its total population, but it has 2,000 villages and only three thanas; there are usually between 3,000 and 4,000 boats of large dimensions at Serajgunge for loading and unloading, and the population in the town and afloat is between 90,000 and 100,000. The trade of the place is 150 lakhs (half million sterling) per annum, and there is only a deputy magistrate for the town and sub-division. He is totally unfit for his office. The European residents complained of him 12 months ago, and he got up a counter representation with native signatures. Those who signed, when asked why they had done so, answered, "He told us; what could we do?" and many denied that they had signed. The Lieut.-Governor replied to their former petition in a conciliatory tone, but did nothing, and the man had been emboldened by impunity. The Lieut.-Governor spoke of the difficulty of finding fit persons for these appointments, but he could enumerate a great many assistants to magistrates, some of them with special powers, and many of them were at places of far inferior importance to Serajgunge.

The secretary suggested that there must be half a score or more offices in Calcutta held by civilians which could be just as well filled by the professional and mercantile classes of this city, and these would be a relief if sent to the mofussil.

A member said he remembered when there was first a talk of employing Europeans as deputy magistrates, and he knew several young men who went to great trouble and expense to qualify themselves by study of the languages, but the appointments were either not worth their having, or no prospects were held out to them. Plenty of persons would qualify if they were paid properly and treated properly, but as things were now, a person who had any self-respect would hardly take an appointment.

The secretary said he knew formerly two very able men who were deputy magistrates and had quitted the service in disgust from want of prospect and pay and being subordinated often to civilians whose conduct towards them was disagreeable.

Mr. Barry said the pay of deputy magistrates was originally 400 rupees per month, but the last 20 that had been appointed had only 200, and the consequence was, the Government could get only a very inferior description of persons; of this batch there were very few who could read or write properly; and none, he believed, could pass the prescribed examination.

The petition and proceedings having been read, it was resolved, That this committee will forward the same to the Lieut.-Governor, with the expression of a strong opinion that the prayer of the petition ought to be complied with, and that such conduct as was imputed to the deputy magistrate ought not to be passed over without investigation.

W. Theobald, Secretary.

No. 3.—Report of Meeting of Indigo Planters' Association, respecting an Outrage on an European in the Jessore District.

13 May 1857.

Proceedings of a Special Meeting of the Central Committee of the Indigo Planters' Association, held this day at the rooms of the association.

The secretary opened the meeting by stating, that it had been called for the purpose of taking into consideration the particulars of an outrage lately committed in the Jessore district, in which a factory had been burned, and the European Assistant in charge, Mr. Oram, had been unmercifully beaten and wounded in five places by spears.

Mr. J. P. McKilligin was voted into the chair.

Sir Albert Larpent then read the following extract of a letter to his firm from Jingergatchee dated the 9th instant:

"At the very time I was despatching my letter, of the 4th instant to your address, another attack was made upon the Mutrapore factory belonging to Gudghat concern by the retainers of the Nuldangah rajah, and ryots of some villages in league with them; when the factory was burned down, and Mr. Oram, the Assistant, with five spear wounds on his body, and otherwise most unmercifully beaten, carried off. The magistrate, however, having had timely notice, and acting upon the spur of the moment, managed to follow up the parties carrying him off, was able to release him. Mr. Oram is now under the doctor of the station, and though in a precarious state may, I hope, get over the cruel treatment to which he was subjected.

"I was upon the spot next day by daylight, and have since been taken up in following up proofs against the instigator of the parties engaged in this most unusual and uncalled for attack. The rajah and most of his followers are now in hiding, and hardly a ryot to be seen in any of the villages implicated in the late attack."

Mr.

Mr. Goodenough also read an extract from a private letter from a friend in the neighbourhood, to the following effect:

"I am delighted to hear that Larpent intends moving with a will in that infamous case of the attack on Gudghat. Living as we do 15 miles from an European neighbour, we can be murdered and all trace of us gone long before the magistrate could even hear of it, and it was only a chance that saved poor Oram from being cut to atoms and given to the fishes, and it is truly the duty of men for whom we work in the mofussil, to leave no stone unturned to preserve us from these murderous attacks, and if this case of Oram's is allowed to sleep any of us may be made away with without a soul knowing anything about it.'

The matter was then fully discussed, and the following resolution proposed by Mr. Brown, and seconded by Mr. Goodenough, was carried unanimously:

"That this committee consider the outrage to be so flagrant as to call for an immediate representation to the Government, in order that a Special Commissioner may be appointed to inquire into and deal with the case, and that a letter be addressed to the Right Honourable the Governor-general of India, praying that such Commission be granted."

The secretary then drew up a letter to the Governor-general, which was approved of, and he was requested to write this letter forthwith.

The secretary then produced and read to the meeting the following extract from a letter, addressed to Messrs. W. Moran & Co. by Mr. J. W. Foggo, who has lately been the victim of an outrage almost as flagrant as the attack on Mr. Oram; Mr. Griffiths stated that he thought this meeting a good opportunity for bringing this outrage also to the notice of the association:

"I am sorry to inform you I have met with an accident of rather a painful nature.

"On the 12th instant I rode over all the ryottee cultivation of Turruff Nucher, extending along the Bargalee river some five miles. I ordered the elephant to be in waiting a few miles to the north of the factory, intending to return home on it. While doing so leisurely, and examining some lands at one of the villages not in my elakah, but belonging to the nine annas shareholders, with whom I have several cases in court (the greater number of which have been decided in my favour), I was waylaid and surrounded on all sides by about 150 men, and was maltreated most unmercifully. I have nearly lost the sight of my right eye, and write you this with difficulty. To give you some idea of the manner in which I was paid off, I annex a copy of the medical gentleman's report to the magistrate. By the promptness of Mr. Jackson, the magistrate, who was at my factory within six hours after the case had occurred, he was enabled to seize one of the principals and several others concerned within 24 hours nearly. This was wholly an unprovoked attack, as I have not taken a single step, but through the courts, to recover our rights. As the energy of the magistrate is wholly praiseworthy, I have no doubt he will soon have all concerned apprehended. As the case goes on, I will keep you informed. I am glad to say I am recovering pretty fast, and hope to return to Sreeakundy in a few days.

"*P. S.*—The ezardar and tussildar of the nine annas of Nucher, who made the attack upon me, together with 17 of their head ryots, have been committed to jail for six months, and fined from 200 rupees to 50 rupees, together with labour commutable to a future fine in lieu of labour."

This communication was also discussed. Thanks were then voted to the chair, and the meeting separated.

W. H. Abbott, Jun.,
Acting Secretary to the Indigo Planters' Association.

No. 11, Strand, Calcutta,
13 May 1857.

No. 4.—Petition and Report on Mr. *J. P. Grant*'s Bill to give better Security to Under-tenures.

The Petition:

To the Honourable the Legislative Council of India.

The humble Petition of the undersigned members of the Central Committee of the Indigo Planters' Association, on behalf of themselves and the said Association.

Sheweth,

That the said Committee have had under consideration the Bill now before your Honourable Council, entitled "A Bill to improve the Law relating to sales of Land for arrears of Revenue in the Bengal Presidency," and have been in correspondence with Mofussil members, with a view to ascertain their opinion respecting it, and which Bill, as your petitioners learn on a comparison thereof with the existing law, has been brought in, chiefly with a view to narrow the penal operation of the Revenue Sale Law, and better to secure shares in Zemindaries and valuable under-tenures to their proprietors against forfeiture under the said law.

Appendix, No. 2.

That as respects these, the essential objects of the said Bill, your petitioners regard it with the greatest satisfaction and gratitude, as fraught with benefit to all classes, not only capitalists and Zemindars, but, in the opinion of your petitioners, the cultivating classes also.

Your petitioners beg to remark, that besides the under-tenures created immediately by Zemindars, and for which protection is provided by the said Bill, there are others of great value, which are of the same nature, such, for example, as durputnees, dur-izarahs, &c., and it would be a great improvement in the said Bill if the same protection were extended to them also, and your petitioners pray that they may be included in the said Bill.

Your petitioners observe that a very elaborate and complicated procedure is provided by the Bill for the attainment of its objects. Many of the details of this procedure appear to your petitioners open to objections, and in the view which your petitioners take of them, they tend to impair the value of the proposed protection.

Your petitioners therefore earnestly desire a reconsideration of the details of the said Bill. They annex to this petition a Report on the said Bill, with extracts of correspondence, and submit the same in the hope that they may be found to contain some useful suggestions.

That subject to such alterations in the details of procedure as may on consideration appear better conducive to the objects of the Bill.

Your petitioners pray your Honourable Council early to pass the said Bill into a law, with an extension of its benefits to all such other under-tenures besides those already provided for, as fall within the principle of the said Bill.

And your petitioners shall ever pray.

Report of the Secretary of the Indigo Planters' Association to the Central Committee on Bill brought into Council by the Honourable Mr. *J. P. Grant*, entitled "A Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency."

This Bill has been for a very considerable time before the Legislative Council and under discussion, and should in the usual course have been reported upon by me much earlier, but few materials for forming a report have been supplied to me, and they have come slowly. I have endeavoured to supply the want of written communications by personal inquiries of members, and in the result I still remain not free from difficulty. Both in the written and personal communications it appears to me, the objects of the Bill are very generally approved and much desired; but on the other hand, the details of that mode or system of procedure on which the attainment of the objects depend, are much distrusted, and by some regarded as unfit for the purpose.

In the course, also, of my inquiries, I have had reason to think that the Bill is not equally acceptable to those whose chief interests are as zemindars; and this has led me to consider whether on any and what grounds the zemindars are entitled to oppose the measure.

Though not necessary for the information of members, it is necessary, for the orderly treatment of the Bill, that I should premise a short statement of what is the present operation of the Revenue Sale Law, and how it is proposed to be altered.

By the Revenue Sale Law of the Lower Provinces the permanently settled revenue is assessed on zemindaries; a default of payment makes the zemindary peremptorily liable to sale, and a sale sweeps away all but a few specially excepted under-tenures. A zemindary is often held by several persons in common tenancy, and sometimes there are sharers in it whose shares consist of distinct integral parts, but the Revenue Law takes no notice of these divisions of interest. This Bill proposes to recognise, as separate interests, shares of a zemindary, whether held by several in common tenancy or consisting of distinct and integral parts of the zemindary, and to allow a separate account to be opened in the Collector's books of revenue to be paid by each sharer; the advantage to the sharer will be that in case of default of any sharer, not the whole zemindary will be put up for sale, but only the share of the defaulter. And with respect to under-tenures created by the zemindar, it proposes to protect them against the consequences of a sale of the zemindari, the effect will be, that the purchaser of the zemindari will take it, not, as now, freed from, but subject to the under-tenures.

Abstractedly considered, these proposals are highly beneficial to sharers in zemindaries and the under-tenure holders. They will be relieved of a great risk, saved much trouble in securing their property, and the tendency of the measure in both cases is to enhance the value of that property.

The two cases of the shares of zemindaries and under-tenures rest on distinct grounds, and must be considered separately. As respects the former, the measure lies solely between the Government and the zemindari-sharers. The Government simply proposes to modify the security which it now has for the realisation of its land revenue, in favour of this class of proprietors. It does, however, reserve to itself, in case of need, the power which it has at present over the whole zemindari, so as to be secure, in every event, against a loss of revenue. Obviously it is a measure of concession, with perfect liberty to those to whom it is proffered not to avail themselves of it. The advantages are too obvious to need minute description. By dividing the revenue and distributing the burden in the same proportions as

as the right of property and interests, it facilitates payment. If one sharer falls into arrear the consequence is confined to that one. It thus brings within the most narrow limits practicable the penal operation of the Sale Law; and this is an advantage to the entire agricultural community, zemindars, holders of under-tenures, and ryots, for the latter are great, if not the greatest sufferers by a sale of the zemindari under the present Revenue Sale Law.

The case of the under-tenures is less simple. The parties concerned are the Government, the under-tenure holder, and the zemindar. There is no connexion between the Government and the under tenure-holder; the only interest which the Government has is in the revenue, but its policy, on the plea of revenue, has been deeply injurious to the under-tenure holder. Its principle ought to be, that so long as the zemindari is of sufficient value to enable it, by a sale, to realise its revenue, it is indifferent what under-tenures have been created by the zemindar. Now it is the rents which constitute the value of the zemindari. That value would be impaired by under-tenures, on which only pepper-corn or nominal rents are reserved; and this appears to be the only danger against which the Government has to guard. Accordingly the Bill, at the same time that it proposes to relieve under-tenures from the present law, has precautions against admitting to protection those under-tenures on which insufficient rents are reserved. On the part of Government, therefore, the measure is simply a modification of policy in favour of this important class of proprietors, and the sole question which remains is, whether it can be objected to by the zemindars.

Now when I speak of objections, I mean objections founded on some principles of right or equity, and if such there be in this case, they will be found in the contract rights of the zemindar. The contract rights of the zemindar may easily be illustrated in the case of the putneedar (who for this purpose may be taken as a representative of under-tenure holders). The putneedar is a purchaser for a price, or valuable consideration, of a portion of the zemindari lands in perpetuity, with one condition attached, namely, payment to the zemindar of a rent, the equivalent, or supposed to be, of the revenue payable for the lands comprised in the putnee. It is this condition which constitutes the tenure, connects the putneedar with the zemindar, and the putnee lands with the zemindari; and except for the obligation which it contains, the putneedar would have an absolute and indefeasible estate, and would be entirely independent of the zemindar. The putnee rent, therefore, is the only interest which the zemindar has in the putnee lands, and therefore non-payment of that rent is the only ground on which the zemindar can claim any power over the putnee tenure, and it is equally clear, that if the putneedar makes no default, he is fully entitled by his contract to be as secure against the zemindar as the latter is against the Government, so long as he pays the Government revenue.

Now compare these principles with the present state of the law. The law at present is, that if the zemindar makes default in payment of the revenue, his zemindari shall be sold free from the putnee; and the putneedar is sacrificed, not because he has made default himself, but because the zemindar did not pay his revenue. What is proposed is, simply that the putneedar shall not in future be sacrificed, and that the purchaser at a revenue sale shall take the zemindari subject to the putnee (and all other under-tenures), except when the putneedar himself is a defaulter, in which case the putneedar forfeits the benefit of the new law. In this proposal I confess I cannot find the smallest flaw in point of equity, and it is perfectly consistent with all the contract rights between the zemindar and putneedar. The only excuse which could be made for any longer continuing the present state of the law would be the necessity of it for the realisation of the revenue; but Government by this Bill denies the necessity.

Few zemindaries comparatively are brought to sale in the present day for arrears of revenue, and of these, except in impoverished parts of the country, a small proportion from the inadequacy of the rents to meet the Government revenue, the rest are put in arrears for fraud, and not unfrequently for the advantage offered by the Revenue Sale Laws. They are sold by the Collector, and often bought for the defaulting zemindar benami. The inducement to the fraud is indeed great. For example, a zemindari is put up for sale for an arrear of revenue, say of 5,000 rupees, and would be worth half a lac of rupees, if the purchaser were to take it subject to the under-tenures, but taking it free of those tenures (as he does) he will give double that sum for it. This enhancement of price, not needed to satisfy the revenue, swells the surplus after deducting from the proceeds of the sale the amount of revenue due, and is paid over to the zemindar, or if the zemindar is himself the purchaser benami, he gets the profit by creating more under-tenures. The sacrifice of the putnee-tenure, therefore, is no advantage to the Government, but is a clear gain to the zemindar; and it is notorious, that zemindaries are wilfully put in arrear by the zemindars for the sake of this and similar advantages, which can only be obtained through the medium of a sale for revenue. But if the case is free from this fraud, and the zemindar unintentionally falls in arrear, the injustice is not the less to the putneedar, nor the profit less to the zemindar; the under-tenure is annulled, the value of the zemindari is enhanced, and the enhanced value goes to the zemindar. He thus gets twice paid for the same thing; first, for a putnee on its creation, and next, at the auction of the putnee-lands, perhaps much enhanced in value by improvements made by the putneedar.

I have taken the case of the putnee holder, but the same reasoning applies to every other valuable tenure, and the evil only differs in degree.

In extenuation of the existing state of the law, it has been said the putneedar purchases his putnee subject to the risk, and has estimated it. It may equally be said he purchased with the chance of an improvement of the law; and of all men the zemindar cannot be

Appendix, No. 2.

permitted to object to the removal of the risk by a better law; for, that risk can never become a loss if the zemindar performs his duty; I refer to the obligation which he is under towards the putneedar to pay the revenue.

These remarks will be sufficient, I trust, for the limited purpose for which they are offered, namely, to show that the zemindar has no right to object to the proposed protection to under-tenures.

Having explained the objects of the Bill and defended its principles, I will proceed to examine the details, and the manner in which it is proposed to effect those objects. The provisions respecting sharers of zemindaries are contained in the 10th, 11th, 12th, 13th and 14th sections. By these, "recorded sharers" alone are entitled to the intended protection, and it has been suggested that it should be extended to those who are sharers in fact, but not recorded. But it has been fairly replied, that those sharers who are not recorded may get themselves recorded, and so become in a position to avail themselves of the new law.

The mode prescribed for sharers is to make an "application" to the Collector; for the application of a sharer of a joint estate in common tenancy, no particularity is prescribed by the Bill; indeed, it is obvious from the nature of his interest what must be the form, and that the form would be very simple. But respecting the application to be made by a sharer whose share consists of specific or separate portions of land, the Bill requires that it should specify the land by metes and bounds, and the amount of Sudder jumma paid [contributed] by the applicant. This latter form is subject to the same remarks as hereafter will be made on a similar requirement in the case of the under-tenures, and to those remarks I beg to refer.

The Bill having prescribed the "application," next provides for objections to it, and recognises the following:—

(1) That the applicant has no right to the share: (2) That the interest is less than he claims: (3) That it is of a different nature from that claimed by him.

And upon these objections, when made, the Collector is to institute a summary inquiry "into the fact of possession." And in the case of an applicant whose share consists of a separate portion of land, the further objection may be made, that he has not stated his jumma correctly, and on that objection the Collector is to inquire whether the alleged jumma has been recognised by the other sharers, and according to the result of his inquiry, to admit or reject the application.

It has been remarked that recorded sharers have already established their title (*), and that they ought not to be put to the risk of a second inquiry which will, in many cases, operate as an invitation and inducement to dispute and litigation on a title which never was questioned before; and following up these views it has been suggested that the applicant who proves by a reference to the Collector's books that he is a recorded sharer, should *ipso facto* be entitled to have the separate account of his share opened.

It is to be hoped that this suggestion will be adopted; but if not, it is important to note what is the inquiry which the Collector is to make as the Bill now stands. The inquiry is to be "into the fact of possession." Such an inquiry would be a departure from the application. The application refers to grounds of title; possession may or may not go with the title. The question, therefore, of the fact of title or truth of the application, may be wholly different from the question of possession. If, indeed, unrecorded proprietors were to have the benefit of the Bill, there would be some reason for putting it on the ground of the fact of possession; but I can imagine none why this fact should be inquired into in the case of persons already recorded as having a title. Moreover, what shall constitute "possession" is not explained. There is no word in the whole vocabulary of the law which admits of a greater variety of application. Possession may be constructive, or direct and actual, by oneself, one's agent or servant, or constituted by facts which show an intention to possess, and merely no adverse claim to the possession by any other person. It has been common, I am informed, for European proprietors to have shares of zemindaries recorded in the names of their managers or servants. Who, in that case, the manager or the proprietor, is in possession? If the latter, is he to lose the benefit of the Bill by reason of his not being recorded, though in possession? One tenant in common may alone receive the rents, and pay their shares to other tenants in common; or a manager appointed by one may be in possession, not for one, but for all. Who, in these cases, is in possession? A mortgagee of a share may be in the receipt of the rents, while the mortgagor is the recorded sharer: is the recorded sharer not to have the benefit of this Bill, or is the possession of the mortgagee to be construed as his possession? This is but a small sample of the cases of no uncommon kind, in which the result of an application must be extremely doubtful if the right of the recorded sharer is to depend on the question of possession.

The Bill, also, as framed, appears to me to raise a very doubtful question, or, rather, leaves it very uncertain what is the question to be tried, in the case of a sharer of specific portions of land where the objection is to the amount of the jumma stated by him. The Bill requires the applicant to state "the amount of jumma heretofore paid by him;" and then it provides that, if the objection be that the jumma "alleged by the applicant" is not the jumma "which has been recognised as such by the other sharers," the Collector is to "make a summary inquiry into the fact." What fact?—that the jumma paid is the real jumma, or the fact of payment as alleged by the applicant, or the fact of recognition? And if

* *See* letter in the "Englishman," 22 May, signed *J. R.*

if of recognition, recognition of what?—whether of the payment in fact by the applicant, or of the amount as correct? And what will establish recognition? Will simple acquiescence in repeated payments amount to recognition? Will the acquiescence of one sharer preclude the others from objecting? If one sharer says, "True, the applicant has never paid more than the amount he states, and I and my co-sharers have paid such and such other sums making up the full amount, but we have done so only from the necessity, he having paid too little," is that plea to avail in proof of non-recognition?

I offer these purely as practical difficulties which will open a wide door to dispute and litigation, and will render the success of an application in a great many cases very doubtful.

The section relating to the under-tenures are the 35th, 36th, 37th, and 38th.

The under-tenures are classed under four heads:—

1. Istumraharee and mokurraree tenures, held at a fixed rent more than 12 years before the permanent settlement.

To these the new Bill appears to be a disadvantage. By the existing law they are absolutely protected (Act 1, 1845, s. 26, c. 1); but their future protection is to depend on, first, their being registered under this Bill; and secondly, after registration, the rents reserved on them being duly paid up at any time when the zemindari is liable to be put up for sale. If, as I am informed, the tenures of this kind were all ascertained and recorded at the time of the resumption proceedings, it is hard to impose on them the necessity of a new registration, which can be obtained only by means which will open a wide field for dispute and litigation, all the power and influence of the zemindar being arrayed against the applicant; and the tenure will be equally jeopardised after registration by the second condition, through the temptation which it will constantly hold out to deny the fact of payment.

2. Tenures existing at the time of settlement against which the zemindar has failed, or may fail, to prove his right to enhance the rents.

To these, also, the new Bill appears to be a disadvantage. They are protected by the existing law, but their future security is to depend on registration under this Bill, and their rent being paid up at the time when the zemindari becomes liable to sale. I have already stated, and therefore need not repeat here, the objections to which these conditions are open.

3. Tenures of whatever description, and farms for terms of years, which have been created since the time of settlement.

For these tenures this Bill first provides protection, on two conditions: first, their being registered under this Bill; and, secondly, their rent being paid up at the time when the zemindary becomes liable to sale. The observations already made on this second condition, in connexion with the two first classes of tenures, are here applicable; and I may now add, that, dangerous as this condition is in itself, the danger is aggravated by the want of all provision in the Bill for judicially ascertaining the fact of default of payment, and for any notification of it before the sale. If these defects in the Bill are supplied, the under-tenure holder might reasonably claim not to be more harshly treated for his default than the zemindar is by the Government. The zemindar has a latest day, beyond the proper legal period, and therefore, in fact, an extension of time for payment, before his zemindary can be notified for sale; so, by analogy, the under-tenure holder should have the power of curing his default, which, as in the zemindar's case, may sometimes be a default, not of his own, but of his servants.

There is also another qualification on the right of under-tenures of this third class to be admitted to registration. The Collector is, on receipt of the petition, to cause whatever measurement, survey, and local inquiry he may deem necessary for the security of the Government revenue. This provision is a cause of apprehension to members of great experience; they say "measurement survey and local inquiry" can be carried on only by an army of native ameens and their assistants, in whose train follow the well-known and dreaded corruptions; and, following up the prospect thus opened, they apprehend the effect, though less extensive, will be similar to that of the resumption proceedings in unsettling titles and disturbing enjoyment, and from the lamentable fruits of which it is said property in some parts of the country is only just recovering. It surely will be wise to take heed on this warning. The members from whom it proceeds are not insensible to the highly beneficial character of the essential objects of the Bill, and would not willingly renounce them; and it may be hoped those objects may be secured by means free from those objections. Persons entertaining such apprehensions will, of course, not apply for the proposed protection, but some of the consequences may nevertheless reach them. To meet in a degree these apprehensions, it has been suggested that the Collector should have an unfettered discretion to act in each case according to its particular circumstances in directing or establishing the inquiry or survey and measurement.

It has been remarked that the Bill will protect only the original under-tenures:—

"As regards new tenures, putnees only will be benefited by this new Bill. They can be registered and made secure in the event of a sale of the parent estate for Government arrears. But dur-putnees and all other lower tenures cannot be registered, because the proprietor did not create those under tenures. By the 7th rule of section 36, it is pretty plain that only those tenures granted by the zemindar or proprietor of the parent estate can be registered." [Mr. E. Roberts.]

Appendix, No. 2.

This is a defect, and an inconsequential one. If the rent reserved on the original under-tenure is a fair proportion of the sudder jumma, and is paid up—for both of which the Bill provides, the lower tenures carved out of the original under-tenure are of no importance to the revenue, and their safety should be left dependent on that of the parent tenure, standing or falling with it, but in respect of their own interests the dur-tenure holders should have the means of preventing a forfeiture of the parent tenure.

After this enumeration of under-tenures, which are to be placed under protection, come, in sections 36 and 37, the means by which the proposed protection is to be obtained. It is ultimately by registration of the under-tenure, and this is to be obtained by petition to the Collector, the particulars of which petition are minutely described by the Bill. Notice of this petition is to be given to all parties concerned, and they are to have the opportunity of making objections; and then the case is to be heard on evidence. This procedure is regarded by different members with various degrees of apprehension, as a probable source of frauds, forgeries, and perjuries, the usual instrumentality of Mofussil litigation.

In reference to the application to be made by sharers of zemindaries, I have alluded to the difficulty of complying with the required form. The difficulty will be still greater of following up the required petition. More minuteness of detail could hardly have been required in the petition if it had been devised to satisfy an English lawyer advising for an unwilling purchaser on a title. The petition is to comprise particulars classed under no fewer than nine heads; (1.) the pergunnah or pergunnahs in which the tenure [land] is situated; (2.) the denomination of the tenure; (3.) the name or names of the villages whereof the land is composed; (4.) the area and boundaries in complete detail; (5.) the amount of rent cesses and duties payable; (6.) the date of the deed constituting the tenure, or date when the tenure was created; (7.) the name of the proprietor who created it, and name of (8.) original and (9.) present holder, and relation between those two, and manner in which the latter acquired it.

The first and third, and second and fifth, are perhaps unnecessarily separated. The first, second, and third standing, the fourth might be dispensed with. To establish the sixth, the deed or writing I should suppose must be produced and proved, which might alone be sufficient. The fourth requirement is regarded as in a great many cases impracticable, and the case is not provided for in which the deed is lost, probably not a rare occurrence in the case of the older tenures.

It is true there is this qualification, viz. that these particulars are to be given "as far as they are ascertainable," the rule therefore is open to exceptions; but what are the circumstances which may excuse compliance with the rule? It is true also that if no objection is made, the Collector is only to make "due inquiry," and to be "satisfied." There is, therefore, in *ex parte* cases great latitude, and a dispensing power in the Collector; but this also gives opportunity and scope for the arts of the amlah. Moreover, at any time within a year, "any party dissatisfied" with the award may institute a civil suit to set it aside; which, whatever may be the extent of the privilege, whether it is to be exercised only when the award has been made after a summary investigation or exercised generally, detracts from the value of the registration.

In the annexed extracts from corespondence will be found several other remarks and suggestions on the Bill, from members of great Mofussil experience.

The question remains, can the important objects of the Bill be attained with fewer checks and precautions, and on a simpler plan, consistently with the perfect security of the revenue which is provided, or intended to be, by this Bill? The latter part of the question raises another. If those parts of the plan of the Bill are abandoned, which are directed to the ascertainment whether fair rents have been reserved on the under-tenures, what security can the Government have in their place for the safety of its revenue? The following plan has been suggested: That the under-tenures should be registered in the office of the Collector on proof simply of the deed or writing by which they are created, an abstract of which should constitute the record, and that all tenures so registered should be protected. The protection, in the first instance, would be that the zemindary would be put up for sale, subject to the under-tenures. If the bid at the sale exceeds the arrears of revenue, no question arises to affect the under-tenures. If, on the other hand, the price offered falls short of the arrears of revenue, a few days should be given for an under-tenure holder to come in and pay the arrears, he being permitted to stand in place of a mortgagee, or at his option, a purchaser. There may be an under-tenure holder without means to avail himself of this privilege; in that case, by analogy to the Bill as it now stands, any under-tenure holder should have the opportunity of establishing the *bonâ fide* character of his rent and tenure. As an ultimate resource in the interest of the revenue, the zemindari might be liable to sale free, as now, from the under-tenures; but in that case the price realised being partly made up of the value of the under-tenures, should be regarded as clothed with a trust to compensate the under-tenure holders for their loss, and a liberal measure of damages should be legislatively established. The compensation should cover the price originally paid for the under-tenure and its improved value. If the surplus proceeds of the sale were retained till claims of this kind were satisfied, there would be an end of the common fraud of zemindars making default for the sake of the gain to be derived from a sacrifice of the under-tenures.

Appendix, No. 2.

It has been suggested that there may be parts of the country where the plan proposed in the Bill could be extensively applied without the consequences apprehended by some members. And in this view, that plan with a few alterations might be retained, and some such plan as is above suggested be superadded to it. The Bill would thus become universally acceptable.

W. Theobald, Secretary.

10 June 1856.

On the Original Affray Bill, referred to in the Evidence of *W. Theobald*, Esq.

To the Honourable the Legislative Council.

The humble Petition of the undersigned Members of the Indigo Planters' Association, on behalf of themselves and the Association.

Showeth,

That the said association was formed in the early part of the present year, 1854, for the purpose (among other things) of watching the progress of legislation in all matters of concernment to the classes to which its members belong, of collecting information on the state of the country and placing it at the disposal of Government, and of promoting beneficial reforms; and it comprises among its members, planters, mofussil dealers in produce, and merchants, many of them connected with the largest concerns in Bengal; indeed the advances of capital for indigo cultivation and other agricultural and industrial investment by the members of this association, and the class to which they belong, may be represented as amounting to some millions sterling, chiefly British capital.

That the Bill now before your Honourable Council, intituled, "A Bill for the more effectual Suppression of Affrays concerning the possession of Property," affects all kinds of interests connected with the land and its productions, as also the security of capital and value of property, and deeply concerns the interests of the members of the said association. The association and the undersigned have therefore carefully considered its principle and provisions. To nearly all its provisions they object (but not to its principle) for reasons which they have maturely weighed, and which are embodied in a Report subjoined, which, after having been carefully prepared by a committee, was adopted by the said association.

That your petitioners respectfully submit the substance of the said Report to the consideration of your Honourable Council. In the said Report it is remarked, that the said Bill has passed a first and second reading without previous report, note, warning, debate or speech of any kind, which your petitioners apprehend is true in fact, but your petitioners at the same time admit that the regular course of legislation, according to the standing orders, has been pursued, and your petitioners would by no means suppose that a Bill of such great importance would pass a third as well as a first and second reading without full report and deliberation thereon.

That, in the opinion of your petitioners, many of the powers given to magistrates by the said Bill are suited only to a state of great social disorder or disorganization, and therefore, if necessary, they should be limited to the emergency deemed to require them, and neither be passed as perpetual nor be extended to the whole of Lower Bengal; and from these principles it follows that such a Bill ought only to be passed on previous inquiry of the most formal, public and solemn kind, of which there has been none. And your petitioners beg to add their assurance that in any emergency requiring the establishment of extraordinary powers, your petitioners and the classes to which they belong would be found on the side and among the best supports of law, order and government, and they would welcome at all times the fullest inquiry into the state of the country, as sure to prove that the establishment of Europeans is productive of commercial and social effects which are beneficial to the population and conducive to order and improvement.

That, for the purpose of authenticating this representation on behalf of the said association, your petitioners beg to state, that the members thereof met after public advertisement for a general meeting, and passed the following among other Resolutions, viz., "That the Report just read" (being the Report subjoined) "has the warm and cordial approbation of this meeting, and that a Memorial to the Honourable the Lieutenant-Governor of Bengal and Petition to the Legislative Council be prepared in accordance with it, and that all necessary measures be taken to prevent the Affrays Bill passing."

That your petitioners, deeply impressed with the injurious nature of the said Bill, pray your Honourable Council to take this Petition and the said Report subjoined into your most gracious consideration, and not to pass the said Bill, and also that your Honourable Council will be pleased to hear counsel in support of this Petition and against the said Bill.

And your petitioners shall ever pray.

Appendix, No. 2.

REPORT of the Committee of the INDIGO PLANTERS' ASSOCIATION on the Draft Bill now before the Legislative Council, entitled, "A Bill for the more effectual Suppression of Affrays concerning the possession of Property," being the Report referred to in the above Petition.

THE Committee beg to report to the Association that the secretary has received from district committees and members in different parts of the Mofussil, communications on the subject of this Bill, all expressing the greatest alarm at its provisions, and urging the committee to take all possible means of preventing its passing into a law. The members of the committee also themselves can testify from a very extensive personal acquaintance in the Mofussil, that the feeling of alarm is very general, and the committee has the satisfaction of adding, that a considerable portion of the European community of Calcutta not immediately interested in the Bill, and many of their native friends also, sympathise with them, and this committee believe that if there had been time, a considerable body of persons, not members of the society, would have co-operated with them on the subject of the Bill.

For the purpose of reporting upon it, your committee have considered the Bill under the aspect, first, of its general character and principles, and, secondly, with reference to its apparent objects, and the powers which it contains for their accomplishment.

The committee approach these subjects under the disadvantage of not being furnished with any exposition of its motives or principles, no such exposition having been given either by the at present unknown author of the Bill, or by the Legislative Council. It has been brought in, and read a first and second time, without previous report, note, warning, debate or speech of any kind. The committee, therefore, beg first to record their sense of its very grave importance. It is locally limited to the Presidency of Bengal, but within that Presidency the whole agricultural community, and all kinds of interests connected with the land, are affected by, or are within the scope of its provisions.

It appears extraordinary to the committee, that a Bill of such extent and importance should have been brought to its present stage without some notice or some invitation for the expression of an opinion to some of the classes concerned; and to this fact the committee wish specially to direct attention, because it is obvious that no opportunity for the previous expression of opinion having been given, the society has really no alternative but that of embarking at once on a public discussion of the measure, and, according to their view of its merits, a public opposition.

The principle of greater part of the Bill appears to be the same as that of Act IV. of 1840, of which it purports to be an alteration and extension. The main principle of Act IV. was, and consequently of the present Bill is, unexceptionable—that of securing all actual *bonâ fide* possession against disturbance by violent means, and interposing the authority of the executive magistracy to prevent force where there is reason to apprehend it, or to deprive it of its advantages where it has been actually used and successful. This committee give their most entire approbation to these principles; and Act IV. of 1840 would indeed have been a boon and a blessing, if, resting on such principles in the abstract, it had given effect to them, but according to general opinion it has not, and the preamble of the Bill now under consideration in effect confesses it, and recites that the provisions of Act IV. have been found insufficient, and therefore that it is expedient to extend and alter the same.

It is obvious to remark, that if Act IV. had answered its purpose, its extension to new subjects would have been unobjectionable; or that if the alterations now proposed had remedied the defects of Act IV., or secured a proper administration of it, the amendments and extension would have made the present Bill acceptable. The question, therefore, arises, in what respect has Act IV. failed? and this may generally be described in a very brief proposition. Act IV. though intended to supply a simple procedure for the ascertainment of a very simple fact, or state of facts, that of actual possession or dispossession at a given point of time, has resulted merely in the establishment of a new and anomalous kind of litigation, in which the simple nature of the question to be decided is lost sight of, every variety of documentary evidence is received, as if the right were in question and not that of mere possession or dispossession, and most of the evils of a regular suit, such as forgery and perjury, have been let in. In short, Act IV. has been perverted from its main object of ascertaining summarily the simple fact of possession or dispossession, and it has been administered in a manner at variance with its spirit and principle. The committee has to add that the alterations made by the present Bill not only afford no correction in this respect, but aggravate the dangers and other ills which result from the abuse of Act IV., by cutting off the right of appeal.

2. The committee will now proceed to report on the details of the new Bill, and must bespeak patience and an indulgent consideration, in respect of the task being in a degree technical.

Section 1. Requires no further remark than that it repeals two sections only of Act IV. of 1840. Whether it be the intention that the rest of Act IV. should remain in operation, may be questioned; and what may be the eventual effect of thus repealing only part of the Act, and in the new Bill dealing with subjects included in the unrepealed parts of Act IV. in an altogether different phraseology, this committee is unable to say; but it is a feature in the new Bill, of sufficient importance to be reported to the society.

Section 2.

Section 2. Describes the kinds of property to which the executive and judiciary provisions of the Bill are intended to apply. On this description it may be remarked, that it includes all the kinds of property comprised under Act IV. and some others; whereas Act IV. extended only to disputes about actual corporeal possession of land and similar hereditaments, and was intended to quiet possession, properly so called, or to actual use, and was intended to secure the actual use, till the right to the possession or use, as the case might be, was ascertained; the new Bill extends also to mere money claims, which this committee thinks is of exceedingly doubtful expedience.

Section 3. Empowers the magistrate to attach (which means take possession) of the subject of dispute; but there is this important difference between Act IV. and this Bill, whereas Act IV. only authorized property to be attached after inquiry, and only in the case of magistrates being unable to ascertain what party was in possession, this section of the new Bill empowers the magistrate to attach the property before inquiry, in other words, on the mere receipt of intelligence, perhaps of the most vague kind, that there is a dispute and a breach of the peace probable. The Jessore committee have given some illustrations of the dangerous character of this provision; it appears to be regarded by the Jessore committee as striking at the foundation of property, and this committee regards it as of the most dangerous character.

Section 4. Appears to be an indirect mode of charging upon the agricultural community a portion of the necessary expenses of a public police force; and it is questionable in point of principle, and practically objectionable as being exceedingly likely to be abused.

Sections 5, 6, 7 and 8. Observations of some importance might be made on these sections, if the committee merely recommended amendments and alterations in the Bill; but as the committee are of opinion the Bill ought not to be passed at all, it would be a mere waste of time to discuss minute amendments.

Section 9. Takes away the right of appeal against any order of any magistrate or collector under the Bill. The committee have to observe, that the almost universal institution of the right of appeal is one of the peculiar features of the East India Company's judicial and magisterial system. In no other system is it found to such an extent. Its expediency in this respect has been the subject of much discussion, in which, it may be observed, the Indian Law Commission, and every authority having a deliberative voice in legislation have joined, and the result has been in favour of the universal right of appeal. The grounds are well known, and may briefly be stated to be the settled belief that it would not be safe for the public or right in the existing state of the Company's judicial and magisterial establishments to allow their orders and decisions to be final in the first instance, or without appeal. It could only be on these grounds of, if the expression may be permitted, a foregone conclusion of public policy, that Act IV. gave the right of appeal. This committee and the Mofussil committees and members generally attach the highest importance to this right of appeal, and their experience under Act IV. only serves to confirm their opinion of its essential importance, and that it is as important under Act IV. as in any other litigation. The Jessore committee says, "If suits of this kind could always be tried by officials of ability and experience, we allow that the first order should be decisive, and that no appeal should be allowed. But it often must happen that young and inexperienced men have to try such cases; men who, from being ignorant of Mofussil doings, are necessarily much in the hands of their amlahs. If it is known how important to indigo planters and to zemindars the Act IV. decisions are, it will at once appear how necessary it is that an appeal to a higher authority should be allowed." And indeed this really is confessed in the Bill, for though the right of appeal is taken away, the Sessions Judge may, on application of the parties concerned, call for the record, and require the magistrate to take further evidence, &c. The remarks of a very experienced and intelligent member (Mr. Forlong), in a letter to the secretary on this anomalous substitution of a proceeding, for which it is impossible to find a name in any system of jurisprudence, deserves also to be quoted: "No. 9, taking away the power of appeal from a magistrate, and giving the judge only the right to send back a case for further inquiry to a magistrate, who can be supposed guilty of denying any one a fair hearing, is something that will rather astonish the people of England, more especially when, as I said above, the magistrate may not only be deficient in experience, but put into his situation from no merits of his own, or any aptitude for the discharge of its important duties ever inquired into; and this perhaps in a district about four times the size of Lanarkshire, whilst Jessore adjoining has an area of 5,180 square miles, or within 500 miles, of the size of Yorkshire, and yet I have often heard a magistrate complain that he had little or nothing to do, arising solely from the people, seeing how utterly hopeless and expensive it was troubling him at all." It may also here be repeated, that the mere denial of the right of appeal, and the substitution of the discretion of the judge, is no true correction, nor so intended, of the mal-administration of Act IV., nor any restoration of its spirit or principle.

Section 11. It would not have occurred to this committee to take an objection to this section, which is of a merely supplementary kind; but the secretary has pointed out dangers which the committee quite apprehend. To make it an offence, as the section does, to use force in opposing a judicial order is just and expedient, and might well be part of the general law, and therefore unnecessary to be made the law by a special enactment of a limited kind; but this section also makes simple "threats" penal, without defining what kind of threats they must be, or to whom or in what place they must be made; so that it appears to the committee that mere idle words of heat and passion, spoken perhaps to a

Appendix, No. 2.

darogah or chowkeedar under provocation, and at a great distance from the place in question, may bring on a person, whom the decision may really have wronged, the punishment of imprisonment with hard labour or fine. The same objection applies to the offence of "knowingly contravening" an order; it is not force, because that is already provided against; nor can it mean threats, for the same reason. What is meant? Clearly it is but one step removed from making "thoughts" punishable.

Section 12. It must be obvious on a careful examination of this section, that an important portion of it belongs rather to the general criminal law than to the proper subject of the Bill; the committee refers to that part of it consisting of general words by which it is made to apply, not only to breaches of the peace, but to other crime, that is, all kinds of crime. The Jessore committee, of course, not adverting to this feature of section 12, but regarding its reference merely to breaches of the peace in disputes about land, have made the following very pertinent and, this committee thinks, just observations :—"Section 12. If this be passed, a door will be opened for great oppression; nothing is more common than for ryots, whose intention it may be to evade their indigo contracts, or the payment of the rents to zemindars, to make a complaint that an indigo planter or zemindar has assembled gangs of men, with the intention of breaking the peace. This peechbundy petition, as it is called, requires few witnesses to substantiate it, and the magistrate might then, by the proposed law, send bodies of police to be quartered on the party thus fraudulently complained against. These men, who will be hangers on at the courts, people of worst character, are not likely to be satisfied with the legal charges they are entitled to. They will demand presents daily, or they will make false reports, which will in time force the unfortunate sufferers to their terms. The oppressions that will be caused in a hundred ways by this arbitrary law, are so well known to all who have any Mofussil experience, that it is surprising such a law could ever have been conceived. It looks like a law not to keep peace in the Mofussil, but to drive people from it."

Section 13. The committee finds from the correspondence and personal report of the secretary, that members differ in their opinion of this section. Probably those who approve it as a whole have not examined it in detail, and their approbation therefore is scarcely to be weighed against specific objections. Objections of considerable weight have been taken. The section, in the most general words, empowers the magistrate arbitrarily, that is, without reason assigned or apparent, to call for a list or report of all kinds of servants, except menial employed in a zemindary, factory, or other business establishment; and to call for such list as often as he pleases, and at any time; and not only of persons in the service at the time, but of discharged servants, and all who were in the service any part of the current year. The Jessore committee observe: "To this section 13, we see only one objection, namely, that fixed periods should be given for such reports to be forwarded. It would be very harassing that they should be called for continually by magistrates; but by the proposed law, it would appear that they have the power to do so;" and it may be added by this committee, that the section makes no exception of unintentional omissions of any names whatever from the list, omissions from oversight, or not recollecting, cases very likely to occur, as must be obvious on a consideration of this section.

Section 14. This section invests magistrates with a purely arbitrary discretion to require the discharge of any servant or retainer of any owner or occupier of land. The magistrate has only to "see reason to believe" that the servant is likely to commit a breach of the peace, and the magistrate may require his dismissal. The section appears to the committee to be without a parallel in all that they have heard or read of in the annals of legislation, in any part of the world. The master is to be no longer master, nor the head of his own establishment; but is to carry on his business, often of a very various kind, in subordination to a public officer, who has no interest in his concerns. A magistrate may require the discharge of a servant without knowing how essential his service may be, or what ruin would follow his dismissal, and that without previously calling either master or servant before him to defend himself from an unjust charge or unjust suspicion; but after having done it he must record his proceeding. Such a power belongs, in classification, to that extra legal kind which are sometimes assumed in extraordinary emergencies without being previously given, or if given, are given only in times of real public alarm and political danger, and a strict justification after the event is required from those who assume them. It has been remarked that the proposal of such law is a condemnation of the existing system of government. If the lower provinces of Bengal require such a law as in this and the connected sections, its condition might indeed justly be said to be fearful. If every zemindaree contained a small fort full of fighting men or club men, if every indigo factory was a focus of disorder and violence instead of being the home of European intelligence, a seat of commercial enterprise and industry, and the abode of capital, where success depends on economy and prudence, and no force generally is kept except for the purposes of necessary defence against dacoits and depredations, and to carry on business of a legal kind, the proposal of such a law would be barely tolerable. So far as European planters and other Mofussil Europeans are concerned, it casts, or may appear, where they are not known, to cast a stain upon them and their establishments, which, by their regard for their own fair name and fame, and their country's name, as British and Christian, gives them very great pain; and with reference to this, the committee have already sent to the press for distribution the opinion entertained by one of the most enlightened of Governor-generals of Europeans in India, upwards of 20 years ago, given in refutation of similar attempts to depreciate British people. Other measures of vindication will doubtless follow. To dwell therefore no longer on this painful view of this and the connected sections, the committee

committee report it as their opinion, that if such a law were passed, its immediate effect as respects indigo factories would be, that employment in them would be avoided by respectable persons, both Natives and Europeans; the existing proprietors would desire as early as possible to disengage their capitals; depreciation of the value of factory property would instantly take place, and this new law would have brought on new evils, the magnitude and importance of which cannot be foreseen. Appendix, No. 2.

It may be as well to quote from a very miscellaneous correspondence some of the remarks on section 14. The Dacca committee says:—"The committee view with alarm the Draft Act in substitution for Act IV. of 1840, it being their opinion that the magistrates have at present most ample powers for preserving the peace, and that the power of ordering planters or zemindars to dismiss their servants, with which it is proposed to invest them, and which would be attended with no beneficial results, is highly dangerous, especially in the hands of young men, from among whom magistrates are at present chosen. The experience of all our members is, that when the magistrate is a man of intelligence, temper and judgment, he can manage a district with the laws at present in force, but when otherwise, vesting him with higher powers would merely increase his means of doing mischief and creating discontent."

The Jessore committee says:—"We consider that the power to be given to magistrates (in section 14) is so totally opposed to the rights and interests of capitalists in the Mofussil, that it would tend to check all investment of capital therein. Let us suppose the common case of a factory gomastah through whom advances had been made at the commencement of manufacturing operations: thousands and thousands of rupees are given to this man, and upon him entirely depends the planter's reliance to work off his indigo plant; should this man be dismissed by a summary order of the magistrate, through perhaps a false complaint made by a private and secret enemy, the planter might be utterly ruined. Or suppose an assistant in charge of an important division of a valuable concern, which, from his having superintended it for years, he is well acquainted with, but for which a new assistant would for some months be useless. How easy it is to see the ruinous consequence that would incur from an order by a magistrate to dismiss the assistant, and it may be added, nothing could be more arbitrary and cruel. It would be thus to deprive a man of his very means of existence, for who would dare employ a man objectionable to the authorities? Another suppositious case might be given, changing the locality. Were the same power conferred upon a Calcutta magistrate, what would be the position of a mercantile firm were they ordered to dismiss their most valuable assistant, whether European or Native, at a moment's notice? When it is notorious that false charges are quite as common as true ones, and easily provided, such a law as is now proposed would cause incalculable injury. A factory might be closed, the collection of a zemindary might be stopped by a careless order of the magistrate."

Section. 15. The committee reports on this section with mingled feelings of surprise, sorrow, and indignation; surprise, because it appears to them to have reference to a supposed state of things which really has no existence. Where, the committee asks, are the "club men," the "fighting men," and "others," thus designated as a criminal population? It may be said if the offence supposed does not exist, the law will have no application. But it is eminently adapted for misapplication. This committee is not aware of the existence of any other clubs than the bamboo stick, in the native language a lattie, and in many districts it is the habit of the whole population to carry them; of necessity every concern has an establishment armed, so to say, with latties; therefore club men, therefore fighting men, and of necessity employed, because there is no public police which can in any degree be depended upon. In every agricultural and commercial concern in the Mofussil, the house and premises require a protective force, formerly a much greater force than at present; without private guards the property of various kinds, often a good deal of treasure, would not be safe; such is the state of the country, that no proprietor could safely send about the messengers or peons without a club or lattie for self-defence; such then being the case, how is this lawful employment of club men, to adopt the exaggerated phraseology of the Act, to be distinguished from the unlawful? How is the intent to employ them unlawfully to be established? It may be replied in the 14th section, the magistrate must "see reason to believe it." But the question returns, "see by what means and by what evidence?" And what is it that he is to see? "reason to believe" the existence of what? Of an "intent." Thus we have thoughts, imaginations, internal conceptions, in other words "intents" evidenced by nothing but the possession of a stick or lattie brought within the criminal jurisdiction of magistrates.

The penalty imposed by the 15th section has justly been animadverted upon, with a mixture of indignation and ridicule. For every person "engaged" with intent "to facilitate" riot, the employer or hirer is to suffer imprisonment not exceeding six months, or at the magistrate's discretion, a fine not exceeding 200 rupees, which might thus be made at the pleasure of an informer to amount to lakhs of rupees, or to imprisonment for a couple of centuries.

If any further means are necessary for the better prevention of affrays, this committee thinks the proper measures are indicated by Mr. Forlong. "The truth," says that gentleman, "however really is, that if there is a determination to put down the possibility of any breach of the peace in a district where European settlers are numerous, and large capital employed, a chief magistrate of never less than 15 years' standing in the service, and with a character for both energy and discretion, must be employed with powers much more extensive than magistrates have hitherto held, giving him a well paid European staff, and this would make an affray impossible, and could give reasonable offence to no one. Or, if

Appendix, No. 2.

this plan is too expensive, appoint such a magistrate as I have named, and give him the support of some of the best men in his district as justices of the peace, a simple and most inexpensive way of making the law more powerful; for every man who would accept such an office, and be sensible of the dignity conferred upon him, would be still more alive to the degradation and shame any improper or partial exercise of his duty would to a certainty entail, and such men may be had if they are sought for. At present, the whole machinery a magistrate has to depend upon is corrupt beyond belief; and to give more power without more experience to exercise it, and more truthful and active vigilance to detect all the tortuous chicanery and deceit with which he is surrounded, is about the most incongruous determination which any sane body of men ever yet arrived at."

Section 16. Obviously lays open the whole class of natives who are employed as burkundazes and peons, and in that capacity are a useful and necessary class of servants, to false charges of having taken hire or otherwise engaged themselves for unlawful purposes, when, in fact, they have only been employed in, or engaged for their proper occupations.

Section 17. By an Act passed in 1845 (Act 5), commonly called the Mochulka Act, powers, than which greater are difficult to conceive, were given to magistrates to take security against anticipated breaches of the peace, and this committee is of opinion, that that Act is sufficiently comprehensive to embrace all cases in which the security of a Mochulka should be required to be given. This section appears chiefly intended to abolish the necessity or practice of calling at least for some evidence as a ground for requiring security to be given, and in the place of evidence it puts the report of a police officer as credible information. The credit given judicially to the reports of darogahs, is one of the peculiar features of the East Indian Company's system, and a source of the greatest bane to the population. On those who can pay, they are used as the means of systematic extortion, and on the poor, of oppression. To give further effect to police reports is only to aggravate an evil, the enormity of which can be understood only by those who have actual experience and are within the sphere of its influence.

Under the Mochulka Act it is not legal, this committee believes, to arrest in the first instance; butthis section authorises the arrest in the first instance, without notice or summons. The Jessore committee remarks :—" With reference to the power to be given to magistrates, to issue a warrant for arrest, even before an answer is asked for, we can only say that the law will be a most arbitrary and harsh one, which no civilised people should be subjected to, and certainly most unfit for Englishmen." This committee entirely concur in this observation. Without wishing to make any distinction to the disadvantage of native proprietors and other natives in the Mofussil, it is obvious that in case of criminal or unlawful intention, the native, if he chooses to avail himself of them, has opportunities which are not possessed by an European. For example, the European is the head of a large concern, or of some known branch of a large concern, and generally his presence at his place of business is indispensable; the native establishment cannot go on without him. There is no place of pilgrimage to which he can go, a couple of hundred or a thousand miles off, as may suit his fears, his devotion, or his inclination, and where he may be lost in the multitude of his countrymen, or become sacred in their estimation, while a grave suspicion or charge is hanging over him,— no such place is open to the European. His property also, whether his own or managed by him, is known; by habit he is indisposed, by the English law which applies to him he is incapacitated, to put it into the name of a third person, or convert it into a benami, as the native may, and in that shape secure it from attachment. These peculiarities in the condition of the European are considerable, and with reference to them this committee think that a discretionary power to arrest in the first instance, for the mere purpose of requiring security, ought not to be given; and that in any case the conditions under which an arrest may be made should be expressly stated and strictly defined, whether in respect of natives or Europeans.

Section 18. Gives the power of pardoning accomplices in cases of riot and affray, and thereby only multiplies the opportunities, already too numerous, of perjurors in the Mofussil to sell their services, by offering to confess being accomplices in an affray which never in fact happened, and thus they may at once get up and prove a charge of an offence altogether unreal. This is only one of many consequences likely to flow from this extension of the power of pardon. Besides, in the opinion of this committee, it is not the interest of society thus to make light of the prerogative of pardon, even if great abuse of it were not probable.

Section 19. Applies in terms "to persons who may be proved to be in the habit of engaging themselves for the purpose of aiding the commission of riot or affray," and extends to them an old regulation regarding budmash, &c., which has already placed the rural population much in the power of the police, and has been perverted to great oppression.

A case has been reported to the Secretary for the purpose of illustrating the operation of the regulation referred to. A factory chowkeedar, known by his employer to be a steady and good man, was reported by the darogah from some motive of spite, probably of some third person, and through the inducement of a bribe, to be a budmash, and the magistrate, solely on the credit of the darogah's report, required him to give security for 100 rupees, with one surety, which of course a man whose wages were only 2–8 per month, and all his possessions not worth 10 rupees, could not do; on default of this he was imprisoned for one year; at the end of which he was again required to give security, which he could not do, and

and on report of this default he was further ordered to be imprisoned for two years. To this second imprisonment the sanction of the judge was necessary, and was given as a mere matter of course, such cases never being dealt with judicially. Without entering therefore into any detailed criticism, the committee regards section 19 as open to the most serious of all objections, viz., that it increases the power of darogahs and other police over the population. It empowers a darogah to report a man whose occupation is the lawful one of a chowkedar or burkundaz or durwan to be a person proved to be employed for the commission of riot or affray, and the man is ruined, taken from his wife and children, who of course are thrown abroad to swell the ranks of pauperism or crime.

Your committee has now rapidly reviewed the several clauses of the Bill. From the haste with which this task has unavoidably been performed, many of its defects have doubtless escaped them, but enough appears to induce them to put on it their most unqualified condemnation in all its parts and as a whole. Has Act IV. failed to confer the benefit for which it was certainly designed and apparently adapted? Undoubtedly it has, and that it has is confessed on the face of the Bill. Why has it failed? Certainly not from any limitation contained in it on the powers conferred by it on the magistracy: yet the chief remedy which this Bill affords is the aggrandizement or increase of the powers of the magistracy. Why, then, the committee repeats the question, has Act IV. failed? Certainly not from the too narrow and restricted limits of the criminal code of the East India Company: yet another chief remedy of this Bill appears to be the bringing into the category of crime things never brought under criminal judicature before. And while the Bill thus extends the definition and enlarges the catalogue of crime, it in a still greater degree extends the power and influence of the native police, which is notorious for the abuse of power. This committee therefore is of opinion that the present Bill will aggravate all the ills which it may be designed to prevent, will create new ones, and the committee recommend that the Society take all the means in its power to prevent its passing, and that with this view a Petition should be addressed to the Legislative Council, and a Memorial to the Honourable the Lieutenant-Governor of Bengal, and that deputations should wait on the Governor-General and Lieutenant-Governor to the like end.

W. Theobald, Secretary.

The above was communicated to the Bengal Chamber of Commerce; and was acknowledged by the Secretary of the Chamber in the following letter:—

Sir, 28 October 1854.

I am instructed by the Committee of the Chamber of Commerce to acknowledge the receipt of your letter of the 25th instant, accompanied by a printed abstract of proceedings of a meeting held on the 20th instant, to receive a Report of a Special Committee upon a Government Bill "for the more effectual Suppression of Affrays concerning the possession of Property."

The proceedings of that meeting have been observed by the Committee with no ordinary interest, and I am desired to assure you that its co-operation shall not be wanting upon any occasion where its services may be called for, and can be rendered available to obtain the abandonment of a legislative enactment restricting the liberty of planters and others, and conferring dangerous powers upon Government officers of inadequate experience.

Appendix, No. 3.

Appendix, No. 3.

FORT WILLIAM—HOME DEPARTMENT.

REVISED RULES for the Examination of Assistants in the Lower Provinces of the Bengal Presidency.

EXTRACT from a DESPATCH from the Government of India to the Honourable the Court of Directors in the Home Department, dated the 23d December, No. 95, of 1853.

Revised Rules for the examination of assistants in the Lower Provinces of the Bengal Presidency.
Home Cons. 23 Sept. 1853, No. 1 to 8.

7. In continuation of our letter, No. 89, dated 2d December, we have the honour to forward copies of certain revised rules passed by the Government of Bengal, for the examination of assistants in the Lower Provinces of the Bengal Presidency.

8. Copies of these rules have been furnished to the Local Governments and to the Foreign Department.

EXTRACT from the PROCEEDINGS of the Most Noble the Governor-General of India in Council, in the Home Department, under date the 23d September 1853.

Nos. 1 to 3.

(No. 1618.)

From the Under Secretary to the Government of Bengal, to the Officiating Under Secretary to the Government of India, Home Department; dated Fort William the 29th August 1853.

Sir,

General.

IN continuation of the papers which were submitted to the Government of India with this office letter, No. 881, dated the 21st April last, I am directed by the Most noble the Governor of Bengal, to forward the enclosed two printed copies of the revised rules for the examination of assistants in the Lower Provinces.

I have, &c.
(signed) *W. G. Young*,
Under Secretary to the Government of Bengal.

Fort William, 29 August 1853.

REVISED RULES for the EXAMINATION of ASSISTANTS.

(No. 4.)
Enclosure.

I. *Half-yearly Examinations of Assistants.*—A half-yearly examination of assistants, liable under these rules to examination, shall be held in each division in the months of March and October of each year. The examinations shall be held at the station which is the head-quarters of the Commissioner of the division; or, subject to the permission of Government, at any other station in the division which that officer, on each occasion, may appoint.

II. *Two Qualifying Standards.*—At these half-yearly examinations there shall be two standards of qualification, according to one or other of which the assistants shall be examined. An assistant must be examined and found qualified according to the first standard, before he will be vested by Government with the special revenue powers described in section 21, Regulation VIII. of 1831, or the special judicial powers described in clause 3, section 2, Regulation III. of 1821. An assistant who has been found, at some previous examination, qualified according to the first standard, must be found qualified according to the second standard before he will be considered by Government capable of holding the full powers of a Joint Magistrate, or the full powers of a Deputy Collector.

III. *Effect of passing by each Standard.*—An assistant who has passed according to the first standard of examination, and who has been six months at a station as an assistant, will usually be vested with the special powers when recommended for such powers, in the usual manner; but an assistant, though passed according to the second standard, will not be vested with full powers until he shall have been, at least one year, exercising the special powers of an assistant in the Judicial Department.

IV. *Assistants with full Powers must pass.*—The Government will promote to a joint magistracy and deputy collectorate of the second grade no assistant of those who have been already vested with full powers, who shall not have been examined under these rules,

rules, and found qualified according to the second standard. All assistants will be promoted, under ordinary circumstances, in the order of their passing the examination now prescribed, according to the second standard of qualification.

V. *What Assistants are to be examined.*—All assistants who have not passed according to the first standard of qualification fixed by the present rules, and who have been more than six months at their stations as assistants, shall be subjected to half-yearly examination. And all assistants who have passed according to that standard, but have not passed according to the second standard, and who have been more than two years at their station as assistants, shall be subjected to half-yearly examination. All other assistants, who have not passed according to the second standard of qualification, may be examined at any half-yearly examination, with the special permission of the Commissioner of their division previously obtained. Assistants examined under these rules will draw the usual travelling allowance to and from their respective stations.

VI. *Central Examination Committee.*—The Government will constitute a committee, to be called the Central Examination Committee, by whose instructions the Commissioners shall be guided, and with whom they shall correspond on all matters connected with these half-yearly examinations. The Central Examination Committee will consist of one judge of the Sudder Court, who shall be president thereof, and of one member of the Board of Revenue, both nominated by Government; also the registrar of the Sudder Court, the secretary to the Board of Revenue, and such other members as the Government from time to time may appoint; a secretary to the Committee will be nominated by Government.

VII. *Duty of the Central Examination Committee.*—It shall be the duty of the Central Examination Committee to fix on every occasion the half-yearly examination days, which shall be the same for every division. But, subject to the direction of the Government, the station at which the examination is to be held shall be left to the determination of the Commissioner. It shall be the duty of the same committee to prepare beforehand for each examination sets of questions, to be put to the assistants under examination, a sufficient number of copies of each of which sets shall be forwarded to each Commissioner in a sealed packet, not to be opened until the moment of examination. The Central Examination Committee from time to time shall lay down such rules as may appear to them best for the guidance of the Divisional Committees, in order to ensure a fair and uniform method of fixing the degree of attainment upon each point of examination which the several assistants examined may reach.

VIII. *Divisional Examination Committees.*—At the station in each division where the examination is to be held, the Commissioner of the division shall constitute on each occasion a committee consisting of public officers, to be called the Divisional Examination Committee, whereof he shall be president, and the judge of the station, if not absent on leave, shall be a member.

IX. *Duty of the Divisional Examination Committees, and Reports of the Examinations.*—The examinations shall be conducted by the Divisional Examination Committees, who, after due deliberation, in respect of each assistant examined, will record the result, stating their opinion as to whether the standard of qualification has been attained or not, which result, in case of difference of opinion, will be determined by a majority, and shall deliver the record to the Commissioner. The Commissioner shall transmit the record to the Central Examination Committee, with his own report, wherein he shall state his agreement or disagreement with the Divisional Committee in each case. The Commissioner will be responsible for the fairness, impartiality, and proper strictness of the examination. The written answers of the assistants, and the other papers written by them either in the vernaculars or in English, shall be forwarded with the record. The Central Examination Committee, after taking all the reports into consideration, and perusing any of the examination papers that it may seem to them proper to peruse, shall report to Government the names of such assistants as, in their opinion, have proved their qualifications according to one or other of the standards in force, noticing especially, in the order of their merit, any assistants who, with reference to the length of their residence in India, may have passed with great distinction.

X. *Principal Object of the First Standard.*—The principal object of the first standard of examination shall be to test the proficiency, for practical purposes, of the assistant, in the vernacular language of his district. For this purpose, at least, three papers which he has never seen before, taken from official records very much at hazard, and written by different persons in a plain running hand, must be read aloud by the assistant correctly, and without great difficulty; and after being read aloud, their contents must be correctly explained by him in English. An English judgment, or other official paper, to be furnished by the Central Committee, must be translated by him into the vernacular without assistance. The translation must be substantially correct in meaning, and intelligible to a native; tolerably correct in grammar and spelling, and free from any very bad errors of idiom. He must dictate off-hand, with some fluency, the translation into the vernacular of an English report, or other official paper, also to be furnished by the Central Committee, whereof the translation will be written down exactly as dictated. The dictated paper must in like manner be intelligible and substantially correct. He must then be tested in conversation with two or

Appendix, No. 3.

three natives, in such manner, and to such extent as shall suffice to satisfy the Committee as to the degree of his power of understanding natives of different classes, and of making himself understood by them, both in common conversation and in the usual course of cutcherry business. An assistant must pass successfully through every step of this branch of the examination, in order to qualify according to the first standard.

XI. *Second Object of the First Standard.*—The next object of the first standard of qualification shall be to test the assistant's general acquaintance with the leading principles of the systems of revenue administration and criminal justice, and especially with so much of the laws and rules of procedure as it is necessary for an officer to know, in order to exercise properly an assistant's special powers in both departments. For this purpose, a revenue and a judicial set of questions shall be furnished by the Central Committee. These questions should be so framed as not to involve points of difficulty or rare occurrence, and to show rather the possession or the want of a general and intelligent acquaintance with the subjects of examination, and the fundamental laws applicable thereto, than of a knowledge of a string of points of detail, and dates of orders, which may be soon learned for the occasion, and are generally as soon forgotten again. These questions must be all answered without book.

XII. *Third Object of the First Standard.*—The next object of the first standard of examination shall be to test the power which the assistant may have acquired to deal with conflicting arguments and evidence, in actual cases. For this purpose, two decided cases, with the final proceeding in each withdrawn, which the assistant has never before seen, one from the Collector's and one from the Magistrate's office, of the nature of cases made over to assistants with special powers, shall be given to the assistant. The papers may be read over to him by a native officer, and the explanation of any difficult word or phrase may be asked for and given in the vernacular, the circumstance being on each occasion noted. The assistant may now refer to all his books, and may take his notes as the case is read over. At the conclusion of each case, he must write in English a brief but precise description of the case, and a decision upon the question or questions at issue, with a sufficient statement of the grounds on which it is founded.

XIII. *Fourth Object of the First Standard.*—The last object of the first standard of examination shall be, to ascertain how the assistant has been employed, and how he has done his duty at his station. For this purpose, the Collector and the Magistrate under whom he has been employed, shall furnish the Committee with a report upon these points. It shall be the duty of such officers, who may have an assistant without special powers under them, to make over to him frequently cases for report which are beyond his competency to decide. The reports shall be written in English, on one side of a sheet of paper, and after the case is decided, the officer who decides it shall note, on the other side of the sheet, his remarks upon the report. These reports, with the notes thereon, shall be submitted to the Divisional Examination Committee. Such officers shall also require their assistants to make English minutes of the cases given to them for decision, which minutes also shall be submitted to the same Committee; but these reports and minutes need not be sent up to the Central Examination Committee. The opinion formed of them by the Divisional Committee, however, shall be entered in the record submitted to the Central Committee.

XIV. *Provision for enabling all to acquire Bengallee.*—Assistants who have not passed according to the first standard in Bengallee will not be returned in a Hindoostanee district more than a year. Assistants in Orissa may pass according to either standard, either in Bengallee, or in the cognate Oorya language, at their option.

XV. *Second Standard.*—The second standard of examination shall be similar in its nature to the first, but more difficult in degree. In the vernacular portion of it, the reading of a common office running hand must be tolerably ready; the papers selected as tests should be of a more difficult description of office papers; the translation, dictation, and conversation should be fluent, generally correct, and readily intelligible, and the assistant should be tested in his power of explaining himself clearly, and with sufficient propriety, in the vernacular, in an argument or topic of some difficulty, such as may occur in official business. In this examination it will be necessary for the assistant to pass in both vernacular languages, Bengallee and Hindoostanee. The test here described shall be strictly enforced in respect of the language of the district where the assistant is stationed at the time of examination. But an allowance will be made for want of familiarity in the other language. In that other language, however, the first standard of examination must be decidedly surpassed at this examination. The questions of law and practice should be selected from the whole field of the duties of a Magistrate and Collector, but they shall be arranged in two classes, one class comprehending important and leading points, in answering which no books shall be allowed; and the other class, comprehending less general, and less common points in answering which assistance of books shall be allowed. No guides, digests or summaries, however, shall be permitted to be used, the assistant being confined to the original laws, circular orders and constructions. The object of this class of questions is to test the assistant's knowledge of where readily to find the law or practice on the less common points that arise in business. In preparing these questions, nice and difficult points should be avoided, the object being not to evoke subtlety or ingenuity, but only to ascertain whether the acquisitions and capacity of the person examined are adequate to enable him to perform fitly the important functions of an Indian Magistrate and Collector, or not. The trial cases

should

should be selected from those possessing enough of complexity to test the assistant's ability to master all ordinary difficulties, and especially to test his power of minute attention to, and just appreciation of evidence. Appendix, No. 3.

XVI. *Object of the Second Standard.*—It shall be the object to make this second standard such that a man who has passed a college examination, being of ordinary understanding and capability, who fairly applies himself with proper diligence to his business, and makes it his daily object to familiarise himself with the languages of the country, may pass it after two or three years of mofussil experience.

Appendix, No. 4.

PAPER put in by Captain *John Ouchterlony*, 15 June 1858. Appendix, No. 4.

LETTER from *H. Williams*, Esq., to the Rev. *F. A. Dawson*.

My dear Mr. Dawson, Jubulpore, 3 May 1858.

Your very kind letter of the 19th March only reached me last evening, and as the mail leaves to day at 4 P.M. I have but a very short time indeed to answer the questions therein put regarding the resources of these territories. The principal articles of export are cotton, lac, hemp, wheat, gums, iron, and gall-nuts.

Cotton.—About 100,000 maunds leave this annually for Mirzapore, where it is again sold to the agents of Calcutta houses. I have never dealt in the articles myself, as the cotton grown in these territories fetch a lesser figure in the Calcutta market than that grown about Calpee, Bandah, &c. Not that the cotton itself is in any way inferior, but because the natives never take the trouble to pick the cotton from the tree, but they allow it to ripen and fall to the ground; and when they see a good deal lying there, they sweep it up into bags, and send it into this for sale. In ordinary seasons cotton sells for about six and seven rupees per maund of 80 lbs; at present it is very high, the rebellion having put a stop to the cultivation. 3,571 tons.

Stick-lac.—I do not know the exact quantity of this article collected annually in these territories, but it must be very large. As the Mirzapore lac-dye makers draw nearly the whole of their supplies from this and Raepore, on the Nagpore territories, I should say that 50,000 maunds was a low estimate of the export. 1,780 tons.

Hemp.—Along the foot of the ghats large quantities of hemp is grown annually, and the cultivation could be carried to any extent. In 1849 Messrs. Thompson & Co., the rope-makers in Calcutta, wrote to me to purchase and send them a supply. At that period I had difficulty in getting 500 maunds. Since then I have extended the cultivation, and last year I sent 14,000 maunds* to Calcutta for sale. With sufficient capital, and enterprising agents, hemp sufficient for the whole consumption of England could be grown within the Saugor and Nerbudda territories. Dr. Royle, Messrs. Harton & Co., Thompson & Co., and others, pronounce the hemp equal to the best Russian. Some bales I took to England with me in 1853 were sold by Messrs. Remie & Co., London brokers, for, I think, 28 *l.* or 30 *l.* per ton. The principal thing required to make the hemp trade a large and profitable one, is capital to advance the growers, and good European assistants to sort the hemp. Mr. Wilkes, the broker of Liverpool, told me that the low figure all Indian fibres fetched in the English market was in consequence of the careless way in which the bales were put up, long and short fibres being mixed indiscriminately; and that he was certain if only the same care was taken in sorting and picking the hemp as that adopted by the Russian Government, that the hemp grown in these territories would realise an equal value in the English market. If supplied with a capital of 50,000 *l.* I would undertake, in three years, to turn a dividend of 25 per cent. upon it, by the cultivation of export of hemp alone. My present agents in Calcutta sell the hemp to the European ropemakers there at eight and nine rupees per maund. Having devoted 10 years to the cultivation, cleaning, and exporting of hemp, this is the only branch of business that I should like to connect myself in any way with. * (of 80 lbs.) = 500 tons.

Wheat.—What can I say about this? At this present moment the finest wheat in the world, worth in Mark-lane 60 *s.* per quarter, is selling here at six "coorahs," or 120 lbs. for a rupee. Why should a man work, say the natives, when he can earn sufficient in 10 days to feed him and his family for a month. Unfortunately, carriage is not procurable to export grain in any quantities; and, until railways are made, grains of all kinds must remain cheap. About 1 ½ bushels for 2 *s.*, or say 12 *s.* per quarter.

Appendix, No. 4.

Gums, Wax, Gall-nuts, &c., are all procurable in large profusion throughout the length and breadth of the land, for collecting.

Iron.—It would require a month to draw up a memo. only of the mineral resources of these territories. Iron, coal, copper, plumbago, and emery are known to exist in abundance, but only iron has been worked to any extent by the natives. There are about 1,200 smelting furnaces at work round Jubulpore; but as the furnaces are small, and worked by hand-bellows, the quantity turned out is only sufficient for the consumption of the country within a radius of, say, 50 miles. The iron itself is considered by competent judges equal to the best Swedish iron. Messrs. Hunt & Elmsley applied to Government for a lease of the iron mines near here, with the intention of erecting large foundries for the casting of chairs for the railroads, but the rebellion appears to have put a stop to this also, as I have not heard anything of it of late. I am just now sending specimens of the different iron ores to Mr. Graham, of the railway department at Nassick. Reports by different officers during the last 20 years on the iron and coal mines in these territories, are lying in the commissioner's office here. The best plan to make the resources of these territories available would, in the first instance, be to raise a capital by forming a small company. By sending out three steady men to commence first with the hemp, one a secretary, bookkeeper and manager, one on, say, a salary of 20 *l.* per month, a sorter of hemp, who would continually superintend the sorting, picking, and packing of the hemp, and one man to proceed to the different districts during the season, to make advances, collect the hemp, and send it into Jubulpore. These two latter men ought to have salaries of, say, 100 rupees each per mensem. This would make the expenditure 500 *l.* per annum for European supervision, and about 500 *l.* more would be required for native establishment, tentage, &c. First year they would get 500 tons, and every year it ought to double in quantity, and improve in quality, if men of persevering and business habits were sent out, and men who had been brought up in ropewalks and hemp-brokers' establishments. Europeans could carry on any description of business in Central India, but only as overseers of natives. Europeans cannot work in the sun, at any manual labour, for six months in the year; and they would do a great deal more good by superintending what the native does, and trying to engraft into the native system any European experience they may bring out with them, than in attempting to do anything in the way of manual labour themselves.

Until railroads are made from this to Bombay, all produce must find its way to England *viâ* Calcutta, as the land carriage *viâ* Bombay is too expensive. But when the railway to the latter-mentioned place is completed, of course Bombay will be the outlet for all the produce of these territories, it being so much nearer England itself, and the dangers of the river Hooghly navigation being avoided. Mr. Graham, of Nassick, writes me that the contracts for the railway to Jubulpore are out, so that it is more than possible that in three or four years we shall have a line running from Bombay to this, as the ground from here to Candeish, they say, is a dead level, with little or no engineering difficulties.

You must kindly excuse this hurried epistle. I would have drawn out a report with care had ample time been allowed, but to meet your wishes this cannot be done, so I send it rough, and trust it will answer the purpose for which it is intended.

Believe me, &c.

(signed) *H. Williams.*

Appendix, No. 5.

PAPERS put in by Captain *John Ouchterlony*. Appendix, No. 5.

STATISTICAL MEMOIR of a Survey of the Neilgherry Mountains.

Soil.

The soil of these mountains,* speaking of course chiefly of the plateau, is for the most part exceedingly rich and productive, a circumstance for which the observer would not be prepared on witnessing the granitic or sienitic base upon which it rests, since it is usually seen that granitic districts are bleak and barren, owing to the resistance to decomposition offered by the silicious materials of which it consists.

This advantageous contrariety may perhaps be accounted for by referring the formation of so much rich soil to the existence of the numerous dykes of rock whose decomposition is more favourable to its production, especially those of trap and hornblende, the decomposed particles of which, mixing with the quartzose and clayey products of the granite, result in the formation of a soil peculiarly adapted for cultivation.

The great mass of the hills also has evidently been under grass, and undisturbed by the plough or the mamotie † for ages, and as the frosts which occur at the close and beginning of the year in most parts kill the grass down to the roots, all this decomposed vegetable matter, washed in by the succeeding rains and mixing with the subsoil, continues and has continued season after season to increase its richness, and cause it to penetrate further and further into the poorer sub-soil, until the extraordinary depth of rich black mould, which is often observed in the cuttings of a new road, is produced.

The finest patches of land are naturally found on the lower slopes or second steppes, in situations where the conformation of the country has favoured the accumulation of soil washed from the hills above, and especially where forests have aided to retain that soil from further denudation by their roots, and have for ages nourished it by their leaves. The chief agricultural tribe on the hills, the burghers, seem well aware of this, and the consequence is, that in all parts where they cultivate, the face of the country is entirely clear of wood.

Want of lime.

The chief defect of the soil of this district is the absence of lime, but a very minute quantity of which enters into the composition of the greater part of that under general cultivation at the present time, and as it is too costly an article to be brought up from the plains to be applied as a dressing to the land, considerable deterioration must be going on in its productive capacity. I have remarked that the finest fields are those which are situated near any considerable mass of hornblende rock, and hence it is to be inferred that the superiority of the soil is due to the lime which it receives from its decomposition. Specimens of this hornblende reduced to powder and digested in dilute nitric acid, give a copious precipitate with oxalate of ammonia, showing upon estimate (for I had not the means of collecting and weighing the precipitate) a proportion of at least 8 to 9 per cent. of lime entering into the composition of the rock.

Drained swamps.

The extensive and numerous swamps which occur on the Neilgherries also, when drained, furnish most valuable soil, either for cultivation *per se*, or for top dressing for poor land. But in this latter form it is never used by the hill cultivators, who are very backward in the knowledge of the uses and properties of particular manures, as will be treated of under an ensuing head, viz., " Modes of Cultivation."

Natural aspect.

The Neilgherry mountains constitute one of those singular features presented in the physical geography of Southern India, of comparatively isolated masses upreared amidst the vast plains which extend over the surface of the country, pointing either to foci or points of ancient volcanic eruption by which they have been formed, or to evidences of the wearing agency which has reduced the surrounding tracts to their present remarkably uniform level state; while mountain masses, forming a core of tougher substance, and of material less prone to decomposition, have resisted the corroding action, and have been thus left in the form of isolated and mural precipices, towering above the surrounding country.

The summit or plateau of these mountains presents a most varied and diversified aspect. Although the land extends over its limits in ceaseless undulations, approaching in no instance to the character of a champagne country, and frequently breaking into lofty ridges and abrupt rocky eminences, it may yet, speaking in general terms, be pronounced smooth and practicable to a degree seldom indeed, I believe in no instance, observed in any of the mountain tracts of equal elevation which occur in the continent of India.

On all sides the descent to the plains is sudden and abrupt, the average fall from the crest to the general level below being about 6,000 feet on all sides, save the north, where the base of the mountains rests upon the elevated land of Wynaad and Mysore, which, standing

* The Neilgherries. † A native hoe.

Appendix, No. 5.

standing between 2,000 and 3,000 feet above the level of the sea, form as it were a steppe, by which the main fall towards the sea is broken. From both of these elevated tracts the Neilgherries are separated by a broad and extensive valley, through which the Moyaar river flows, after descending from the hills by a fall at Neddiwuttum, in the north-west angle of the plateau; and the isolation of this mountain territory would be complete but for a singular sharp and precipitous ridge of granite peaks which projects out from the base of a remarkable cone, called Yellamullay, on the western crest of the range, and taking a west-by-north course towards the coast, unites itself with the hills popularly called the "Western Ghauts."

The Koondahs.

In the south-west angle of the Neilgherries a singular mass of mountains rises, called the Koondahs, which though in point of fact a portion of the great hilly region, are so completely separated from the "Neilgherries proper" that they merit the distinct appellation they have received. Spurs from this secondary range run to the southward to a considerable extent, almost as far as the Ponany river, and it is in the innumerable vallies bounded by these ridges that the magnificent virgin (forest) land is found, of which I made mention in a former memoir, and which, as being eminently well suited for the purposes of coffee and other cultivation, will, I feel convinced, shortly be the means of rendering this district one of the most valuable and important under the Presidency.

Remarkable scarcity of forest.

The Neilgherries, or rather the plateau formed by their summits, are by no means densely wooded, the forests occurring in distinct and singularly isolated patches, in hollows, on slopes, and sometimes on the very apex of a lofty hill, becoming luxuriant and extensive only when they approach the crests of the mountains, and run along the vallies into the plains below. This absence of forest in a region in which from its position between the tropics, from the abundance of moisture, and from the great depth and richness of the soil, the utmost luxuriance in this respect would be looked for, is very remarkable, and leads me to conclude that vast tracts of primeval forest land must have been cleared to make room for cultivation at no very distant period.

This belief is strengthened by the fact, that in all parts of the hills, which are exclusively the resort of Todars, such as the elevated land to the north and west of the Pykara river, the whole of the Koondahs, the north-eastern portion of the plateau, called Kodanaad, and other tracts where no cultivation is at present carried on, extensive forests are found.

Dodabetta range.

The principal internal range on the Neilgherries is a lofty mass, situated in the heart of the district, and running north-west and south-east, the great mountain called "Dodabetta," the highest on the plateau (being 8,610 feet above the level of the sea) being the apex, and from it all the minor ridges and spurs which form the undulating land of the Neilgherries may be said to take their rise, with the exception of the "Koondahs" which have a distinct origin, and of a singular elevated tract forming the north-west portion of the hills, which is distinctly connected with the Koondahs by a narrow ridge under Makoorty Peak. From the Dodabetta range to the eastern foot of the Koondahs the land falls continuously, when these mountains, abruptly rising, obtain an elevation very little below that of Dodabetta itself.

Atmosphere and climate.

Owing to the great elevation at which the inhabited summit of the Neilgherries stands, and the consequent rarefaction of its atmosphere, aided doubtless in some degree by the beneficial influence of the luxuriant vegetation which clothes them, the district, although distant only 11 degrees from the equator, enjoys a climate now famed for its great salubrity and remarkable evenness in its seasons, with a temperature which falls in the coldest month of the year to the freezing point, and seldom in the hottest reaches 75° in the shade. In stating this, I of course refer to the general circumstances of temperature which prevail, for seasons have of course occurred during which, from particular atmospheric causes, the mercury may have risen occasionally above this estimate. The coldest season is during the months of December and January, and the hottest about April and May, though this latter season is not so certain, depending mainly upon the character and time of setting in of the rainy or south-west monsoon. The hottest period of the day is about two o'clock or 2h. 40m. p.m., and the extreme range of temperature from sunrise to that time averages most commonly 16° throughout the year. The variation is of course the greatest at the time of frost, viz., January and December, when the extreme radiation which goes on during clear nights produces excessive cold towards sunrise, after which the sun's rays shining, with great fierceness through the rarefied atmosphere, speedily restore heat to the earth, and the temperature of the air rises in proportion. Similar causes, reversed in their action, necessarily produce sudden and great cold after sunset, rendering the climate at this season (and indeed at all seasons, more or less) one in which the most healthy residents, and especially those who have recently come under its influence, stand in need of caution in their mode of encountering its vicissitudes. For the reasons alluded to, I would venture to remark that very early and very late parades, according to the practice of the plains, will be found injurious to European troops located on these hills, and especially to those men whose constitutions have been worn by long residence in a tropical climate.

Coldest months, December and January. Hottest months, April and May.

Ootacamund, 7,300 feet above the level of the sea.

The chief station, Ootacamund, from its superior elevation (7,300 feet above the level of the sea) is more exposed to this unfavourable action than the two minor stations, Coonoor and Kotergherry, which are each 6,000 feet above the level of the sea; although these latter are by no means exempt from the same influence, especially during the cold season, as will be seen by the tables appended to this memoir. A very great advantage enjoyed by the Neilgherries as a sanitarium exists in the means which are afforded to an invalid to select

Choice for invalids of three distinct set-

select the peculiar kind of climate which best suits the malady under which he is suffering; by the existence of three settlements, each under medical charge, situated in different parts of the range, each having a different aspect, and each a climate peculiar to itself; that of Ootacamund being the coldest, but most damp, Khotergherry the next in the scale, and that of Coonoor the warmest. Thus an invalid whose habits or state of constitution render the change from the torrid heat of the plains to the penetrating cold of Ootacamund too great and sudden, has the opportunity and option of acclimatising himself at either of the minor stations before exposing himself to the vicissitudes of climate which await him on the highest level.

tlements, enjoying each a different climate.

The climate of the Jakatalla valley, which I had occasion to recommend to the Most Noble the Marquis of Tweeddale for the site of the projected barracks for a European regiment of infantry, and which has, I believe, been approved of by Government, will, I think, be found a happy medium between those of the chief and lesser stations. It is well sheltered from the dry, cutting northerly winds, which cause so much sickness in Ootacamund during the months of March and April, by the high Dodabetta range which bounds the valley to the northward; and the rains of the south-west monsoon, though they of course visit this part of the hills, are by no means so incessant or accompanied by so much driving mist as is experienced during the same season at Ootacamund. This monsoon (the south-west) sets in on the hills during the month of June, and is ushered in on the western side, including Ootacamund, by heavy rain and violent gales of wind. The station of Coonoor gets the monsoon at the same time, but with less rigour, owing to the clouds which come charged with rain from the westward being attracted to the earth, and induced to discharge their contents by the opposition offered to their flight by the high spurs which run out from the Dodabetta range, and interpose between the west and Coonoor.

The Valley of Jakatalla well sheltered.

Enjoys a very even and temperate climate.

The Kotergherry station is also very favourably protected from the violence of the south-west monsoon by the Dodabetta range itself, which stands out like a huge wall to screen it. The average fall of rain, the chief part of which occurs on the hills during this monsoon, cannot be called excessive, especially when compared with the visitations in this respect experienced in the neighbouring province of Malabar.

Kotergherry sheltered and healthy.

The constant shifting of abode from spot to spot which the duty of conducting a survey necessarily entails, has prevented me from keeping a register of the actual amount which has fallen in every month of the year, except in 1847; but from such observations as have been made when opportunity offered, I am led to believe that about 60 inches is a fair quantity to assign as the average fall of rain throughout one year at Ootacamund, 50 inches at Kotergherry, and 55 inches at Coonoor. The north-east monsoon sets in generally in the beginning of October, and is often accompanied by rain, more or less, all over the hills, but especially on the east side and at Kotergherry, which, from its position, is exposed directly to its force. The month of December is generally very stormy, and often fatal to a large extent to the lives of the hill cattle, and to the bullocks and other beasts of burthen employed to bring produce from the plains. The cold easterly wind blowing through the light rain which is continually falling, and striking upon the wetted skins of the animals, produces a degree of intense cold, which soon destroys them, and by these means serious inroads are yearly made upon the herds of the hill inhabitants, by whom their loss is not readily replaced. Annexed to this memoir are various tables extracted from the Meteorological Register kept in the Survey Office at Ootacamund and Kotergherry, which will show all particulars regarding the changes of temperature, the fluctuations and oscillations of the mercury in the barometer, as shown at the hours of maximum and minimum pressure (9 h. 50 m. a. m. and 4 p. m.) temperature of wet bulb, direction of the wind, aspect of the sky, &c.

The Neilgherries are occasionally, but by no means frequently, visited by violent storms or hurricanes, so rarely indeed, as to excite surprise and speculation as to the cause of this exemption, when its isolated and exposed situation in the Peninsula is considered. Upon this and other points of interest connected with the meteorology of these hills, much light will doubtless be thrown by the observations now regularly conducted in an observatory recently erected on Dodabetta, under the auspices of Mr. Taylor, the Honourable Company's astronomer at Madras, in which an instrument for measuring the force of the wind, and other valuable adjuncts to a meteorological observatory, have been placed.

Hurricanes very rare on the Neilgherries.

During the prevalence of the south-west monsoon the atmosphere is almost continuously charged, more or less, with dense mist, enveloping chiefly the mountain tops, but descending into the inhabited vallies as the warmth of the day passes, and spreading in heavy and impalpable fog in all directions. When not under this influence, the atmosphere overhanging these mountains is brilliantly clear and cloudless, and especially so on the eastern side of the range.

Appendix, No. 5.

TABLE showing the AVERAGE TEMPERATURE, &c., throughout the Year, on the Neilgherry Hills.

	MONTH.	MEAN TEMPERATURE. At Sunrise.	At 2 h. 40 m. P. M.	At Sunset.	* Mean Range of the Thermometer. Sunrise to Sunset.	Rain in Inches.	REMARKS.
		Deg.	*Deg.*	*Deg.*	*Deg.*		
At OOTACAMUND, 7,300 feet above the level of the sea.	January -	42	63	58	21	1	Cold north-easterly winds prevail.
	February -	44	65	60	21	1	Ditto - ditto - ditto.
	March - -	49	68	63	19	2	Ditto and dry ditto - ditto.
	April - -	54	68	63	14	5	And dry - ditto - ditto.
	May - -	54	68	63	14	6	Commences to vary to south-west.
	June - -	53	64	59	10	8	South-west monsoon sets in; strong wind.
	July - -	52	62	57	10	7	South-west and west winds blow.
	August - -	52	62	57	10	6	Wind begins to vary to west and north-west.
	September -	52	62	56	10	7	Wind north-west, and, towards end, north-east.
	October -	51	62	56	10	9	North-east and easterly winds prevail.
	November -	49	61	55	12	5	North-east winds blow, fresh, clear.
	December -	45	60	55	15	3	North-east winds blow, often violently.
				TOTAL - - -		60	Inches of rain.
At KOTERGHERRY, 6,100 feet above the level of the sea.	January -	51·5	66	60	15	2	North-east and north-west winds prevail.
	February -	52·5	67	63	15	3	North-east and north-west winds; rain very uncertain.
	March - -	54	67	63	13	6	Winds variable, north-east to south-east.
	April - -	56	68	64	12	10	Winds variable, north-east to east and south-east; rain uncertain.
	May - -	56·5	68	64	12	2	Winds from north-east to north-west and west.
	June - -	58	69	65	11	2	Winds from north-west to south-west; rain variable.
	July - -	60	70	65	10	4	South-west monsoon winds, but light and variable.
	August - -	60	71	65	11	2	North-west winds prevail in this month.
	September -	59	69	64	10	2	North-west winds, veering to west.
	October -	56	68	63·5	12	10	North-west winds, light and variable.
	November -	54	67	61	13	2	North-east winds, veering to north-west.
	December -	52	66	60	14	5	Wind generally from the north, gusty.
				TOTAL - - -		50	Inches of rain.

* From want of a maximum and minimum thermometer, I have not been able to record the extreme range of the thermometer during the 24 hours.

The

Appendix, No. 5.

Productions.

The resources of this highly-favoured region are as diversified and valuable as they appear easy of attainment, and comparatively inexhaustible. With a climate and soil such as have been described, great productive powers in the vegetable kingdom, and a proportionately high developement of them, would naturally be looked for. That the latter is wanting to a lamentable degree is to be accounted for by the wretched system of husbandry pursued by the agricultural tribes who have settled upon the Neilgherries, as also possibly in some degree by the absence of that encouragement which would be produced by the institution of some channel through which the products of their industry might reach a ready, certain, and ever-demanding market.

Wheat.

I commence the long list of productions which the Neilgherries are capable of supplying with wheat, as one of the most important, and as one, moreover, which the Honourable Court of Directors appear at the present time to be much interested in collecting data regarding, from all districts in India capable of producing it.

In making up the returns of the gross quantities of grains of all sorts produced in the district, I have taken the totals of each from the Seebundy accounts of 1847, or fusly 1257, as rendered orally in the cutcherry. From these it appears that in 1847, 70 "vullums" of land were cultivated for wheat, each vullum producing on the average 400 "kolagums." This "kolagum," which is a measure peculiar to the hill tribes, contains 226 cubic inches, and hence the quantity produced was 3,000 bushels, or 375 quarters. The weight of a kolagum of average wheat (husked) is, I find, 7 lbs., hence the bushel of Neilgherry wheat weighs $68\frac{3}{5}$ lbs., or a quarter $548\frac{4}{5}$ lbs., avoirdupois. A "vullum" of land is equivalent to 2 cawnies, 21 grounds, and 864 square feet. Hence the total quantity of land cultivated for wheat at the present time is 202 cawnies, or 267 acres, and the produce is $14\frac{7}{10}$ bushels per cawny, or $11\frac{1}{8}$ bushels per acre. The return in moderately good land cultivated for wheat is 40 to 1, or 40 bushels reaped for 1 bushel sown.

That the quantity of wheat at present produced on the Neilgherries could be very greatly increased there cannot be a doubt, provided a better system of husbandry were introduced, and better seed imported from Europe and distributed amongst the agricultural tribes; and as recent distressing circumstances in Great Britain appear to have directed the attention of the Home Government to colonies which are thought capable of producing this grain in sufficient quantity to assist in relieving the mother country from her present hazardous position of dependence upon foreign States for her supply, I shall venture to offer a few further remarks, before closing my notice of this important item in the chapter of natural productions.

Neilgherries and Koondahs well suited for the growt of wheat.

The whole of this hill district, including the Koondah mountains, is eminently well suited in point both of soil and climate for the production of wheat, but as the last-mentioned tract is not yet surveyed, it must at present be lost sight of, although I feel confident it will be found on examination to furnish a very important addition to the gross amount of land estimated as suitable for the cultivation treated of, and which at present lies totally waste and useless.

The quantity of land thus lost to the State I calculate to amount to no less than 200,000 acres, as is shown by the following statement:—

	Square Acres.	Square Acres.
Total content of the geographical surface of the Neilgherries - -		268,494
Of this quantity there are now under cultivation, including lands lying fallow - - - - - - - - - -	31,434	
Pasturage to be reserved for the cattle of the Todars at the exaggerated rate of 200 acres per 100 head (less than 40 per 100 being allowed by the Revenue authorities in the calculation for assessment), for an average of 2,000 head of buffaloes will be - - - - - - - - -	4,000	
Pasturage to be reserved for the cattle of the burghers, consisting of buffaloes and bullocks, averaging 8,000 head, at 100 acres per 100 head - - - - - - - - -	8,000	
Land occupied by the cantonment of Ootacamund, future barracks, roads, &c. - - - - - - - - -	6,000	
Village sites, sacred groves, &c. - - - - - - - -	2,060	
Tracts of rocky ground, morasses, and other land not immediately fit for cultivation (although these might well be considered as compensated by the gain of surface introduced through the undulations of the land) - - - -	17,000	
Deduct - - - - - - - -		68,494
And there is a remainder of - - - -		200,000

200,000 acres of land lying waste on the Neilgherries, exclusive of the Koondahs.

acres entirely unoccupied and waste, being either covered with forest, or lying under grass not required for pasturage.

Under a better system of cultivation, also, it would not be necessary to suffer so large a proportion of the Burghers' cultivated land to lie fallow at one time as is at present in that condition, amounting, in round numbers, to 17,000 acres, out of a total of 31,500 acres of cleared and arable land.

Appendix, No. 5.

Of the forest land every acre is of course peculiarly well suited for wheat, and, being virgin soil, it should produce, under proper management, large crops of the very finest grain.

The same may be said of swamps, when drained; but as potatoes are found to thrive well in the soil which their drainage produces, such land in a farm would naturally be reserved for stock produce, and an allowance has therefore been made for this in the estimate.

Making, however, exaggerated deductions on all accounts, there yet remain no less than 200,000 acres of unallotted and unemployed land, of which, at the very lowest estimate, one-half, or 100,000 acres, may be taken as fit for the production of wheat, under a proper system of husbandry, allowing a sufficiency of well prepared manure, an occasional dressing of lime, and exercising proper judgment in allowing it to lie fallow, or changing crops, according to its condition and composition of soil.

It has been already stated that the Burghers obtain from their wheat lands a quantity of grain equivalent to 11 ⅛ bushels per acre, but as the depth to which they plough their fields never exceeds seven inches, and for the most part is barely six, and as they give them only the most meagre allowance of sun-dried and exhausted manure, never exceeding (as far as I have been able to ascertain by counting the baskets brought, and measuring spaces of land dressed with it) half a ton per acre, and this not ploughed well into the ground, but merely scraped into the surface furrows, and as they never supply the land with what from the composition of the soil it so much needs, viz. lime, it may be safely assumed that under a proper system of tillage this amount of produce could be at least trebled, or at a very low estimate four quarters of wheat could be obtained from one acre.

I may therefore safely affirm that this district is capable of furnishing for export to Europe from 400,000 to 500,000 quarters of wheat of a quality far superior to that which is at present raised, and at a cost sufficiently low (the distance to the nearest shipping port being only 110 miles, 36 miles of which are performed by water) to admit of large profits being realised by the growers, even when the price in England is so low as 65 *s.* a quarter.

The following is an estimate of the cost to the Burghers of the cultivation of wheat per English acre, ascertained with as much exactness as circumstances and the deceitful character of the people, who seldom adhere to the truth in any of their statements, have admitted of:—

Estimate of the expense of cultivation of wheat to the burghers.

ESTIMATE.

	Rs.	*a.*	*p.*
Ploughing: five ploughs, with two bullocks and one driver, in three days' plough, one vullum of land (= 3 ⅓ acres). The keep of the bullocks costs nothing, as they get nothing but grazing; the expense is therefore the hire of 15 men per vullum, or four per acre, at two annas	–	8	–
Collecting weeds and grass, and burning them, two boys at one anna	–	2	–
Bringing and spreading five baskets of manure, one man at two annas	–	2	–
Sowing seed and turning the soil, five ploughs to one vullum or six men, which is one and a half men per acre, at two annas	–	3	–
Seed wheat, two and two-thirds kolagums, at two annas and eight pice per kolagum	–	7	–
Repairing fences and clearing channels to carry off rain, one man	–	2	–
Reaping and thrashing: the expense of the first is covered by the straw, and the last costs nothing, as it is performed by the bullocks, which are driven round and round a post to tread out the grain.			
Assessment, at the highest rate	–	14	9
Cost per Acre *Rs.*	3	–	9

RETURN.

	Rs.	*a.*	*p.*
105 kolagums of grain, which are sold at two annas eight pice	17	8	–
Deduct cost of cultivation	3	–	–
Profit to the cultivator, per acre *Rs.*	14	8	–

It is true that out of this we must take the "goodoo," or tribute which they give to the Todars, and which may be considered in the light of rent for the land; but this is not much; they profess to give two-fifths, but I have reason to believe, both from the statements of the Todars and of the Burghers themselves, that what they actually make over as "goodoo" is not above one-half of this proportion, if even so much, especially in the item of wheat, which is so profitable to them.

It may not be considered out of place to introduce here a statement of the expense of keeping horses and cattle, and of carrying on farming operations generally on the Neilgherries.

Horses

Horses cast from the artillery and cavalry, when castrated, might answer very well for the plough; they may be purchased at from 100 to 200 rupees. Appendix, No. 5.

Plough horses.

	Rs.	*a.*	*p.*
Two horses would require one horsekeeper, at seven rupees per mensem	7	–	–
And (until the farm yielded hay) two grass cutters, at four rupees per mensem	8	–	–
Food: gram, two seers per day for each horse $4 \times 30 = 120$ seers	7	–	–
barley, two ditto ditto $4 \times 30 = 120$ „	4	–	–
Shoeing, one rupee each per mensem	2	–	–
Halters, cumblies, salt, medicines, &c., one rupee per mensem	2	–	–
Total per mensem *Rs.*	30	–	–

which is 18 *l.* per annum per horse.

Spade husbandry.

A cooly can dig in one working day in new meadow ground about 25 to 30 square yards, one foot deep, his pay being two annas; children employed to weed receive one anna per day; native farm servants, gardeners, &c., receive five rupees a month; herdsmen for cows, goats, &c., four rupees a month; keepers for bullocks, employed to bring supplies or carry produce to the coast or to market, receive five rupees a month, at the rate of one keeper to every five head of cattle; a good carpenter receives half a rupee a day; a good bricklayer receives half a rupee a day.

Lime.

Lime in an unslaked, caustic state, can be delivered on a farm on an average of distance from the high roads, at the rate of 12 annas per bullock-load of about two bushels.

Bones.

Bones could be obtained from the low country for the cost of collecting in the villages and conveying up the passes.

Barley.

Next in importance in the class of productions is barley, the quantity of which raised during the past year far surpasses that of wheat. In 1847 it amounted to 1,419 vullums, each vullum producing on an average 400 kolagums, making a total of 60,383 bushels, or 7,548 quarters, taking the imperial bushel, as before, at 2,218 cubic inches, and the kolagum, by my measurement, at 226 cubic inches. The barley grown on the Neilgherries is divided into two kinds by the Burghers, the first and best being "sheemey ganjee," or English barley, so called from its being the degenerate produce of English seed, given to the head burghers many years ago by, I believe, Mr. Sullivan, when Collector of this district; and the other, "malley ganjee," or hill barley, which they describe as indigenous to the hills. The quality of both sorts is very poor, nor is this much to be wondered at when their defective mode of cultivation is witnessed, and the great deterioration of the grain which naturally results from the constant employment of the same seed in the same land over and over again, without any change or any attempt at the introduction of imported or mixed seed. The weight of a kolagum of ordinary barley is 5 ½ lbs., which gives 54 lbs. for the weight of a bushel, and 432 lbs. for that of a quarter. The return in moderately good ground is 50 per cent. under that of wheat, being only 20 measures of crop for one measure of seed.

The yield per cawny is 14·7 bushels, or per acre, 11·12 bushels; and the total amount of barley cultivation is, in cawnies, 4,109, or, in acres, 5,433.

Beer.

Before quitting the subject of barley, I cannot refrain from adverting to one immediately connected with it, and which I deem of so much importance, that although I am not sanguine in my hopes that Government may be induced by any representation made by me to institute experimental proceedings with a view to test the feasibility of the scheme, I still consider it my duty to place on record in this memoir the results of experiments which I have had favourable opportunities of making, under the impression that a time must sooner or later come when this, amongst many other valuable resources of these hills, will be fully developed and taken advantage of.

I allude to the subject of fermented malt liquors, which can be made on the Neilgherries with the greatest facility in all the details of the process, and at a cost so trifling as to enable the commissariat to supply the European troops at the three stations more immediately in the vicinity of the hills, viz., Bangalore, Trichinopoly and Cannanore, with both ale and porter, at a rate, calculated on an extreme estimate, not exceeding 10 annas per imperial gallon, delivered to the men from the cask in the canteen, or 2½ annas per quart, equivalent to 3½ *d.* per pot.

Can be made and sold at Bangalore at 2½ annas per quart.

Independent of the importance, both in a moral and economic point of view, of supplying to the troops a liquor which, from its goodness and cheapness, will induce the majority to prefer it to ardent spirit, the subject becomes still more entitled to consideration, from the advantages which must result from its successful issue when the projected measure for the permanent location of a regiment of European troops on the Neilgherries shall be carried out; for, as the chief item in the estimate of cost is the carriage from the brewery to the station in the plains, beer will be supplied to those resident on the spot at a greatly diminished rate.

Malt.

A very favourable opportunity will also be offered for bringing the project into practical operation when a regiment is stationed on the hills, because amongst the men many brewers and maltsters by trade will no doubt be found, and by the practical knowledge of these men many difficulties in the details of the process, which experimentalists like myself encounter, will

Appendix, No. 5.

will be speedily overcome. An inspection of the tables of temperature, given in the Appendix to this Memoir, will at once show that the first part of the process of the manufacture of beer, viz, the conversion of barley into malt, can be carried on here as well as in any part of Great Britain; for although the range of the mercury may appear so great as to endanger the success of the process by causing the germination to proceed too rapidly, this evil can be readily averted by placing the malting floors in buildings with thick stone or even mud walls, covered with thatched roofs elevated considerably, so as to deflect the rays of the sun, and preserve an even and low temperature throughout the day. The temperature found most suitable to malting in England is about 60° to 62°, and this degree of heat could be maintained without excess in malting sheds on these hills throughout at least nine months in the year.

Temperature well suited for malting and fermenting.

Average temperature of the Neigherries, 62°

Quality of barley very inferior.

I must observe, however, that the barley grown here is so poor in quality, so light in the grain, and containing in a given measure so large a proportion of husk in excess of what the same quantity of English barley would produce, that the malt made from it yields in the mash but a very disproportionate quantity of saccharine matter, rendering it necessary to employ raw sugar as an adjunct to produce a wort of sufficient strength. But this, which might elsewhere be considered an objection on the score of expense, is here of easy remedy, since in the immediate vicinity of the Neilgherries, viz., in Mysore, excellent sugar is manufactured in great abundance, and at a rate so low that at this present time, February 1848, it is being sold in the bazar of Ootacamund at *Rs.* 3. 12. per maund of 25 lbs. weight, being equivalent to 33 *s.* per cwt. Formerly, a prejudice existed against the employment of sugar in the manufacture of beer, but as it is now seen that the permission to introduce it into breweries in England, which has been recently granted by the Legislature, is regarded by the public as a signal boon, it must be self-evident that since this important article is, comparatively speaking, indigenous to the spot, cheap, excellent and abundant, and as the climate is in all respects eminently well adapted for carrying on the process of vinous fermentation as well as that of malting, that beer and porter can, under proper management, be produced on the Neilgherries in every respect as wholesome and good as that now imported from England, and at a cost less by one-half, even including cartage to the station where it it is o be consumed.

Sugar cheap and good.

I beg leave to observe, that in advancing these remarks, I do not base my expectations and assurances on mere surmise or theoretical views of the subject, but upon the results of actual experience, as I have now brewed several casks of beer without a single failure in the principal parts of the process, viz., malting, fermentation, and fining, while its quality has been much approved of by many persons who have tasted it, amongst whom I may enumerate Mr. Drury, the senior member of the Board of Revenue; Captain Bell, secretary to the Board; Major-general Kennett, Lord Gifford, General Gibson, with many others. In consequence of the success which attended my early experiments, in conducting which I employed malt prepared by myself from hill barley, with hops and dried yeast imported from England, and my confidence in the success of the scheme, if entered into by Government, I addressed a letter to the Commissary-general upon the subject, communicating such details as seemed of interest, and offering to carry on further trials on a small scale, at my own expense, if a copper could be supplied to me temporarily on indent from the Commissariat stores. I also sent samples of some beer which I had brewed, but which had an unpleasant taste communicated to it, owing to my having employed "gour" or "raw jaggery" in the brewing in place of refined sugar, without taking the precaution of cleansing it from the dirt and gummy matter with which this article is generally contaminated. I was not so fortunate as to receive a reply to this letter (beyond a message through a third party), and this absence of encouragement prevented me from following the matter further; but I may add, that for my own use I continue the manufacture with a success which convinces me that it is only necessary to extend the scale upon which my operations are carried, and to secure practical knowledge in the more important details of the process, to ensure the most complete realisation of my anticipations regarding the vast benefits to be derived by this item in the list of productive resources of the Neilgherries.

Good beer has been brewed on the hills by the writer of this Memoir.

Samples sent to the Commissary-general.

No answer received.

The following is an estimate of the cost of ale brewed here, from actual experiment. In England to make a hogshead (66 gallons) of strong ale intended for export to the tropics, the brewers use 6 bushels of malt and 6 lbs. of hops. Now it has been ascertained, since the introduction of sugar into British breweries, that 180 lbs of moist sugar are equivalent to 1 quarter, or 8 bushels of malt. If, therefore, both malt and sugar are employed in equal proportions, the hogshead will require 3 bushels of malt and 72 lbs. of sugar; considering the hill malt to be 100 per cent. inferior to English malt, I made use of 6 bushels of malt and 72 lbs. of sugar.

Estimate of the expense of manufacturing malt liquors.

Estimate for brewing.

ESTIMATE.

	Rs.	*a.*	*p.*
6 bushels of barley, or 60 kolagums, at 12 kolagums per rupee -	5	–	–
72 lbs. (3 maunds) of sugar, at 4 rupees per maund - - -	12	–	–
7 lbs. of hops imported from England - - - - -	7	–	–
Fuel for kiln-drying malt, and boiling - - - - -	1	4	–
Proportion of labour in steeping barley, turning malt, drawing water, brewing, &c. - - - - - - - -	2	–	–
Sundries - - - - - - - - -	1	4	–
Cartage to Bangalore (1 cask a load) - - - - -	9	–	–
TOTAL - - - *Rs.*	37	8	–

A hogshead

A hogshead should run 60 gallons of clear beer, hence $Rs.\ \frac{37\frac{8}{60}}{60} = 10$ annas per imperial gallon for the gross cost.

This estimate might be reduced in many of its items if a Government brewery were established here upon an extended scale. In the first place, all the yeast produced would meet with a ready sale in Ootacamund, for the bakeries which are now dependent on the low country for a supply of toddy, with which bread is fermented all over India, and which, having to travel a considerable distance before it reaches the settlement, is often found to have passed into the stage of acetous fermentation, rendering it either unfit to make bread with, or causing the bread to have an unwholesome and bad taste. A large quantity of yeast would also be daily required for the bakehouses of the European regiment located here. The estimate for hops, at 1 rupee per pound, delivered here, is far too high, as, if sent out by the Home Government in quantity, they could not possibly stand in at the brewery at so high a rate; and the cost of labour would be diminished if a large quantity of beer were brewed daily.

Yeast much wanted on the hills for making bread.

I would further beg leave to dwell upon the importance to this district of the establishment of such a manufacture upon a large scale in a revenue point of view, which, from the great demand it would create for barley, would soon lead to the reclamation of the greater part of the waste but rich lands, which are now left untouched through want of stimulus to the industry of the hill tribes, and also, as it appears to me, in some measure to the want of hands to till them; a deficiency which would, however, be speedily remedied by immigration from Mysore and the plains around. In fact, were it not for the assumption of absolute right over all the lands, waste and cultivated, which are situated on the plateau of these hills, by the Todas, burghers and Kothers, there is no doubt that many low-country people who came up here seeking employment as coolies, would form settlements, and permanently locate themselves wherever they could obtain possession of land to bring under cultivation. Should Government at any future time see fit to create an establishment on these hills for the manufacture of beer, it would be very advisable, and indeed in the first instance, almost indispensable, to connect with it a Government farm to serve as a model for the introduction of improvements in husbandry, both in regard to ploughing and dressing the land, and in the preparation of good manure, a department of the farmer's profession of which the hill agriculturists appear to have no knowledge whatever. Good seed must be sent from England and distributed amongst the burghers, upon whose exertions the stimulus of a premium, in the shape of a higher price for barley of a superior description, would doubtless soon produce a beneficial effect, while imitation of the system pursued by the employés of Government in the management of the farm lands would also, it is to be supposed, lead to the adoption of more civilised notions and practice of agriculture than are now to be found prevailing in any part of this rich but ill-appreciated hill tract. In this climate Europeans might, with perfect safety as regards their health, go through all the out-of-doors labour which falls to the lot of farming men in England. They do so in New Zealand and Port Adelaide, where the climate is unquestionably less temperate than here; and as on the Neilgherries the actual exertion of European bodily strength would only be required at particular seasons of the farming year, such as in the direction of the plough and the use of the scythe, while superintendence and instruction of the native labourers would alone be required on the part of a European in conducting the minor details of a farm, I cannot but think that in many respects a far finer field is offered on these hills to the emigrant farmer from home than is met with by the many who flock to the Australian settlements.

The revenue improved by the increased demand for barley for malting.

Advisability of establishing a Government farm for the purpose of promoting and improving the cultivation of wheat and barley.

Europeans can labour in the day-time on the Neilgherries.

Here cooly labour is very cheap, 2 annas or $2\frac{3}{4}$ *d.* a day being the regular rate of pay for a working man who can perform any duty pertaining to spade husbandry, and undertake all the duties of a farm which in England fall to the lot of the common labourer, such as hedging and ditching, trenching, hoeing, reaping, stacking, thatching, &c. &c. A shilling a day or half a rupee is the pay of a bricklayer or carpenter; men to look after two horses receive 14 *s.*, or 7 rupees a month; cowherds 4 *s.* or 5 *s.*, and all other labour in proportion. These advantages, coupled with those presented by a ready and ever demanding market for such articles of produce as wheat, barley (oats if raised), clover, hay (of which article an immense quantity would be consumed in Ootacamund, if it was procurable), turnips, potatoes (Ceylon offering a very favourable market for this vegetable), butter, eggs, and stock of all descriptions, both for butcher's meat and for salting for ship use, would surely, it is to be supposed, tempt many indigent farmers to this hilly region whose necessities impel them to emigrate from the mother country, but whose steps are stayed by the warnings uttered by the many hundreds of their unfortunate fellow-countrymen who have hurried heedlessly out to the Australian colonies, only to meet with disappointment and ruin.

Labour cheap; two annas per day.

Should circumstances ever induce Government to establish a farm on these hills for the purpose of encouraging the growth and extending the cultivation of wheat and barley, I should recommend two sites for its location; one on the elevated tract of land to the westward of the Pykara river, commencing at the north-west angle of the plateau near Neddiwuttum, and extending southward to "Makoorty Peak," the whole of which may be said to be uninhabited, there being only seven small Todar munds situated in it, and these not all occupied, while the soil is, for the most part, excellent, pasturage abundant, and the land covered in many parts with fine forest, rendering the tract (which contains about 12,000 acres) admirably adapted for the purpose which I venture to suggest.

Site recommended for a Government farm.

To the westward.

Appendix, No. 5.

Kodenaad.

The other site is a fine tract of land, forming a sort of promontory in the north-east angle of the plateau of the hills called "Kodenaad," which is equally uninhabited, having only three occupied Todar munds within its limits; the soil good, and forest abundant, many fine wooded valleys extending through it, and offering a most eligible locality for a farm. The tract contains about 7,000 acres.

Other dry grains produced.

The other grain productions of the Neilgherries are ragghee, samee, koralle, tenney, buttacuddoley (a kind of peas), shanungee (a kind of gram), garlic, onions, kudagoo (mustard seed), vendium, opium and potatoes. Almost all the grains enumerated are raised solely for home consumption; and, excepting korallie, for which about 1,200 vellums of land are cultivated yearly, the quantity of each which is produced is insignificant.

I may, therefore, refer for further particulars regarding them to the accompanying "Statement," in which is set forth the total quantities of land cultivated and of grains produced, the ratio of return of crop to the seed sown, the selling prices of each, and the rates of assessment. The information upon which the Table has been formed is derived from the revenue accounts for 1847, and although the average of produce and return is rather a high than a low one, it may I think, generally speaking, be pronounced as correct as it is possible to make a return of its description in a district where the site of cultivation is so perpetually shifting, as is the case on the Neilgherry Hills. From the data given in the Statement, it will be apparent that where the cost of labour is so low as it is here, considerable profits must be realised by the cultivators.

Profit per acre to the growers on potatoes, wheat, poppy, barley.

In the items of potatoes, wheat, poppy and barley, we find that, after deducting the assessment and the cost of seed, there remains respectively as profit, and for repayment of the expense of cultivation—

	Rs.	*a.*	*p.*
On one acre of Potato land - - - -	54	3	3
„ Wheat „ - - - -	16	–	–
„ Poppy „ - - - -	8	10	–
„ Barley „ - - - -	5	13	7

These are estimated upon the prices obtainable on the hills.

STATEMENT

STATEMENT of the AGRICULTURAL PRODUCTS of the NEILGHERRIES, in 1847—Fusly 1256.

NAME OF PRODUCTION.	Quantity of Land Cultivated.			Produce.		Ratio of Return of Crop from Seed.	Gross Amount Produced.			Average Selling Price.			Rate of Assessment.								
		Equivalent.						Equivalent.			Equivalent.		For Good Land.				For Inferior Land.				
	In Vullums.	In Cawnies.	In Acres.	In Kolagums per Vullum.	Equivalent in Bushels per Acre.		In Kolagums.	In Bushels.	In Quarters.	Per Kolagum of 2 Seers.	Per Bushel.	Per Quarter.	Per Vullum.	Equivalent.			Per Vullum.	Equivalent.			
														Per Cawny.		Per Acre.		Per Cawny.		Per Acre.	
										Rs. a. p.	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*		*Rs. a. p.*	*Rs. a. p.*	*Rs. a. p.*		*Rs. a. p.*	
Wheat -	70	202	267	400	11·12	40 to 1	28,000	2,978	372	– 2 8	1 9 –	12 8 –	3 8 5	1 3 6		– 14 9	2 5 7	– 12 9		– 9 10	
Barley -	1,419	4,109	5,433	400	11·12	20 „ 1	567,600	60,383	7,548	– 1 1	– 10 2	5 1 4	3 8 5	1 3 6		– 14 9	2 5 7	– 12 9		– 9 10	
Raggee -	105	303	400	400	11·12	80 „ 1	42,000	4,468	558	- not brought to market -			2 – 11	– 11 5		– 8 8	– 14 1	– 4 10		– 3 8	
Samee -	364	1,052	1,391	300	8·4	60 „ 1	109,200	11,617	1,452	- -	- -	- -	2 – 11	– 11 5		– 8 8	– 14 1	– 4 10		– 3 8	
Koralley -	1,289	3,724	4,924	200	5·6	10 „ 1	257,800	27,425	3,425	- -	- -	- -	2 – 11	– 11 5		– 8 8	– 14 1	– 4 10		– 3 8	
Tenney -	102	294	385	300	8·4	30 „ 1	30,600	3,255	407	- -	- -	- -	2 – 11	– 11 5		– 8 8	– 14 1	– 4 10		– 3 8	
Buttacudaley	83	240	317	200	5·5	40 „ 1	16,600	1,766	221	– 2 8	1 9 –	12 8 –	2 – 11	– 11 5		– 8 8	– 14 1	– 4 10		– 3 8	
Shanungee -	55	159	210	300	8·4	30 „ 1	16,500	1,755	220	– 2 8	1 9 –	12 8 –	2 – 11	– 11 5		– 8 8	– 14 1	– 4 10		– 3 8	
Garlic -	132	381	504	600	16·8	48 „ 1	79,200	8,425	1,053	– – 10	– 8 –	4 – –	3 8 5	1 3 6		– 8 8	2 14 7	– 12 9		– 9 10	
Onions -	31	90	141	700	20·	56 „ 1	21,700	2,308	288	– 1 1	– 10 2	5 1 4	3 8 5	1 3 6		– 14 9	2 5 7	– 12 9		– 9 10	
Mustard seed	122	352	491	300	8·4	150 „ 1	36,600	3,893	487	– – 10	– 8 –	4 – –	3 8 5	1 3 6		– 14 9	2 5 7	– 12 9		– 9 10	
Vendium -	67	194	256	200	5·6	100 „ 1	13,400	1,425	178	– 1 –	– 9 5	4 11 4	3 8 5	1 3 6		– 14 9	2 5 7	– 12 9		– 9 10	
Poppy seed	- -	- -	- -	100	2·8	100 „ 1	9,300	990	124	– 4 –	2 5 7	- -	3 8 5	1 3 6		– 14 9	2 5 7	– 12 9		– 9 10	
and Opium	93 - -	269 - -	353 - -	2⅗ lbs. per Vullum.		- -	242 lbs. Avoirdupois.			3 – –	per seer=*Rs.* 5 per lb.		included with the seed in the assessment.								
Potatoes -	49	141	186	600 Maunds per Vullum.		15 „ 1	29,400 Mds.=Cwt. 6,562			– 6 –	per Md.=*R.*1,,11p'lb.		7 – –	2 6 9		1 13 4	5 – –	1 11 8		1 5 –	
	3,981	11,510	15,220	Acres of land under cultivation.																	

Appendix, No. 5.

Salting pork, &c.

for produce; but if potatoes and wheat were exported, a much larger profit would be realised. Hence another promising opening to emigrants, in the form of an establishment for breeding and salting pork for ship use, as, since potatoes and barley can be produced at so low a rate, and a herd of cows kept for nothing but five shillings a month for a herdsman, with a per-centage to cover interest on outlay and casualties, it cannot be doubted that the meat cured in this climate would both prove of excellent quality, and return, by its sale at Bombay or other shipping ports, a considerable profit to the breeder and salter. Under any circumstances larger profits must be realised than those returned from the same market to the exporter from Europe, who has to breed his stock under all the disadvantages of dear food and labour, and cost of freight to its destined port of sale.

Hides.

Amongst the productions of the Neilgherries may be enumerated hides, both of the buffalo and ox, the former of which are especially prized in the low country for making soles of shoes, traces, and other articles requiring a strong and durable leather. The hide of the bull buffalo is considered far superior in value to that of the cow. I have not been able to ascertain what quantity of hides are annually collected and cured here for export, but it cannot at present be very considerable, as it will be seen by the returns in the Appendix that the total number of buffaloes and bullocks herded on these hills is, comparatively speaking, by no means large.

Opium.

Opium is produced on the Neilgherries to a small extent, and it appears that the burghers who cultivate the poppy pay more attention to the collection of the seed (which fetches a very remunerative price as an article of food in the bazaars) than to the extraction of the drug from the capsules of the plant. The total quantity produced last year was under 200 lbs. avoirdupois; but I have no doubt it could be increased very greatly if other cultivators could be introduced on the hills, as the burghers, slaves to habit, prejudice, and the love of ease, oppose themselves to any change or improvement which involves additional trouble or personal labour.

Poppy fields require some care, both in preparing and well manuring the ground before sowing, and in hoeing and irrigating it whilst the plants are young. Hence this kind of cultivation is only carried on in the immediate vicinity of their villages, where the fields can be attended to by the women and children, and where manure, such as it is, is more readily and with less trouble collected.

Neilgherry opium of very fine quality.

The opium extracted by the burghers from their poppies appears to be of exceedingly fine quality, and meets with a ready sale in the bazaars of Octacamund amongst the Mysore and Malabar coolies, and others in better circumstances, by whom it is eaten in its raw state, but never, as far as I can learn, smoked.

Having thus reviewed the more important articles of agricultural produce, I am induced, before concluding the subject, to hazard the remark that I cannot but consider that the lands comprising the plateau of these hills, so valuable from their capacity for producing grains, which cannot be cultivated in the low country which surrounds them, and which are so much needed for the public good, are, under the exclusive system which at present prevails, both misappropriated in their partial cultivation and wastefully neglected, inasmuch as that there is not drawn from them that full amount of benefit to the community which nature has so eminently qualified them to contribute. On looking at the "Statement of productive resources," it will be seen that out of 11,500 cawnies at present under actual cultivation, only 4,300 cawnies are devoted to the production of wheat and barley, while on all the rest of the land grains are reared which, with only one or two exceptions, are grown just as well, and far cheaper, in the plains below, and would be brought up and bartered for wheat to any extent, could this much-wanted grain be procured on the hills in greater quantity. It will scarcely be credited that this district, so peculiarly well adapted for the cultivation of wheat, actually does not produce enough to supply the bakeries of the principal settlement, for the use of which large quantities of a very inferior description of grain are imported from Mysore; while the minor settlements of Coonoor and Kotergherry are supplied with bread from Coimbatore.

The Neilgherries misappropriated and neglected.

Hill wheat certainly finds its way to the low country by being bartered by the burghers with the traders for cloths and other articles, but the quantity thus exported is insignificant, and bears no comparison with that imported from Mysore.

Silk.

There remain yet a few articles of plantation produce to be noticed, the oldest of which in the agricultural history of the Neilgherries is silk. There are several plantations of mulberry trees in various parts of the hills, for the breeding of the silkworm, with establishments for preparing and winding the cocoons, the silk produced by which has, I understand, been pronounced in London to be of a quality very far superior to any produced in the plains, either in Bengal or other parts of India, and what has been sent to England appears to have realised very high prices. The quantity produced, however, has hitherto been very insignificant, and I confess, as far as I am able to judge, the scheme appears a complete failure. The mulberry trees do not shoot out fresh leaves with that redundant luxuriance which distinguishes all other descriptions of vegetation on these hills; the weeding, watering, and pruning which they require involves much expense, the worms require the most delicate treatment, both in regard to food and temperature, any mismanagement of which entails destruction on myriads, and the quantity of cocoons produced is not in a sufficiently large proportion to allow the superior quality of the silk reeled from them to secure a profit to the planter.

Already one extensive plantation and worm and silk house at Coonoor has been given up, and I should think it will not be found that this description of cultivation will be extended by future settlers.

Numerous

Appendix, No. 5.

Numerous plantations of coffee trees are scattered about the hills, principally situated on the slopes descending to the plains where the elevation suitable for the growth of this shrub can be obtained. Until within the last two or three years coffee plantations were only found on the eastern side of the hills, but representations of the excellent quality of the berry and of the advantages attending its cultivation on the Neilgherries having been made in Ceylon, the attention of the skilful planters of that island was attracted in this direction, and the result has been the opening of several plantations where I ventured to predict in a former memoir that this description of cultivation would sooner or later be introduced, viz., on the western slopes of the hills, where advantages are offered to the planter eminently superior to those the possession of which has of late years so greatly enhanced the value and importance of the neighbouring island.

Coffee.

The chief of all is the cheapness of labour, a cooly receiving even on distant plantations in the "Koondahs" four rupees a month, while in Ceylon, eight, nine, and even ten are given; while in the pay of artisans, such as carpenters, sawyers, masons, &c., a still greater disparity exists in favour of this district. Second to this is the abundance of labour which can always be commanded here, the neighbouring provinces of Malabar, Mysore, and Coimbatore, supplying coolies in sufficient numbers to meet all demands and at all seasons of the year, while in Ceylon the utmost difficulty is experienced in most parts to obtain labourers when urgently required, and at all times the supply of coolies is extremely precarious. Planters here have also the advantage of a good public road passing through the heart of the forest land of the "Koondahs," and affording ready means for obtaining supplies, machinery, &c., or of sending away produce for shipment by a route of which less than 30 miles are by land, and 36 by water to the port of Calicut. One estate which was opened about two years ago near "Wallahkadoo," half way down the Koondah Ghaut, by the late Archdeacon of Ceylon, and Mr. Hutson, also of that island, and which I had an opportunity of inspecting recently on my way up from the western coast, is in a very flourishing condition, and has every promise of turning out most successfully. In its neighbourhood are tracts of virgin forest land of immense extent, stretching away over the innumerable spurs and valleys into which the koondahs are broken as they slope downwards towards the Ponany River, all eminently suitable for coffee planting, having the proper elevation, a good and rich soil, and enjoying a climate particularly favourable to the nourishment of this peculiar shrub. If the success which is looked for crowns the exertions and adventure of the first speculators, there can be little doubt that when the Koondah coffee appears regularly in the market as a production of this district, the attention of capitalists at home will be directed to it, and the western portion of this mountain tract become a source of great increase to the revenue of the country, while it will afford employment and subsistence to the many indigent people in the neighbouring provinces who at the present time suffer such privations from the want of it between the seasons of sowing and reaping the crops in the plains, and indeed for more than three-quarters of the year.

Cheap labour, 4 rupees a month.

Western slopes of the Koondahs well suited for coffee cultivation.

The other, or what may be called the old plantations in the other parts of the hills, but principally on the north-eastern slopes, are insignificant in point of size, but remarkable for the peculiarly fine flavour of the coffee produced, which is considered to be owing to the high elevation at which most of them are situated. Some plantations near Coonoor and Kotergherry are 5,000 feet above the level of the sea, but it seems to me that the advantage derived from this superiority of flavour is more than counterbalanced by the general want of vigour and luxuriance of the coffee trees, which evidently do not thrive in this latitude so well at an elevation above 4,500 feet, as between that and 3,000 feet. It is not easy to estimate the amount of land at present under actual cultivation for coffee on the Neilgherries, as in most cases the coffee fields are so mixed up with the mulberry-grounds, that it is difficult to arrive at the precise extent of each, but it may be pronounced not to exceed 280 acres on the eastern side, and 300 acres on the western. The general return of those on the eastern side, which are the only ones at present in bearing, is on an average about six to seven cwt. per acre, which is a remunerative rate under the prevailing circumstances of cheap labour; but the trees require manure to keep them up to this rate of bearing, and more care in pruning and managing than is bestowed upon them. Salt provisions may be mentioned as an article of produce of the Neilgherries, though the preparation of them is not carried on in an extensive way. Hams, bacon, salt pork, &c., are cured in the settlements, and sold at a cheap rate; some cured by European settlers being of excellent quality. I am informed that the Bombay Government were anxious some time since to enter into a contract for the supply of the Indian navy with salt provisions in lieu of those prepared for Government use in the unsuitable climate of Bombay; but the opportunity of establishing this branch of productive industry on a firm and regular footing was lost, owing to there being no person on the hills who could be induced to undertake the responsibility of so extensive an engagement. The feeding of stock, if connected with a proper farm on which to raise dry food and support cattle, could be carried on most economically here, especially as regards pigs, whose chief food, potatoes, is raised on the hills out of almost any soil, and with a most profitable return. There might be more difficulty in fattening oxen for the salting-tub, because the pasturage on these hills, though for the most part luxuriant, is rank and fibrous, and does not appear to produce fat or flesh in ruminating animals, except in the case of the hill buffalo, which alone thrives upon it; but as mangel wurzel has been tried, and seems to take very kindly to the climate and soil, this difficulty might be overcome by its introduction. A good English grazier also would soon exterminate the bad grass out of his land, and replace it by grass from good mixed seed from home, which experience (on a small

Plantations at Coonoor and Kotergherry too high.

Salt provisions.

Stock for salting could be fed economically.

Appendix, No. 5.

scale) has shown to thrive well on these hills. Clover and lucerne also flourish here, especially on lands not more than 6,000 feet elevated above the level of the sea; in fact, under a proper system there never could be any want of dry as well as green food for fattening stock, felt in this district.

Fuel likely to become scarce on the hills.

There is another subject which before closing this chapter I am anxious to draw attention to, and that is the supply of firewood obtained from the woods with which the surface of the hills is dotted. This may at a casual glance appear comparatively inexhaustible, but I am satisfied it is not so, and that to preserve in localities where it may be called available for general use a provision for future years some measures of conservation should be adopted, more especially should European troops, with the host of natives who will follow them, be permanently located on the Neilgherries. At present while hundreds of trees are being felled daily, not one is planted, and it is reasonable to anticipate that unless some system is adopted to conserve and renew the woods, particularly in the neighbourhood of the projected barracks, Government will before long be put to a heavy expense in supplying the troops with this necessary of life from a distance.*

Modes of cultivation.

The modes of cultivation adopted by the agricultural hill tribes have been already so frequently adverted to in the preceding chapter on productions, that it will be only necessary here briefly to review them. I have described their system of agriculture as radically bad, and it is so for these reasons: First, because the land is not properly ploughed. Secondly, because it is not properly manured and dressed; and, Thirdly, because no change is ever made in the seed which they sow in it, not even to the extent of bringing it from neighbouring villages, the burghers sowing the same seed over and over again in the same soil, until an inevitable deterioration takes place in the product.

Ploughs very bad.

The plough used is a most wretched implement, the share being almost invariably a piece of pointed wood of a tough description, hardened in the fire, and not shod with iron or any other metal. Owing to this, and to the clumsy form of the plough which gives the man at the tail but little power over the instrument; the land is not furrowed or turned up beyond a depth of six inches, and consequently fresh and unworked soil is never worked up to the surface, but the top soil is alone made use of. The consequence of this and other causes is, that they can take but one crop off their lands of wheat and barley, and are then compelled to let them lie fallow always for two, and generally for three years before they are again brought under the plough. Attempts were I believe made some time back to introduce cast-iron ploughs amongst the burghers, but of course without success, first, because of the obstruction which their prejudices opposed to the introduction of the novelty, and, secondly, because there were no Europeans to show them how to use them, or how to team their little diminutive cattle so as to enable them to drag them. It would be useless, therefore, to attempt to make them use a better description of plough until the means for instructing them in its use could be commanded; and here again we see the advantages which a model Government farm would present in the facility with which all such innovations upon their old vicious system could be practically illustrated and made available for those for whose improvement it was introduced. At present, instead of making one plough perform the work of furrowing the ground to the required depth, six or seven ploughs are employed, each following precisely in the track of its predecessor, the spike of the one deepening the small trenches scraped by the other until when the last has passed it has been made what they consider deep enough, when they turn and form a new one. The ground is then worked chiefly by boys and women, with a small hand hoe (for they have no harrows or any other farming implement besides the plough), and the grass and weeds collected with the hand into small heaps and afterwards burned. Manure is then thrown over the fields and slightly worked in, and it is then considered fit for the seed. The wretched quality of the manure which they use next requires notice.

After one crop of corn, fields lie fallow for two and three years.

The hill agriculturists waste and destroy all their manure.

They have no knowledge whatever of the way to produce or manufacture, if the term may be used, manure, by heaping the dung of their cattle, and covering it in with alternate layers of soil and vegetable substances, but merely take the dung which has been lying exposed to the sun and weather for months, the whole of the nutritious gases having escaped, and its fermentation being long since over, and apply it in its dry and hard, and all but useless state, to the land. The consequence, of course, is, that the soil derives but little or no benefit from the manuring; no heat is communicated to it to encourage the seeds to germinate, or to stimulate and invigorate the growth of the young plant, and the grain produced is small, light, and poor. There is no doubt, as I have already remarked, that lime is the manure most needed to improve the general soil of the Neilgherries; but the expense of this material of course deters the native cultivators, whose ideas cannot be carried beyond the prospects and returns of the current year, from using it. But this expense, under a proper system of farming, would be found light, as in all probability about 40 bullock loads, or two tons of lime per acre, applied once in five years, would be found sufficient to produce a very great and remunerative improvement in the crops raised.

Lime dressing for the soil.

Expense, 25 rupees per acre, once in five years.

This quantity would cost, for lands situated within two or three miles of any of the passes or ghauts, about 25 rupees, and as the lime-burners are always glad to receive hill produce in barter for their commodity, for the sake of keeping their cattle employed, the cultivators would not be called upon to find capital to invest in this part of their farming operations.

A most

* Since this memoir was written, peat has been discovered in extensive deposits in all parts of the Neilgherries, costing about 3*s.* per ton.

Appendix, No. 5.

A most essential point on which the hill cultivators stand in great need of instruction is the preparation of manure, for which the climate, with its sharp sun heat in the day and its cold dewy nights, so favourable to the promotion of decomposition, and the abundance of vegetable matter, rich in alkali, such as the fern, which is to be found all over the hills, affords great facilities. Every Burgher and Kother village has a large herd of cattle attached to it, which are penned during the night in a large circular pen, surrounded with stone walls, and allowed to graze over the country during the day. They are never littered at night, and their ordure is allowed to accumulate and lie exposed to the sun in the pen, until it becomes an inconvenience to the cattle, when it is removed and thrown outside, and left as before, uncovered and exposed, to waste away. Now, if a few trusses of fern were to be strewed occasionally over the pen, and all the collections, down to the scrapings of the soil, removed frequently, and laid in layers, with soil, weeds, fern, or other green vegetable matter alternately, the nutritive gases of the dung would be retained, the decomposition of the mass would proceed by slow fermentation, and by continually adding to the heap, or forming new ones, every village would have ready for use at the time of sowing, which is as soon as the frosts have ceased, a large stock of the very best and richest manure, instead of the small quantity of almost useless stuff which they now employ. I believe it has been ascertained in England that this system of covering in the layers of manure with soil adds 50 per cent. to its value, both because the gaseous matter is retained thereby, and because by its action the earth laid on becomes impregnated with ammoniacal and other salts, and forms an adjunct to the dung when worked up with it. It is not, therefore, too much to say, that by the introduction of a better system of preparing manure, or rather by the introduction of a system where none now prevails, the produce of the lands cultivated by the hill tribes would be increased by 50 to 100 per cent., and it would moreover enable them to bring more land under the plough, and avert the necessity which they find or consider to exist, for allowing their corn lands to lie fallow two or three years for one year of crop. Indolence, combined with apathy, is, however, the prime cause of their deficient system of agriculture, for I firmly believe that were fine manure heaps prepared in this way for their use, they would, avaricious as they are, prefer letting a field, capable, if sufficient manure were applied, of producing a crop of wheat, remain fallow through the year, to carrying the manure to it, if it lay at the distance of a mile or so off.

Preparation of manure.

They never use carts to carry manure to their fields, or to bring produce home, everything being carried on their heads, although in many parts of the hills the features of the ground would admit of the light bandy of the country being employed very advantageously. Such an innovation would, however, never be dreamed of. Thus it is that this fine district, capable of being turned to such great account, is perverted in its use, and undeveloped in its resources; grains which can be produced in almost any soil, and in the sultry climate of the plains, raised on its lands, because they require no manure, or but little, to nourish them, and because their culture and future management involve no great labour or trouble to the holders of the soil. A striking contrast in respect of agricultural industry and a desire to improve is presented by the system pursued by the emigrant natives from the plains who have settled in various parts of the hills, principally in the vicinity of the European stations, and employ themselves in cultivating small patches of land for patatoes, turnips, and other European vegetables. These men, having had the value of the soil pointed out to them, are now commencing in various parts to drain and reclaim the bog lands, and raise upon them crops of the very finest potatoes, with a very small outlay. Their enterprise is, however, circumscribed by the absence of an extensive demand, and by the want of dealers, who might buy up the surplus stock in the settlements, and send the commodity either to Ceylon, where a highly remunerative market would be found, or to the several large stations in the plains, where the demand is always active.

No carts employed on farms.

Native emigrants from the plains more industrious than the burghers.

Wheat, barley, and most of the other kinds of grain produced on these hills, are sown generally in April, when the frosty weather has entirely passed away, and the crops are cut, if the season has been favourable, in July. Poppy seed, however, is sown in October, and the drug collected in January, as it is found that the opium exudes more freely and of greater consistency and richness in frosty than in warm weather. For potatoes no particular time is observed, the sets being put in the ground in any month, except the most frosty ones of December and January; and as soon as one crop is taken up, which is in three months from the time of setting, the land is manured, dug, and hoed, and fresh sets put in without any delay, so as to ensure three full crops during the twelve months.

Wheat, barley, &c., sown in April, and reaped in July and August.

Three crops of potatoes raised annually from the same land.

The prices of all the grains produced on these hills have been already given in the table at page 273; it is, therefore, only necessary here to particularise those productions which have not found a place in that return.

Prices of principal products.

Coffee.—The average price of coffee in the bazaar is five rupees per maund of 25 lbs.; but it fluctuates much, being at the present moment not more than four rupees a maund, owing to the anxiety of growers to get rid of their crops, picked in November and December, on the spot, to avoid the expense and risk of sending them to Madras or to the western coast for shipment.

Silk.—For this article there is no sale on the Neilgherries.

Hides.—These are to be obtained, but in limited quantities. Buffalo hides are sold at two rupees each, and ox hides at nine annas.

Building Materials.—(At Ootacamund) Bricks per 1,000, 2 rupees; tiles per 1,000, *Rs.* 1. 12; teakwood and chunam are brought, the one from Seegoor, and the other from the province of Coimbatore.

Appendix, No. 5.

Salt Provisions.—Hams are sold at five annas per lb.; bacon at four annas per lb.

Butter—Fresh, one rupee per lb.

Jungle Wood.—The best description is the "bastard cedar," which is now extensively used for flooring, planks and doors, shelves, &c., in house building. The price is about seven annas per 12 square feet of one inch thick. Rafters, lintels, beams, &c., in proportion.

Bees Wax—Unbleached, is sold by the eurelars and coorumbers at one quarter rupee per seer.

Castor Oil—Of very excellent quality is expressed here, and is sold at three annas per quart bottle, or about one rupee per imperial gallon.

The prices of these articles, of course, differ at each of the three settlements; but the difference is slight, and not worth recording in this statement.

Tenure and occupation.

Land is held on the Neilgherries by European settlers under a putteum or grant from Government, leasing it to them in perpetuity* so long as the regulated assessment is paid. In the cantonment of Ootacamund grants are made of the land without any fee being exacted; but beyond its limits, as every spot, whether utterly barren and incapable of production or only untilled waste, is laid claim to by either the todars, the burghers, or the kothers, the land has to be purchased from one or other of these tribes, who exact such price as they think fit. After such purchase has been effected, it is necessary to apply to the Collector of the district for a putteum or acknowledgment of right to occupy and cultivate, though this may be considered a matter of mere form. The tenure of land by the various hill tribes will be more fully entered on in describing each separate race of people; it will, therefore, only be necessary to record here, for the sake of reference, the general circumstances which rule it.

Tenure of the todars.

The todars hold their land, which they consider to extend over the whole plateau, by right of immemorial occupation, alleging that their ancestors came to the Neilgherries before there were any kings or sovereign rulers in Southern India, and never paid tax or tribute to any one.

Tenure of the burghers.

The burghers hold their land, which, if their vague claims are to be allowed, may be stated as comprising two-thirds of the whole hill plateau, nominally by permission of the todars, to whom they pay, in acknowledgment of the proprietary right of the latter a "goodoo" or tribute (being synonymous with the word "yomeah" in Hindustani), which ought, according to the claims of the todars, to amount to one-sixth of every description of grain produced by the cultivators. This "goodoo" is, however, evaded to a great extent, the burghers giving to the todars just what quantity of grain they think fit to part with, and of those descriptions which they can the most readily spare; while some refuse to give anything at all, until compelled by the todars. This system, in its enforcement without the direct sanction of Government, naturally leads to much wrangling and confusion, and may hereafter be productive of mischievous consequences as the sentiments of the burghers change, and they view, as they already, I think, begin to do, this "goodoo" in the light of an illegal and unauthorised impost. They admit that before the days of the East India Company they used to pay one-sixth of their produce to the todars, but that was when their number was small; and when more of their tribe came from the north country to join them, and when they began to imbibe notions of independence from the Europeans, they reduced their tribute until it has arrived at its present footing, that of a "yoemeah," or voluntary contribution.

In speaking of the collection of the "goodoo" by the todars, the burghers speak of the Collectors as "peechakarur" (which means "beggars"), a term sufficiently explanatory of their view of the question of right on the part of the todars to demand the tribute.

Tenure of the kothers and eurelars.

The kothers hold their lands under the same terms.

The eurelars hold the patches of land which they cultivate, and which are all situated to the eastward, near Rungaswamy Peak and the Kotergherry Pass, independent of the todars, who profess not to assert any proprietary right over the lands which extend below the actual summit or plateau of the hills. The eurelars have a loose kind of tenure of their land, holding it at pleasure so long as they pay the assessment. But they cultivate so little, that it is scarcely worth noticing.

Modes and rate of assessment.

The assessment on lands on the Neilgherries is divided into two classes, one applicable to those held by the native agriculturists, and the other to those occupied by European settlers.

It is levied on the former according to the measurement of fields actually bearing crop, estimated in "vullums" (pronounced sometimes "bullahs"), each vullum being equivalent to two cawnies, 21 grounds, and 864 square feet; or in English measurement, 1 vullum $= 3\ \frac{41}{50}$ acres, the rate of assessment being fixed according to the nature and abundance of the crop which the land is bearing at the time of measurement. When harvest-time approaches, the ghomastahs and curnums proceed to the different villages, and form an estimate of the probable out-turn of the crop on each field from its appearance, rating it as first class if it promises to be abundant, and as second class if otherwise.

The

* Within the limits of the cantonment the grants of land are for 99 years.

The highest rate levied is on lands cultivated for potatoes, which pay 7 rupees per vullum for first class ground, and 5 rupees per vullum for second class ground. Appendix, No. 5.

The next rate in the scale of assessment is applied to lands bearing

	Rs.	a.	p.
Wheat, which pay for first class ground - - - -	3	8	5
and for second „ „ - - - -	2	5	7
Barley, which pay for first class „ - - - -	3	8	5
and for second „ „ - - - -	2	5	7

per vullum, and the same for poppy, vendium, mustard seed, garlic and onions.

The lowest rate applies to raggee, samee, koralley, peas, shanungee and tenney, all of which pay *Rs.* 2. 0. 11 per vullum for first class land, and for second class, *Rs.* – 14. 1. per vullum.

For further particulars regarding these rates of assessment and their equivalents per cawny and per acre, I may refer to the table at page 273.

Lands held by Europeans, whether by grant of Government within the limits of the cantonment, or purchased from the Hill people in more distant localities, pay assessment as follows:

	Rs.	a.	p.	
For ground occupied as sites of buildings - - - -	5	4	–	per cawny
For ground appropriated for gardens and general agricultural purposes - - - - - - - - -	1	2	4	„

The description of people available on the Neilgherries as labourers differs according to the situation of the land on which they are required to work. Labour employed, and its remuneration.

Thus in, and about the settlement of Ootacamund, the coolies employed are all emigrants from the plains of Canara, Malabar and Coimbatore, or from the Mysore territory; the Canarese and Mysoreans being the most numerous.

Their remuneration is commonly 2½ annas per day, or 3½ *d.*

In the vicinity of Burgher villages, and especially about Coonoor and Kotergherry Burgher, labour is available in abundance at the rate of 2 annas per diem, and they are extensively employed by settlers to cultivate their gardens and to work on plantations. Carpenters and bricklayers are mostly people from Paulghat in Malabar, or from Coimbatore; their rates of pay vary according to their expertness, from 8 annas a day to 6. Stone-cutters work by the piece, receiving on an average for smoothed granite slabs, steps, coping stones, &c., 8 annas per running foot, of about 1 foot by 6 or 8 inches, breadth and depth; sawyers in like manner work by the piece, at the rate of about 2¼ rupees per 100 feet of surface cut. It is difficult to obtain the services of this class of artizans on the hills, as they all resort to the Teak forests at Museum Coil and Tippacadoo, near Seegoor, where they always find abundant employment.

Brickmakers and tilemakers work, of course, by contract, at the rates already specified under the head "Prices of principal products."

There are several tolerable blacksmiths, silversmiths, and abundance of tailors settled in Ootacamund and the minor stations; while, on the eastern side of the hills the Kothers are generally employed as artizans for rough smith's and carpenter's work.

These hills possess a great advantage in regard to labour, which is, and always must be, abundant; because as soon as the seed is put into the ground in the adjacent low country, the poorer class, or labouring men, are thrown out of employment until harvest time is past, unless some extensive public work happens to be in progress, and therefore come to the Neilgherries for work in preference to wandering away to Ceylon and other parts to search for it, whenever a demand exists here for their services.

The common rate of pay to all such labourers employed on plantations is 4 rupees a month, and for this sum they labour contentedly for nine hours a day, performing work which, though it cannot be compared with Negro labour, must nevertheless be pronounced cheaply remunerated at the rate quoted above.

CITIES.

The only town on the hills, properly so called, is "Ootacamund," and even this term can only be applied legitimately to the native portion of the settlement, since the residences of Europeans are too widely dispersed along the slopes of the valley in which the station is situated, to admit, at present, of its further extension. So rapidly however is the number of houses increasing and keeping pace with the increased resort of Europeans to these hills from almost all parts of India, while at the same time a consequently augmented demand for supplies for the European community is daily drawing more native merchants and traders to the place as permanent settlers, and thus swelling the size of the bazaars beyond all Towns and villages.

Appendix, No. 5.

all bounds, that before long the term "town" will not be inappropriately applied to the whole settlement, while that of "cantonment" will be transferred to the valley of Jukatalla, where the European barracks are about to be built. The houses of the European inhabitants of the settlement are for the most part substantially built; the walls are usually of burnt brick set in clay, and pointed or plastered with lime, roofs of tiles, or puckka terraced, and rarely of thatch, while all the timber work of the roof, doors, floors, &c., &c., is of teak, which is brought at a great cost up the Seegoor pass from the forests on the borders of Mysore. There are, however, many excellent and durable descriptions of house building timber to be procured on the hills at one quarter the cost of teak, but a prejudice exists against their use, because roofs constructed with hill-grown timber have, in some instances, been found to decay with great rapidity, and hence its employment has been condemned by builders who have overlooked the real cause of its decomposition, which is, its being put together and covered in before it has been sufficiently seasoned. As an instance of its efficiency, if attention is paid to this important point, and the wood properly selected, I may mention that the present survey office has a roof made entirely of jungle wood cut on these hills, which has been standing more than 20 years, and which, on a recent examination, was found to be perfectly sound. All other building materials (except lime) are procured on the spot, abundance of tolerably good brick clay being found in every part of the hills.

Much good timber for building to be obtained on the hills.

Bricks and tiles very bad.

The bricks and tiles made are however very inferior, but this is owing to the wretched way in which the clay is worked and moulded. A labourer mixes a little water with it with a mamotie, treads it for a few minutes with his feet, and then pronounces it tempered, and carries it to the moulder without further preparation. Bricks can be contracted for in Ootacamund, delivered at the kiln at two rupees per thousand; and tiles, one rupee twelve annas per thousand. Lime, as I have elsewhere observed, does not occur, or at least has not yet been found on these hills; and hence, having to be brought on bullocks from the plains, it forms the most expensive item in building estimates. Its use is economised as much as possible in house architecture by using mud as a cement to set the bricks in, in constructing walls, reserving lime only for use in turning arches, ridging the tiles in the roof, flooring, and either pointing or plastering the walls outside, with which protection brick and mud walls are found to answer very well; especially if the roof over them is kept tight, and their surfaces screened from the beat of the rain against them by a verandah. In the bazaars of Ootacamund, which are called "the bazaar" and "caundle bazaar," the houses are of all descriptions, both puckka and cutcha. The streets are wide and well kept by the police authorities, by whom a tax, varying from one anna to one and a half on each house per mensem, is levied to support the scavenger establishment, the residue being paid into the public treasury; and if good regulations are enforced, as regards the laying out of future quarters of residence, already fast extending, the town, which the bazaars will constitute, will become a very cleanly and compact one; and hence, doubtless, healthy also. It has the advantage of being bordered by the lake or tank, which adds, of course, materially to its means of preserving cleanliness.

Lime dear.

Clay used as cement for walls.

The following is a Return of the European and Native Population of the Three Settlements, taken in February 1848, and although many present Inhabitants, with their Servants and Followers, will have left the Hills before the Year ends, the Total Numbers may yet be taken as a pretty correct Average of those usually residing, as of course the place of those removing is soon occupied by fresh comers from the Plains:—

	Europeans.				East Indians.				Hindoos.				Mussulmauns.				Pariahs.				Number of European Houses.	Number of Native Houses.
	Adults.		Children.		Adults.		Children.		Adults.		Children.		Adults.		Children.		Adults.		Children.			
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.		
Ootacamund	93	97	57	66	38	34	22	23	935	828	431	501	341	238	130	143	1,642	1,506	732	752	146	1,743
Kothergherry	9	5	4	4	8	6	11	12	49	49	17	20	7	5	3	1	56	55	22	24	15	98
Coonoor	5	2	–	–	1	1	–	–	80	65	32	29	9	9	8	7	50	60	20	19	15	131
Aravungaad*	–	–	–	–	–	–	–	–	3	3	2	1	–	–	–	–	6	7	4	4	–	12
Total Population	342 Souls.				154 Souls.				3,045 Souls.				901 Souls.				4,941 Souls.				176	1,984

* A small native settlement in "Sappers' valley," between Kaitee and Coonoor.

The

Appendix, No. 5.

The settlement of "Ootocamund" is situated in an extensive open valley, almost in the exact centre of the hills, open to the westward, but bounded on the north, east, and south by the great Dodabetta range, or spurs projecting from it westward.

The settlement of "Coonoor" is situated on the crest of the hills in the south-east angle of their summit, the residences of the Europeans, including an hotel, being placed on the rounded tops of a range of hills, which runs from a high mountain called "Coonoor-betta" towards the top of the pass, while the bazaar or native residences are in the hollow below, and adjacent to a masonry bridge which spans a wide stream flowing from the Jakatalla valley and descending the hills at this point in a large volume of water.

The settlement of "Kotergherry" which with that of "Dimhutty," which is contiguous to it, is the oldest on the hills, is situated in the north-east angle of the plateau, immediately overlooking the low country, and at the head of the Kotergherry Ghaut. The bazaar, which is increasing considerably in size, is built on the same range, with the residences of the Europeans.

"Dimhutty" cannot now be called a settlement, since there is but one habitable residence existing there, all the bungalows built long since by Government for the accommodation of invalids, having gone to ruin and become unfit to occupy or repair. The temperature is warmer at this place than at any of the other three settlements, and hence it is very rarely resorted to by Europeans. Under this head may be enumerated the public bungalows and chettrums, or caravanserais, for the accommodation of travellers, native and European, and which are under the control of the officer commanding the Neilgherries, and kept in repair by him at the public expense.

Accommodation for travellers.

List of Places of Accommodation for Travellers.

	For Europeans.	For Natives.
At Ootacamund - - - - - -	None.	1
„ Coonoor - - - - - - -	1	1
„ Kotergherry - - - - - -	None.	None.
„ Neddiwuttum - - - - - -	1	None.
„ Pykara - - - - - - -	1	None.
„ Kulhutty (Seegoor Pass) - - - -	1	None.
„ Nunjanaad (Koondah Road) - - -	None.	1
„ Avalanche (ditto) - - -	1	1
„ Burliar (Coonoor Pass) - - - -	None.	1
„ Kaitee (Coonoor Road) - - - -	None.	1
* Total on the Neilgherries - - -	5	6

POPULATION.

Numbers of people of different descriptions.

Appended to this Memoir will be found tables furnishing all particulars of the several tribes, constituting the body of aboriginal settlers, on these hills and of the European and other inhabitants of the three settlements. The following is the summary.

	Souls.	Souls.
Europeans including Children - - -	- - -	342
East Indians ditto ditto - - -	- - -	154
Hindoos ditto ditto - - -	3,045	
Mussulmauns ditto ditto - - -	901	
Pariahs ditto ditto - - -	4,941	
		8,887
Hill Tribes.		
Todars ditto ditto - - -	337	
Burghers ditto ditto - - -	6,569	
Kothers ditto ditto - - -	307	
Eurelars ditto ditto - - -	461	
		7,674
Total Population of the Neilgherries - - -		17,057

Deducting from the total area of the plateau, that portion lying to the westward of the Pykara, or Moyaar river, which I have elsewhere described as almost entirely uninhabited, there remains a space of 420 square miles over which this population is distributed, giving a proportion of 40 souls to one square mile.

For

* Exclusive of the Koondahs.

Appendix, No. 5.

Employment.

For the reasons already stated under the preceding head, no place or number can be assigned to the tribe of Coorumburs in this statement. Their number must however be very insignificant, probably not above 200 or 300 souls. With the exception of the Todars, who pass their days in utter idleness, all the aboriginal tribes, of mountaineers of the Neilgherries devote themselves to agricultural pursuits. With these duties the Kothers alone combine those of the artisan in a humble way, as will be treated of in describing the people of that tribe.

The Todars, or Todawars.

Total number, 337 souls.

This remarkable race differ in almost every essential respect from all other tribes of the natives of Hindostan, and their singular characteristics and strange habits have given rise to much speculation as to their origin and history. As no clue has however yet been discovered either in the form of monuments, coins, or even in their own traditions, by which research could be directed, all theories broached upon the subject cannot be otherwise than vain and illusory, especially those which have been based upon the assumption that the images, bones, and other relics which are found in the remarkable "Cairns" discovered in such numbers all over the hills, belonged to the ancestors of the Todars.

That these are not relics of the founders of their race is proved by the present people denying all knowledge of the history of the Cairns, even by tradition, and by their looking on at their desecration with as much curiosity and indifference to the sacrilege, as is displayed by the antiquarian explorer whom they have perhaps guided to the spot. In form and countenance the appearance of the Todars is remarkably striking. Tall, well proportioned and athletic, their bold independent carriage, and finely moulded and sinewy limbs attest that they can be sprung from no effeminate Eastern race, while their aquiline nose, receding forehead, and rounded profile, combined with their black bushy beards and eyebrows give them so decidedly Jewish an aspect, that no beholder can fail to be impressed with the idea that they must in some way, however remote, be connected with one of the lost and wandering tribes of the ancient Israelites. Their dress is as peculiar as their habits and appearance, consisting of one single cloth, a sort of toga, which they wear after a fashion well calculated to set off to advantage their fine muscular form, being disposed about their person like the plaid of a Scottish Highlander. They have no covering for the head of any kind, but never allowing knife or scissors to approach their hair they suffer it to grow into a mass so thick and bushy as to form a most effectual protection from the inclemency of the weather. The women are rather fair in complexion, the hue being a dull copper colour in both sexes, and are generally handsome in feature as well as in person, which is tall and well shaped like that of the men, their attire being equally simple and peculiar. The little occupation which the Todars permit themselves to engage in, is solely of a pastoral kind. Considerable herds of buffaloes are attached to each mund, and to milk these, convert their milk into ghee, drive them out to pasture in the morning and home at night, and to keep their huts and the walls of their cattle pens in repair constitute the sum of their employment, from year to year of their useless existence. Their food consists of curds, milk and ghee mixed with whatever grains they can obtain from the agricultural tribes in the shape of "goodoo" or tribute for the lands which the latter cultivate, and over which the Todars assert an imaginary proprietary right. I observe that the Honourable Court in their despatch express a hope "that in course of time they may be induced so far to change their habits as to bring the lands in the vicinity of their munds into cultivation." I fear, as long as this practice of receiving their grain from the Burghers and Kothers remains in force there is but little chance of this desire being realized, and the only inducement, in my opinion, by which they would ever be brought to condescend to yoke their powerful buffaloes to a plough and take the handles in their hands, would be that promoted by the stoppage of their supplies by the removal of the "goodoo" imposition, and their consequent reduction to the primitive state of life which, by their own account, their forefathers led before the Burghers came to settle on the hills.

Personal appearance very striking.

Dress peculiar; the toga worn.

Revenue Department, No. 13 of 1843, para. 11.

Traditionary history.

Their own idea of their history is that "their ancestors came from nowhere;" that they were created on these mountains, and that for ages no other living soul approached them: that their dress was of leaves and their food the produce of their cattle and the roots and fruits of the forest. That at length some Kothers found their way to the neighbourhood of their munds and craved permission to cultivate land and build their huts, which was given on condition of their making offerings to them (the Todars) of a portion of their produce. That soon after this, some Burghers or "Buddaghars" came up the hills, and observing the success which had rewarded the adventure of the Kothers, asked permission to settle also, and obtained it on condition of the payment of the "goodoo" or tribute of one-sixth of their entire harvest. More Burghers soon followed the first comers, the amount of the "goodoo" became extensive, the habits of the Todars changed, the cotton embroidered toga took the place of the mantle of leaves, and messes of grains of many descriptions pampered the appetites of beings who were before as primitive in all things as their native hills. With increase of numbers however the deference of the Burghers for them diminished, and with it the amount of the "goodoo," which received a great acceleration in its decline by the coming of Europeans to the district, when the Burghers observing their indifference to the alleged claims of sovereignty of their hitherto feudal landlords, gradually assumed the position of donors of the "goodoo" of free will and as a charity, and hence reduced its amount as the circumstances of an abundant or poor harvest, or their own wants and inclinations directed. Upon this footing, as far as I have been able to arrive at a right understanding of the question, the "goodoo" appears at present to rest. The Burghers profess not to desire to be relieved

Institution of the "goodoo."

relieved from it as a tax, because to give it as a donation to the Todars has become with them a time-honoured custom, which their prejudices forbid them to break through—but it seems to me evident that they are not disposed to admit the absolute right of the Todars to demand it, and hence their allotment of the quantity of the produce which they are to bestow under the name of "goodoo," according to their means, their own wants, or fancy. Anything more utterly useless, or unproductive in the social scale than the life led by the Todars, it is impossible to conceive. Endowed with great physical strength and capacity to endure fatigue and vicissitudes of weather, and hence eminently fitted for a life of agricultural industry or other active employment, this fine race, instead of legitimately developing the powers which have been given to them, devote their lives to the unprofitable end of herding a number of buffaloes, the only use of which is to produce the small quantity of milk required for the use of the few families which congregate together in each mund, and to furnish sacrifices to the manes of any one of their male proprietors who dies.

Unprofitable and idle life led by the Todars.

Their herds are a nuisance and a pest to the district, for being exceedingly wild and ferocious, especially to Europeans, they frequently attack persons travelling on the high roads when not attended (as is generally the case) by a herdsman, and serious accidents occasionally result. Whatever may have been the attributes of the Todars when Europeans first became acquainted with them, they appear at the present time to be decidedly as indolent, mercenary, and sensual as any of the worst tribes in the plains; and, but for the meretricious interest which attaches to them through their singular mien, costume and habits of life, and the mystery in which their history is enveloped, they would be deemed a perfect cumbrance to the soil. Their religion is, of course, Pagan, and engenders the usual superstitions and prejudices. They have no distinct "samee" houses or places of idol worship, but devote to this purpose the dairy or hut in which they keep their milk, ghee, &c., and in which they offer, by libation, to their deity such milk as is not consumed in the daily use of the tribe. Their domestic rites are as strange and barbarous as is all connected with this singular people. The wife of one amongst several brothers is common to the whole circle, and every woman besides her husband has a certain number of gallants, who reside with her at pleasure and by turns. To such practices as these it is, doubtless, to be attributed that this race does not increase in numbers, and is evidently deteriorating in physical endowments.

Religion, Pagan.

The great mass of the Todas inhabit the vallies and woods to the westward of the plateau, being confined, with the exception of five inhabited munds in Parunganaad, and two in Meykenaad, to the division called Todanaad; and it will be seen by the map that in this portion of the plateau their munds are principally congregated to the westward, apart from the villages of the Burghers, only a few in the neighbourhood of Ootacamund and to the northward being interspersed amongst their cultivated lands.

And to this portion of the hills, viz., to the extreme westward, it would be highly desirable that the whole tribe should be restricted, as they would have the benefit of abundance of excellent pasture land for their cattle, and being there entirely apart from the other inhabitants of the hills, would be free to carry on their rites and superstitious observances without hindrance from others, and without the possibility of causing annoyance to the rest of the population. It has been distinctly stated to me by the Todars, Burghers, and the talook civil authorities, that the Burghers, whose villages are situated in Todanaad, have to support, by payment of the "goodoo," all the Todars who occupy munds in that division, without aid from the Burghers of the other two naads, who are only bound to maintain the Todars who actually reside within their respective limits. Hence an apparently palpable injustice to the Burghers of Todanaad, since, as will be seen by the census returns, the tribe are pretty equally distributed throughout the three naads; whereas, out of a total of 337 souls, of which the tribe of Todars at present consists, only 42 are located in Parunganaad and 10 in Meykenaad, while all the rest, amounting to 285, are located in Todanaad. This seeming difficulty in equalising the infliction of the "goodoo" impost is overcome in the following manner. As soon as harvest is over, and the "goodoo" collected in Todanaad, the Todar men of that division pay visits to the munds in Meykenaad and Parunganaad, and take up their abode with the women of the community (to the temporary exclusion, as is their custom, of the legitimate husband). They then pay visits to the surrounding Burgher villages, and demand, in their right as temporary husbands of women of the naad, the "goodoo," which, strange to say, is paid; and thus the same man, perhaps, who has laid a whole village in his own naad under contribution, goes the round of the other two naads, appropriating the fruits of the Burghers' labour and industry, and carrying off enough grain to support his whole community in idleness and plenty until the arrival of the next year's harvest time, and to produce by sale in the nearest bazaar sufficient money to pay the tax or "pillooverry" which is levied yearly on their tribe. I should have refused credence to such a statement had I not received it on the best authority, that of the tahsildar of the district.

Desirable if possible to restrict the Todars to the western confines of the hills.

Levying contributions on the Burghers.

The habits of the Todars are migratory, almost every community or particular group of families consorting together, having two or more munds or villages belonging to them, between which they divide their time according to custom, fancy, the state of the weather, or other circumstances, such as the death of one of their body, upon which occurrence they immediately migrate to another mund. The grass upon which they pasture their buffaloes is of a coarse rank description, fit only for those hardy and powerful animals; but by burning it down, as is their practice, just before the rains set in, when they are about to migrate to another mund, a fine tender young grass, highly nutritious as pasture, has replaced the ashes

Migrate from mund to mund.

Appendix, No. 5.

ashes of the old grass by the time they return to the mund round which they had run their fires.

Fine breed of buffaloes decreasing.

According to their own statements, the fine breed of buffaloes, which seem peculiar to the district, is rapidly decreasing, murrain and other diseases having of late years carried them off in far greater numbers than are bred to supply their places. Doubtless the system of perpetual inbreeding aids in their deterioration. There are some Todar munds on the "Koondah" mountains, but as that range is not in this talook, no information relating to them can be gained until the survey has been extended in that direction. While speaking of the Todars' buffaloes, I should mention that a few only of the small calves brought forth by their cows are preserved for perpetuating their stock, and all the rest killed while young and eaten by the Todars themselves. If these calves were castrated and reared, they would be most admirably suited, from their great strength, to drag proper iron ploughs over the steepest and most difficult ground.

Tax paid by the Todars to Government.

The Todars pay an annual tax to Government of 9 annas and 5 pice per head on all the female buffaloes herded by them, the bulls being exempt from tax; and in addition to this they pay a small assessment on grazing land, called "pillooverry" or grass tax, at the rate of one-quarter of the sum fixed as the lowest class assessment for cultivated land per vullum, the quantity of land which they are called upon to pay being estimated according to the number of buffaloes herded at each mund, at the rate of about 10 vullums per 100 head of cattle. The amount of revenue collected from the Todars in 1847 was—

	Rs.
On account of tax on buffaloes - - - - - -	960
Ditto - ditto - pillooverry - - - - -	400
TOTAL - - *Rs.*	1,360

The Kothers.

The Kothers rank next to the Todars, according to common tradition, in seniority as occupants of the Neilgherries.

Six villages; 307 souls.

They are of low caste, equivalent to that of the pariah in the plains, and consequently are always found dwelling by themselves in isolated villages, of which there are only (six) 6 on the plateau of the hills, and generally called after the race "Kother-gerry." Around each village they have lands, considered and admitted by their Burgher or Todar neighbours to be exclusively their own, no disputes about boundaries or the right to certain tracts occurring amongst them at any time, so far as I can learn.

Industrious.

The Kothers are an exceedingly industrious and useful race. They give all their time to husbandry when the land calls for their care, but when the seed is in the ground, and their time disposable, they employ it in all sorts of mechanical avocations, repairing the ploughs of their own and the neighbouring villages, as well as bill-hooks, mamoties, and all other farming implements, and executing a great variety of smith's and carpenter's work.

Iron smiths, carpenters, and basket-makers.

It is by these people that the buffalo and other hides of hill cattle, which are so much prized by the workers in leather in the plains, and which should form a very important item in the export list of the district, are dressed and prepared for the purposes of commerce, the Kothers being very expert curriers.

In common with the Burghers they pay "goodoo" in grain to the Todars of their naad, in acknowledgment of their feudal proprietary right over the land which they till, and which it appears the Todars, in spite of their own purity and the uncleanness and low caste of the Kothers, do not hesitate to receive and eat, though no Burgher would touch grain so polluted. The Kothers are not extensive cultivators, bringing only land enough under the plough to yield the quantity of grain required for the use of the village, with a small surplus, which they barter with the low country traders for iron to carry on their forges.

Hence by far the greater part of the land to which they lay claim in the vicinity of their villages remains waste, and is likely to do so as long as the present proprietary system continues in force. In some parts of the hills this land is of a very fine description, which, according to their explanation, is to be ascribed to their having come to these hills the first of all the agricultural tribes, and thus enjoyed the privilege of selecting the best land.

Their religion is of course idolatrous. Their marriage customs and ceremonies are not very dissimilar to those observed amongst the people of the pariah caste in the plains, and they have no plurality of wives or of husbands. They are impure and dirty in their habits, eating the flesh of cattle which die by the roadside of disease or in the jungle; hence their neighbours, the Burghers, though living ostensibly on amicable terms with them, account it pollution to eat with them, or associate with them in their households.

They breed small cows and bullocks, but no buffaloes, and they have a singular and wasteful practice of never drawing the milk from the cow, and allowing the whole to go to the calf, which they kill and eat on feast days.

The total number of Kothers on the Neilgherries, up to 31st December 1847, was found to be—

Males - - - - - - - - - -	157
Females - - - - - - - - - -	150
Total - - -	307 souls,

including children of both sexes.

The

The Burghers, or "Vuddaghurs," signifying literally "people of the North," are supposed to have emigrated to the Neilgherries from the northern part of Mysore or Canara, during a season either of famine or political persecution, and finding their soil and climate good, and their pre-occupiers peaceable and disinclined to molest them, they settled on them, and meeting with success in their early agricultural operations, they soon induced others of their countrymen to follow them, and thus formed the nucleus of the numerous tribe now recognised as the chief and most important portion of the hill population. The Burghers.

Their villages, which have been already described under another head, are scattered all over the plateau of the hills, excepting the portions to which I have already adverted as inhabited exclusively by the Todars, viz. the northern and western parts of the "Todanaad" division, and the north-eastern angle of the "Parungenaad," called "Kodanaad;" and with the exception of these tracts, a small extent of pasture land in the vicinity of four Todarmunds which occur near Coonoor and Hoolicull, and the lands in the possession of the Kothers, they may be said to arrogate to themselves a right of direct proprietorship over the whole of the lands comprising the hill plateau. They admit the fact of their holding it under tribute to the Todars, and render to them the "goodoo," or free-will offering, in acknowledgment of the feudal possession of this tribe; but at the same time they consider the land so far alienated from their possession, that they, its present holders, are empowered to dispose of it to strangers by sale, gift, exchange, or otherwise, which they accordingly do.

They pay the "goodoo" to the Todars resident in their respective "naads," or divisions, who, according to their statements, payan annual visit, after the harvest is gathered, in to the various Burgher and Kother villages, and demand the contribution in kind, which is rendered according to the circumstances of the inhabitants, the owner of a rich house giving usually 1 cundagum = 20 kollagums; and those less opulent from ½ to ¼ cundagum, according to their means. Sometimes the offerings of the poorer inhabitants are not considered sufficient, and sometimes they refuse to give anything at all, when confusion ensues, the Todars, according to statements made to me by some of the Burghers, entering their houses, and laying them under contribution by force. If such occurences really do take place, it seems likely that the interference of the civil authorities of the district will before long become necessary, either to legalise the exaction of the "goodoo," or to put a stop to it, since, as the law seems at present to stand, a Burgher from whom a Todar might attempt to enforce its payment would have a clear right to the protection of the police, who would be bound, on an appeal being made, to treat the Todar as a trespasser. Goodoo often extorted by the Todars. Government interference seems called for.

Such contradictory statements, however, are made by the Burghers, some asserting that they are quite contented to contribute the "goodoo," and have no desire to be relieved from it, while others murmur against its imposition, in addition to that of the Government assessment, that it is most difficult to discover what their real sentiments upon the subject are, or, indeed upon any other in which their interests are, however remotely, concerned.

I may remark, in connexion with the question of the "goodoo," that when the Burghers make transfers of land within the limits of what they term their territory, to European settlers and others, no stipulation is ever made for a contribution to the Todars of a portion of whatever produce may be raised by the purchaser; nor do the Todars themselves ever come forward to urge such a claim, or to remonstrate against such alienations of their rights and property. Transfers of land by the Burghers.

Many of the Burghers are said to be (for natives) very wealthy, and this circumstance, perhaps, has induced amongst many of them habits of sloth and sensuality, inimical to their moral or physical improvement; but nevertheless, when viewed in comparison with other tribes of Hindoos, they cannot be pronounced pre-eminently indolent or degraded in their habits. They are utterly illiterate, and their ignorance of the accomplishments of reading and writing are transmitted to their children, since schools for their education are unknown amongst them. Their religion is Hindoo, and they are of the Siva sect, their principal deity however being Rungaswamy, whose temple is situated on the summit of "Rungaswamy's Peak," the easternmost point of the Neilgherries, and in addition to whom they also worship many other inferior divinities, male and female. The burghers, Hindoos of the Siva sect.

There are several subordinate sects amongst the Burghers, the chief of which is that of the "Aroovurs," who assume to be Brahmins, and wear the sacerdotal string over the shoulder; next the Sivacharries, the Wodiars, Kunukars, Burghers, and Toriars, the last being the lowest caste amongst the tribe, and generally the poorest. Their ceremonies of marriage and burial do not differ essentially from those observed amongst the Hindoo tribes in the plains, and such differences as exist are only under the first head, and are chiefly remarkable for their indelicacy, and not worthy of notice. The Burghers are a most superstitious, timid race, perpetually filled with the dread of evil spirits hovering around them, and ever haunted with fear of the "Coorumburs" (a tribe to be hereafter described), to whose necromancy and demoniac influence they attribute all accidents and infirmities which befall themselves, their families, cattle, or crops. To such an extent is this feeling carried, that murders of the most brutal description have been known to be perpetrated upon the unfortunate Coorumburs, for which, although in general it is found difficult to obtain evidence to convict the perpetrators, Burghers have been tried and executed, much to their indignation and astonishment, since the principle inculcated amongst them appears to be, that to sacrifice a Coorumbur (and in some cases whole families of them), through whose preternatural agency disease has been brought into a village or murrain amongst their cattle, is the only way in which the evil can be averted, and the anger of the deity of destruction appeased. Yet, notwithstanding this intuitive horror of their influence over the common affairs of their lives, they regard the Coorumburs Very superstitious and timid. Stand in great awe of the Coorumburs.

Appendix, No. 5.

Coorumburs with the utmost consideration in many other respects, looking upon them as priests, or rather enchanters, whose favour must be propitiated to secure their intercession with the geniuses of good and evil in their favour.

For example, in the spring, when a field is ready for the seed, the work of husbandry cannot proceed until a Coorumbur has been summoned, a kid sacrificed to a goddess equivalent to Ceres, the soil blessed, and the first handful of seed scattered over it by him. In like manner a Coorumbur must drive the first plough a few paces before their work of tillage commences, and at harvest time not a grain or ear is reaped until a small sheaf has been cut by a Coorumbur. For these offices the Coorumburs receive gifts in money and produce, and finding their interest in the existence of these superstitions, doubtless encourage them by all the means in their power which they can safely employ. The Burghers seem to live in great harmony amongst themselves, ruled by their head men and elders. They are fond and careful of their families, and pay great respect to the aged; but in character they appear deceitful, ungrateful, and false.

Their women and children all labour in the fields at the time of harvest, as well as in preparing the ground for seed, and by this combination of industry it is easy to foresee to what a successful extent their farming operations might be carried if a better system of husbandry could be introduced amongst them. The total number of Burghers resident on the Neilgherries in December 1847 has been found by the census to be as follows:—

Males	3,346
Females	3,223
Total	6,569 souls,

including children of both sexes, viz.:—

In Todanaad	2,039
In Parungenaad	2,377
In Meykenaad	2,153
Total	6,569 souls.

The Eurelas.

The number of this singular tribe is small, amounting only to—

Males	225
Females	236
Total	461 souls,

including children of both sexes. They are found principally in the eastern part of the hills, where they cultivate the lower slopes, forming the broad deep valleys which run in the vicinity of Rungaswamy's Peak towards the plains. They raise crops of raggee, koralley, shamee, and mustard seed chiefly, but to no great extent, being very improvident in their arrangements, and eating up all their produce at once, without laying any by for the rainy season, when they subsist chiefly on plantains, jack, and other fruits, which they cultivate in patches near their villages, and which thrive in consequence of the lower level on which the Eurelars are mostly settled. They also work occasionally as coolies on plantations, preferring employment in the jungle to working in the field, and being expert fellers of trees, hewers of planks, rafters, &c. They worship Rungaswamy and some other inferior deities, and enjoy the high privilege of tending the temple and idol on "Rungaswamy's Peak," where two or more of their number officiate as priests at the period of the great festival in August and September, when thousands of Hindoo pilgrims flock to the sacred peak from all parts of the adjacent country, with offerings of all descriptions of produce, and occasionally money. They pay kist to Government, according to the nature and quantity of their crops; but they make no offerings to the Todars in the shape of "goodoo," probably from their occupying land rather below the plateau to which the Todars lay claim. When driven to extremities for food, the Eurelars betake themselves to the jungles on the slopes of the hills, and seeming to have no fear of wild beasts, hunt and destroy sambre, spotted deer, jungle sheep, and other game with great expertness. They also search for bees' wax, which finds a ready sale in the plains; but many lose their lives in this pursuit, through the bears, which are numerous in the eastern part of the hills, and whose fondness for honey often brings them into contact with the collectors of wax.

Are priests of Rungaswamy's temple, on the Peak.

The Coorumburs.

The Coorumbers are not, strictly speaking, a tribe of mountaineers, since many sects of the same people are found in various parts of the plains, especially towards the southward, and those who do frequent the Neilgherries inhabit the lowest slopes, and are perpetually migrating from spot to spot, erecting their little huts usually on grassy patches in the midst of the densest and most wild forests. Those who are met with on the eastern side of the hills are called "Mooloo-Coorumburs" implying "thorny" or jungle Coorumburs, to distinguish them in some degree from the Coorumburs of the west country.

They

They are small in stature, and their squalid and uncouth appearance, and wild matted hair, might seem to give some cause with so timid a race as the Burghers, for imputing to them the fiendish and preternatural powers with which their superstition invests them. If a Burgher meets a Coorumbur, not summoned at seed or harvest time, in his path, he will fly from him as from a wild beast, and if too close to escape his dreaded glance, he will return home and resign himself to a fate which he deems inevitable, often in fact inducing sickness by the prostration of body and mind which is thus supervened. I may here mention, that a popular belief exists that the Coorumburs have an equal proprietary right in the soil of the Neilgherries, having come to them at a period coeval with or antecedent to the migration to them of the Todars. The Coorumburs cultivate some land on the lower slopes of the hills, and raise small crops of dry grain, but they depend for their supplies chiefly on the fees in kind which they receive from the Burghers for the offices performed by them in consecrating their crops and seed, as has been already described in treating of the Burghers. Those, however, who are met with in the forests on the western slopes of the Neilgherries are more industrious, employing themselves chiefly in felling timber for the sawyers and contractors, in making baskets, and, to a small extent, in cultivation.

These Coorumburs appear, for the most part, to come from Malayalum, where they exist in a state of slavery to opulent natives, who claim their persons as their property, a claim, however, not much regarded. The Coorumbers, from their almost always residing amongst the forests, have a considerable acquaintance with the properties of medicinal herbs, gums and roots, and hence often effect cures of simple diseases amongst the Burghers and others, when called in to disenchant a member of a family supposed to be bewitched. This success is of course attributed to preternatural agency, and a failure in their mode of treatment of a disease is usually set down to its baneful exercise, a result which often leads the officiating Coorumbur into trouble. As has been already remarked, it has been found impossible to obtain any return of the number of this tribe, but it must be very inconsiderable.

Employment.

In the preceding description of the different tribes inhabiting the Neilgherries, their habits have been sufficiently set forth to explain the nature of the employment or occupation which each pursues. Following, however, the argument of this synopsis, it may be necessary under this head briefly to recapitulate them.

The Todars.

Their occupation is purely pastoral, their only manual labour being the milking of their buffaloes and converting portions of the milk into butter and ghee. They let their herds loose during the day to wander about, almost always unattended by a herdsman, to the annoyance of travellers on the public roads, and but for the caution observed in approaching these animals, to their great danger.

They life they lead is eminently a most idle and useless one, involving the performance of no offices, and the undertaking of no duties, which tend in any way to the benefit of the community at large. Especially marked by nature as a race upon whom labour demanding great physical exertion and bodily prowess should devolve, they are found abjuring the performance of manual labour of any kind, subsisting upon the hard-won earnings of others, and acting no part in the great work of social duty and improvement which society demands that all its members should co-operate to advance.

The Kothers.

Their occupation is both agricultural and mechanical.

They are tolerably good workers in iron, and execute carpenters' work in a rough way. They tan ox and buffalo hides, and make baskets; and their women manufacture the only earthen pots or chatties produced on the hills.

The Burghers.

Their occupation is solely agricultural, and their numbers having of late considerably increased, there is always a superabundance of hands available for employment, as carrying coolies and out-of-doors labourers, when their own crops are either in the ground, or reaped and stored, which constitutes them the most really useful tribe on the hills.

The Eurelars and Coorumburs.

Their employment is agricultural, and also in a measure vagrant, since, lacking sufficient energy or industry to draw from the soil the utmost of its productive powers, they subsist between harvest and harvest upon whatever they can extract from the natural resources of the forests through which they wander.

Languages.

The Neilgherries being situated within the limits of the Coimbatore district, Tamil is the language employed in the public departments, and in the bazaars and other resorts of the natives from the low country; but amongst all the hill tribes, Canarese is the colloquial. The Todars have a language peculiar to themselves, but they communicate with the Burgher and other tribes in Canarese. The Todar language has a singular accent, and a quaint original style, and seems to bear no analogy whatever to that spoken by any other race of natives in Southern India. The Coorumburs have also a peculiar dialect of their own, but it seems to be based on the Canarese.

Condition.

Under this head a very favourable report may be made, as with the exception of the two inferior tribes, the Eurelars and Coorumburs, who from their improvident and vagrant mode of life are often in a state of great destitution, all the hill tribes live in comparative comfort and affluence. This is as to their physical condition; but in regard to their moral state the aspect is not so favourable. The accomplishments of reading and writing seem almost entirely unknown amongst them, while their morals are tainted by the arts of dissimulation, cunning, and falsehood, which seem to be instilled into their minds at an early age. Superstitious

Appendix, No. 5.

Health and diseases.

stitious to a degree almost incredible, and prejudiced against all innovation and improvement, I fear they offer but a barren field to the German missionaries who have established themselves on the Neilgherries to labour amongst the hill tribes, and who are endeavouring to form village schools, in the hope of inducing parents to send their children to them for instruction in their own tongue. Upon this point it is not easy to obtain correct information, as all the natives have an insurmountable aversion to entering a hospital, and though they value and respect the opinion of a medical officer, they are not found to come voluntarily forward to seek assistance and advice. From observation in their villages, and of the coolies and others who come to the houses of European residents for employment, we are led to conclude that all classes of natives located on these hills, whether of high or low caste, aborigines or modern settlers, enjoy the most robust health, showing that the pure atmosphere and invigorating climate have the same genial effect upon the native as upon the European frame and constitution.

Small-pox a prevalent disease.

The most prevalent diseases amongst the Burghers, who may be considered the mass of the hill population, are small-pox, occasionally fever, and an affection of the eyes resembling ophthalmia. The first of these is however the only one which can be called common amongst them, and is the greatest scourge by which they are visited, and as vaccination is not practised, the disease often commits fearful ravages in their villages, carrying off whole families in a brief space of time. There is no doubt that the mountaineers would willingly take advantage of the existence of a vaccine depôt, if one were to be established on these hills; and as the disease certainly seems local, and peculiarly virulent on them, and as it is totally impossible for two medical officers stationed in Ootacamund to quit the scene of their constant and extensive duty amongst the sick officers and their families resident there, to introduce and practise vaccination in the Burgher districts, it would be a great blessing to the district if such an institution could be formed in it, and be the means unquestionably of saving many lives.

Health and diseases of troops, with the presumed causes of healthy or diseased state, and the treatment (not strictly medical) found to be useful.

The impending measure for the location of European troops on these hills will, it is to be hoped, before long furnish striking and favourable evidence upon this subject. At present it can only be inferred that the beneficial and renovating effect which even a few months' residence on them produces on the enfeebled constitutions of officers, must in an equal degree be exerted on the condition of the private soldiers who may be sent to them; and that not only physically, but morally, since the constant out-of-doors employment and recreation which they would be enabled during the greater portion of the year to find and enjoy, would remove them from the influence of that most demoralising of all agencies, the dull, monotonous irksomeness of the almost constant confinement to barracks, and of the life of utter idleness which they are compelled to in the plains. To the unfortunate wives and children of the European soldiery the effects of this wise measure will produce incalculable benefit, for it needs only to consult the tables of mortality in the records of almost any European regiment serving in the plains to perceive that upon them, and the latter especially, the hardships and sufferings of a barrack life there fall with aggravated cruelty. Under the discipline of a good school, and with constant employment found for them, relieved by the healthful exercise which will always be within their reach, it is not too much to say that hundreds of lives may be annually saved, many too, possibly, to be devoted to the service of the State in the persons of useful and well educated servants. I think that on the first arrival of fresh troops on the hills, much care and attention will be necessary to adapt the habits of the men to the entirely new climate (comparatively speaking) in which they will find themselves, avoiding very early and very late parades, and making all guards and sentries put on great coats before sunset, and wear them till after sunrise, and generally keeping the men out of the influence of the night air as much as possible. The site which I have had occasion to recommend for the new cantonment, in the valley of Jakatulla, is situated at an elevation of 6,100 feet above the sea, and enjoys a most temperate and agreeable climate; but the rapid change of temperature which follows the withdrawal of the sun's rays there, as in all other parts of the hills, demands care and precaution, especially in the case of men whose constitutions, and liver especially, have become injured by long residence in the low country.

Men suffering from dysentery will, with care, do well in Jakatulla, at all events in the dry weather, if too much exposure to the sun and to the dry easterly winds is avoided. Indeed there appear to be few diseases contracted in the plains which are not, unless too far advanced, speedily cured here, speaking of the hills generally, with the exception of liver complaint, which, if abscess has already formed, usually assumes a more aggravated form, through the cessation of the action of the skin, after a short residence, and compels the patient to proceed to sea as the only alternative.

COMMERCE.

Manufactures.

There are no manufactures carried on on the Neilgherries, unless a few earthern pots made by the Kothers, and principally at a village near Soloor, to the westward of Mootenaad, may be called by that name. From the great command, however, of water power all over the hills, and especially near the summits of the passes or ghauts, many of the products of the plains requiring to be wrought by heavy or steadily-driven machinery, such as cotton for yarn, oil seeds, &c., might, no doubt, be profitably converted from the raw state on the Neilgherries, or on their lower slopes. The wheat raised on them might also be ground into

into flour by machinery turned by water very economically; and it seems strange that at the present time, although a large quantity of flour is consumed in the settlements, and considering how many Europeans, who must have some knowledge of ordinary machinery, are resident on the hills, not one flour-mill is in existence, all the wheat being ground by manual labour in the common ancient native mill of two circular stones, the lower fixed, and the upper one revolving.

Capital employed.

No capital to any extent is invested at the present time, except in mulberry and coffee plantations, the amount of which I have no means of ascertaining, and in house building in the cantonment, which is not considerable. The return on the latter investment appears to be about 15 per cent.

Imports.

The following articles are imported into the hill district from the adjacent provinces of Malabar, Mysore, and Coimbatore: cotton cloth, salt, tobacco, sugar, turmeric, oils, arrack, salt fish, cocoa nuts, almonds, dried fruits, sheep, bullocks, poultry, gunpowder, sulphur, lime, furniture, artificer's tools, gram, raggee, chollum, betel nut, ghee, spices, limes, native peas; and of European articles, wines and spirits, wearing apparel, cambrics, woollens, flannels, muslins, shoes, books and stationery, earthenware and glass, hardware, groceries, beer and porter, candles, and all kinds of supplies for the table.

To this list, strange to say, is to be added wheat, which is imported to some extent from Mysore, where it is cultivated on the higher steppes of the table land. The bakers buy it because it is cheaper than the hill wheat, although not nearly so good, and mixing it with the corn purchased from the burghers, turn it to profitable account. There is generally a difference of three to four seers per rupee in the prices of the Mysore and of the hill wheat in favour of the former, in spite of the extra cost of transit to the cantonment market up to the Seegoor Ghaut, a circumstance which tends to support the idea of the misappropriation and mismanagement of this district through the ignorance and apathy of the hill cultivators.

Exports.

The exported articles are coffee, silk, potatoes, barley, hides, opium, wax, dammer or resin, and wheat, which, being bartered by the burghers for low country necessaries with the itinerant traders, thus becomes an article both of import and export.

No statement can be furnished of the quantities of the above-mentioned goods which are imported or exported, since, in consequence of the transit duties having been abolished, they pass through no office in which their amount might be registered.

Exchange.

Money is readily obtainable for bills on Bombay or Madras from the native merchants, who, having disposed of their goods on the hills, are anxious to remit the proceeds for re-investment. Hence cash on such bills is generally obtained at par, or at the utmost at 1 per cent. discount. No other exchange operations are carried on in the settlement, all business with England being transacted through agents at Madras or Bombay.

Weights.

The weights in use in the bazaars of the three settlements are, the maund of 25 lbs. avoirdupois, the viss of 2 lbs. ditto, the pound of 40 rupees or tolas weight, the seer of 25 rupees or tolas weight.

The burghers sell all their produce by measure, excepting opium, which they rate at so much per seer of 24 rupees' weight, being one rupee under the seer of the bazaars.

Measures.

The bazaar measures are the seer, half seer, and quarter seer in use all over the country. The burghers sell their grain by the "kolagum," the contents of which, when heaped up, is about 226 cubic inches, or somewhat more than two seers.

Coins.

The coins issued from the Honourable Company's mint are the only monies in circulation on the hills, viz., rupees, half and quarter rupees, two annas, quarter and half annas, and pice.

It is supposed that a good deal of coin goes out of circulation in the district, owing to the burghers and others either hoarding it by burying, or getting it converted into ornaments.

Banking operations.

A bank was recently established in Ootacamund, but it failed in consequence, I believe, of the ignorance and want of standing of the managers. But considering that there is almost always a large community of Europeans, chiefly in the service of Government, congregated at the station, together with a not inconsiderable number of native traders possessed of capital, it seems obvious that, if conducted upon proper principles, and by parties of mercantile respectability and intelligence, such an establishment could not fail to prosper, and to prove a source of great convenience and benefit to the public.

Lending and borrowing.

Money is lent in the bazaar amongst the natives at the usual usurious rate of interest, 2 per cent. being given for loans, with security of jewels or other convertible property, per month, and 3 per cent. per month for money lent on personal security only.

Modes of transit and communication.

1. By land.

The Neilgherry district communicates with the neighbouring provinces by means of six passes or ghauts, the roads in which have been cut and kept in repair at the public expense, with the exception of one, the "Manaar" or Soondaputty" Ghaut, which has gone out of general use. The only one of these passes which is ascended by wheeled conveyances is the "Seegoor," the mode of transit on all the others being by bullocks, coolies, and, to a small extent, by asses. By the "Seegoor" Ghaut, however, cart loads of 1,000 lbs. weight, or two candies, are brought up, an additional pair of bullocks being required to help the cart over the steepest parts of the ascent.

Appendix, No. 6.

Appendix, No. 6.

PAPER delivered in by Rev. *J. Mullens*, 8 July 1858.

PETITION of PROTESTANT MISSIONARIES residing in or near *Calcutta*.

To the Honourable the Legislative Council of India.

The Petition of the undersigned Protestant Missionaries residing in or near *Calcutta*.

Respectfully Showeth,

THAT your petitioners desire to express to your Honourable Council the satisfaction and gratitude with which they observed the introduction into your Honourable Council, on the 22d December 1855, by the Honourable J. P. Grant, of a Bill to improve the law relating to sales of land for arrears of revenue in the Presidency of Bengal; and their earnest hope that the leading principles and provisions of that valuable and important measure may be speedily embodied in a law.

2. That your petitioners beg leave to submit to your Honourable Council their views on the evils which that Bill is designed to meet; and generally, on the position of the cultivating classes in this Presidency; and they respectfully but earnestly solicit the favourable consideration of your Honourable Council to their representation of the claims of those classes of the community who are unable effectually to plead for themselves.

3. That your petitioners recognise in the perpetual settlement an important boon to the whole Presidency, in its limitation of the land tax, and they regard that settlement as the probable foundation of great national prosperity. But in the practical operation of the system, your petitioners observe two distinct classes of evils.

1st. The under-tenures are insecure; the rents of the cultivating classes are capriciously varied; and the interests of those classes are virtually unprotected.

2d. The zemindars are armed with extraordinary and excessive powers.

4. That your petitioners believe it to be notorious that the intentions of the laws for securing leases to the tenants, for securing them receipts on their payments of rent, for limiting within just bounds the rents reserved in leases, and for checking the custom of exacting abwabs and other arbitrary additional charges and cesses, are commonly frustrated and defeated. On the other hand the power of the zemindars (as recognised in Regulation VII. of 1799, Section 15, Clause 8) to compel the personal attendance of their tenants, for the adjustment of rent and other purposes, is practically, in many parts of the country, a substitute for the regular and ordinary processes of the law, and is virtually the subjection of the tenants to a state of slavery. And, further, this evil is in many instances greatly aggravated by the estates being held in co-tenancy, so that several shareholders, who are often in a state of conflict, equally exercise an arbitrary and unrestrained authority.

5. That while this law thus presses severely on the tenants, your petitioners observe that, from the increased cultivation of the soil, and the greatly increased value of its produce, the zemindars, who were primarily regarded simply as collectors of the land tax or farmers of the revenue, entitled to a fair profit on the returns, derive now a revenue greatly in excess of the revenue which they pay to Government. And thus, contemporaneously, while the zemindar has been rising in wealth and power, the tenant has been sinking into penury and dependence, subject to illegal and exhausting exactions, harassed by contending proprietors, and oppressed by the exercise of extra-judicial powers.

6. That your petitioners submit that this result was neither designed nor contemplated by the perpetual settlement. By that arrangement certain great advantages were secured. A moderate assessment was levied on the land in substitution for uncertain and unlimited demands; and an important class in the community, who were regarded as foremost in intelligence and influence, were placed in a position of responsibility, usefulness, and honour. But these zemindars have, since that time, not only acquired by law the power of enforcing their demands by *ex parte* proceedings, commencing with the arrest and imprisonment of the tenants, but have also received the sanction of the law, as already stated, to their custom of enforcing the personal attendance of their tenants at their pleasure; and both these powers, but especially the latter, your petitioners believe, they often greatly and shamefully abuse.

7. That

7. That in the practical and extended development of this system, it is manifest that the tenants suffer from a lax administration of laws passed for their protection; that they are oppressed by the execution of other laws, which arm the zemindars with excessive power; that they do not share with the zemindars in the advantages derived from the development of the resources of the country; that the profits thus monopolised by the zemindars are already incalculably valuable; and that, year after year, the condition of the tenants appears more and more pitiable and hopeless.

8. That your petitioners are compelled to add that other evils increase the wretchedness of the condition to which a tenant is thus reduced. The village chowkeydars are the servants of his landlord; the Government police are corrupt, and he cannot vie with his landlord in purchasing their favour; the courts of justice are dilatory and expensive, and are often far distant from his abode, so that he has no hope of redress for the most cruel wrongs; and he is frequently implicated in affrays respecting disputed boundaries, in which he has not the slightest personal interest. Ignorant of his rights, uneducated, subdued by oppression, accustomed to penury, and sometimes reduced to destitution, the cultivator of the soil in many parts of this Presidency derives little benefit from the British rule, beyond protection from Mahratta invasions.

9. That your petitioners believe that, under these circumstances, the interference of your Honourable Council is urgently demanded by justice and benevolence; and they view the present sale bill as an important step in the right direction.

10. That the objections of the zemindars to the measure appear to your petitioners entirely futile. It appears to your petitioners unquestionable, that your Honourable Council may justly protect the tenant, provided only it leave the zemindar ample means of paying the Government revenue, and a fair profit on his collections. The elevation of this zemindarry class, by extraordinary protective and fostering measures, is not a policy that can be wisely or equitably pursued, to the sacrifice of the great mass of the people.

11. That your petitioners confidently submit to your Honourable Council, that the zemindars have not fulfilled the just expectations of the State, or the conditions connected with the perpetual settlement. The extension of cultivation in Bengal, for which they claim credit, your petitioners ascribe, not to the enterprise, capital, or public spirit of the zemindars, but to the great increase of population during the last hundred years of domestic peace. Far from accelerating the progress of the country, either in civilization or material prosperity, the zemindars have generally checked the accumulation of capital by their tenants. They have not stimulated exertion by their own example, nor encouraged confidence by generosity and kindness. On the contrary, by arbitrary exactions, they have repressed the industry of their tenants, and by the exercise of their excessive powers under the Regulation VII. of 1799, they have destroyed every vestige of their independence.

12. That your petitioners are well aware of exceptions. They know that there are powerful middle-men, indigo planters and others, who have resisted and struggled with the zemindars, and against whom it is impossible to enforce the extraordinary powers which are mercilessly wielded against the poor. But your petitioners desire to be understood as speaking of the great mass of the cultivating classes constituting a large proportion of the entire population; and on these your petitioners believe that the oppressions of all the various grades of superiors, both middle-men and zemindars, have been practised, and are still practised, with lamentable effect, partly with legal sanction, and partly without it, but entirely, in nearly every case, without the slightest hope on the part of the tenant of legal redress.

13. That, in respect of the exactions of the middle-men, your petitioners believe that a considerable part must be ascribed to the uncertain tenures of that class. Having no permanent interest in the soil or the people, they are seldom the protectors of their dependent cultivators. If fixity or permanence of tenure were established, then immediately, as your petitioners believe, the tendency would be to establish just relations between the landlord and the tenant from the highest to the lowest; and that principle, your petitioners therefore earnestly desire to see adopted and carried out. At present, it is infringed, in the first instance, by the right of the Government to sell the land for arrears of revenue, and thereby avoid the under-tenures with some few exceptions; and then, still more, by the entire absence of protection to the tenants, and the undefined relations of landlord and tenant throughout the Presidency.

14. That in connexion with this subject, the Calcutta Missionary Conference, in the year 1852, requested one of its members, well acquainted with the subject, to prepare a paper on the redemption or commutation of the land tax, and that document was published and circulated both in India and in England. Subsequently, the Missionaries of Calcutta, in their petition to Parliament in the same year, prayed for a measure having the redemption of the land tax for its object, with the view at once to induce capitalists to invest in land, and to enable small holders to acquire permanent freehold rights.

15. That your petitioners have annexed to this petition, a copy of the paper referred to, and respectfully submit its statements and arguments to the attention of your Honourable Council.

 16. That

Appendix, No. 6.

16. That your petitioners now find, with great satisfaction, that the Board of Revenue have unanimously approved of the 15th Section of the present Bill, which provides that any recorded proprietor or co-partner of an estate, may, by deposit of Company's paper, secure his estate from sale for arrears of land revenue; and have distinctly recognised the expediency of permitting the complete redemption of the land tax.

17. That your petitioners anticipate, from the adoption of the principle involved in that Section, a powerful stimulus to exertion for the purpose of securing freehold rights; and as the result of the possession of those rights, the creation of that spirit of freedom which has always been the spring of enterprise, emulation, and social progress.

18. That your petitioners submit that the terms of the 15th Section may be safely extended, by a provision for the payment of a definite rate of purchase money, (which your petitioners apprehend might be 20 years' purchase of the recorded land tax,) in consideration of which, that tax might be held to be absolutely redeemed for ever; and your petitioners further suggest, that certain encouragements to such redemptions might be granted, in the form of partial remissions of arrears; an official survey of every estate redeemed, with an official certificate and record of boundaries; and a public notification, in the *Government Gazette*, of the names of all who avail themselves of this law.

19. That your petitioners believe that it is the interest of the Government both to facilitate and to encourage such redemptions, not only because an immediate saving will follow in respect of a reduction of the establishments for collecting revenue, but also because they will introduce a new and highly beneficial element into the landed system.

20. That your petitioners desire to express their conviction of the necessity for the provisions contemplated by this Bill, for the protection of under-tenures by registration.

21. That, in respect of ante-settlement tenures, your petitioners submit that the security provided by the Bill is simply an act of justice and good faith, required by the perpetual settlement; and that, as the proposed registration will be voluntary on the part of the talookdars, no satisfactory objection can be urged to it.

22. That, in respect of some tenures (both ante-settlement and post-settlement tenures), your petitioners apprehend that they largely partake of the character of English copyholds, but with additional disadvantages attending them; and your petitioners submit that all the principal reasons which have been stated for the enfranchisement of those tenures in England, apply with greater force in support of the proposition for protecting and fixing tenures of the same nature in Bengal.

23. That, in respect of post-settlement tenures, your petitioners understand that the intention of the Bill is to protect, by registration, all which have been, or may be hereafter created *bonâ fide*; that is, on which the rent reserved is fairly and duly apportioned to the entire land tax of the estate.

24. That it is objected to this proposed law, that the inquiry into this apportionment will be attended with impracticable difficulties.

25. That your petitioners acknowledge that such might be the case, were the total land tax of the estates exactly, or nearly exactly, equivalent to their total rental. But, in fact, it is notorious that the rental of zemindaries is ordinarily more than double their total land tax or sudder jumma; and in all such cases it appears that it would be difficult to err. Any careful collector inquiring into a lease could, in such circumstances, form a sufficiently accurate estimate of the fairness of the rent reserved—the sole object of his inquiry being its proportion to the sudder jumma or land tax of the estate, and the aggregate value of the estate being, as already stated, so great, as to afford a large margin to cover all probable mistakes. Placing the case on the lowest ground, your petitioners submit, therefore, that fraudulent leases, sanctioned and registered by the collector (created, too, in the face of the provision which renders them liable to be annulled and avoided, at any time within 60 years, on the ground of fraud), are not likely to be so numerous as seriously to endanger the Government revenue.

26. That your petitioners feel it to be unsatisfactory to argue the question on this ground, or to consider, in detail, the probable number of such frauds, or their united ultimate effect on the aggregate land tax. They respectfully submit that your Honourable Council may be expected to rely, for the security of the land tax payable to Government under the perpetual settlement, not on the exact accuracy of the collectors and ameens, but on the gradual improvement of the country and development of its resources. In most parts of Bengal the assessment was originally moderate; the progress of the country has rendered it light; and, with a further advance of society and a further rise in the produce, the fixed Government revenue will be trifling, compared with the value and extent of the cultivated soil. A country which, like Bengal, already feeds upwards of 40,000,000 of people, already exports annually produce to the value of at least 15,000,000 sterling, and already receives annually upwards of 5,000,000 sterling in bullion, as the balance of its trade, after paying the greater part of India's tribute to England, and in which there are still boundless resources undeveloped, cannot long feel as a burden a land tax of three millions and a half.

27. That

27. That your petitioners believe that no part of that tax will be lost through the operation of the present bill; but if some hazard is inevitable, they respectfully inquire, if fear lest part of this tax may possibly, under this Bill, be sacrificed by some fraudulent leases remaining undetected in their creation, and undisturbed during the whole succeeding 60 years, should be regarded as a sufficient bar to the enactment of a measure which not merely gives fixity and permanence to all under tenures, old and new, and immediately encourages all improvement, but also affords the promise of an accelerated progress in wealth and prosperity, in the course of which all landlords may be expected to liberate their land altogether, without loss to the Government?

28. That when your petitioners inquire for the alternative if this Bill be rejected, they find a proposition to establish and fix under-tenures, but subject in the ultimate contingency of a Government sale to disturbance and re-settlement, a proposition which, in their judgment, differs from this Bill entirely in spirit and effect. The one condition and qualification annexed to this proposed amendment, must, they fear, check the operation and expansion of the system which they desire to see established, and tend to perpetuate the plague of doubt and hesitation, which is now effectual in restraining the investment of capital in land and development of the resources of the country. It interposes a possible partial loss of the Government revenue in a doubtful contingency, as an impediment to the destruction of a vicious system, which is ruinous to a large portion of the population and crushes them into degradation and misery.

29. That your petitioners regard another objection to this Bill, namely, that it will tend to the multiplication of small holdings as altogether illusory. The existing system certainly has that tendency, because it checks the accumulation of capital in the farming classes; but the system contemplated by this Bill, if liberally expanded and carried out, will tend to the increase of wealth, and this, with other civilising causes, must lead to the investment of continually larger amounts of capital in land, and thereby to the consolidation of estates and the absorption of improvident and pauper proprietors.

30. That with these views your petitioners look with anxiety and earnest desire for the enactment of this proposed measure, but they are bound to state that they wish also to see additional measures carried with it.

31. That your petitioners believe that they have truly and accurately represented the condition of the cultivating classes. Your petitioners believe it to be true that, superadded to the evils they endure from a corrupt and inefficient police, and an administration of civil and criminal justice which confessedly requires extensive improvement, they are liable to be constantly harassed by the conflicting and unsettled claims either of contending shareholders of joint estates, or of contending neighbouring proprietors; by the severe laws of distraint and arrest; by the power of their superior landholders, whether zemindars or middle-men, to compel personal attendance at their pleasure; by illegal exactions; by the unfixed nature of their tenures; and by the prevalent custom of refusing both leases and receipts.

32. That for this class your petitioners believe themselves called upon to speak. Your Honourable Council receives petitions from many of those who consider their interests affected by this and other measures, particularly zemindars and indigo planters, and their representations reach the British Parliament. But the mass of the people, the cultivators of the soil, and those directly or indirectly dependent on them, are usually unheard and unrepresented. Yet your petitioners believe that the case of these numerous classes is such as urgently to demand consideration; and your petitioners, influenced by the desire that the British Government may be honourably distinguished in the blessed work of "showing mercy to the poor," and affected by a deep sense of the social wretchedness prevalent in the land, and the fearful obstacles which it presents, alike to the progress of enlightenment and truth, and the advancement of the material interests of the country, are constrained to appeal earnestly to your Honourable Council; and to entreat your Honourable Council so to legislate, as to afford hopes of new and better days; to secure, with the blessing of God, the public tranquillity, which is now endangered through the sufferings and the irritation of the people; and to lay the foundations of general prosperity and freedom.

33. Your petitioners therefore pray your Honourable Council to pass the Bill to improve the law relating to sales of land for arrears of revenue in the Presidency of Bengal, and to pass such other measures as shall be necessary for the emancipation and protection of the cultivating classes.

And your petitioners will ever pray.

(signed) *Alexander Duff*,
And 20 other Signatures.

Appendix, No. 6.

Appendix referred to in the foregoing Petition.

On the desirableness of Commuting the Government Land Tax.

It has long been the settled conviction of many missionaries labouring in Bengal, that the present condition of the rural population of that province is not only a great impediment to the diffusion of Christianity in general and to the development of a Christian character on the part of converts in particular, but also a social and political evil of great and growing importance, which, unless checked in time, must ultimately result in the universal prevalence of pauperism, servility, duplicity, and indolence. The causes to which the misery and degradation of the peasantry must be attributed are manifold; such as the long continued prevalence of Hindoo idolatory and Muhommadan oppression, of early marriages and the prejudices of caste; also the innate defects of the national character, and the density of the population. Causes like these cannot well be remedied by legislative enactments; but there is another which appears to admit of such a remedy, namely, the mutual relation between the zemindars and the ryots, to which the alarming deterioration of the peasantry must be in a great measure attributed, whilst at the same time it places the zemindars in a position which is calculated to prolong the evil to an indefinite period, without any prospect of improvement.

It would, no doubt, be an injurious as well as a difficult undertaking to attempt an abrupt and total abolition of the present zemindary and ryot system. The best means of providing a remedy for the actual state of things appears to be the application of a new principle to the tenure of land, a principle of such a nature that it should operate gradually and almost imperceptibly, and yet produce a beneficial change in the public mind, by leading the rural population to hope for that amelioration of their circumstances, of which at present they can see no prospect. It has long appeared to some men who have attentively considered the subject, that the principle of freehold tenure would be of such a nature, and that it might be introduced gradually, if an Act passed, allowing the commutation of the land-tax; in other words, permitting capitalists to purchase estates, as opportunities might present themselves, by paying down, once for all, the capital which is represented by the Government land-tax; with the understanding that estates, thus purchased, should never again be subjected to the land-tax. The rate at which the capital might be calculated could easily be fixed by a legal enactment. Supposing, for instance, that the land-tax represents an interest of five per cent., the capital would be equal to 20 years' purchase. Or should it be thought that five per cent. is too low a rate of interest for India, the capital might be declared equal to the amount of 16 years' purchase.

The capital represented by the land-tax of Bengal is immense, amounting to more than a hundred millions sterling; and the number of capitalists ready to avail themselves of the contemplated arrangement would naturally be very small, especially at first. It is clear, therefore, that the operation of such an arrangement would be very gradual, and could not be productive of dangerous consequences.

The benefits would probably be considerable. The *bonâ fide* proprietors of freehold estates would naturally take a deeper interest in the profitable cultivation of the land and the general improvement of the neighbourhood, than can be expected of zemindars, whose tenure of estates is always more or less precarious, because if ever they fail to make the quarterly payment at the collector's office within the appointed time, the estate is put up to auction the next day, and disposed of to the highest bidder. The relation between *bonâ fide* landlords and tenants would be much less complicated, and therefore much less productive, of animosities and disputes, than that between zemindars and ryots. Long leases might be given by a landowner, or portions of the estate sold out and out; and thereby a manly spirit of independence infused into the peasantry, to which at present it is an utter stranger. And if the boundaries of an estate, when thus sold out and out, were clearly defined by competent authority, the principal plea now advanced by zemindars in defence of their system of keeping up a body of clubmen would be neutralised; for they generally profess to hire these men, in order to settle, by physical force, the boundaries which the law has hitherto left unsettled in many parts of Bengal.

It is very probable that a class of landholders, of a much better character, would be brought into existence.* At present, to become a landholder or zemindar is tantamount to involving

* The circumstances under which the writer originally drew up this paper, compelled him to confine his remarks exclusively to one subject. But he embraces the present opportunity for throwing out a few hints on some collateral topics. If Government really wish to encourage honest and conscientious men, and especially Europeans, to purchase estates in Bengal, the following improvements, among others, will be indispensable:

1. A comprehensive system of registration, the working of which should be entrusted to really able men. All documents relative to landed property should be registered; and when thus registered they should be regarded as authentic. Such a system has long been contemplated, but, in order to be efficient, it should be accompanied by—

2. A thorough survey of the country, especially for the purpose of ascertaining the numberless disputed boundaries of estates. An able Government officer once remarked, in a conversation with the writer, that "the reason why the lower provinces are called settled, must be, because everything in them (concerning boundaries) is unsettled, just as *lucus* is so called a *non lucendo*."

3. A "statute of frauds" should be enacted, declaring the prevalent practice of *benami* (anonymous or pseudonymous) possession to be illegal. The ostensible owner should be treated by the law as the real owner

involving one's self in endless litigation, besides running a great pecuniary risk. The purchaser of an estate must be prepared to contest numerous law suits with his neighbours, to keep in his pay a body of clubmen sufficiently powerful to overawe theirs, and to make two or three quarterly payments to the collector, before the estate has yielded him any income. It is owing to these difficulties that so few English capitalists have laid out their money in the purchase of land in Bengal, and that the few who have done so do not differ more in their character from native zemindars. These difficulties, again, have proved a great obstacle to persons who have wished to form Christian settlements, and from the nature of things they must continue a great hinderance to such designs. It is supposed that the introduction of the principle of freehold tenure would be very beneficial in this respect.

A commutation of the land tax would not deprive the Government of any part of its revenue. The capital paid into the Treasury by purchasers might be laid out in a number of ways equally productive. It might be applied to the reduction of the public debt, or to the construction of canals and railways, on which tolls might be levied; not to mention ordinary roads and bridges, in which Bengal is still so lamentably deficient.

There would, probably, be found some difficulties, at first, in the working of such a plan as that which is here suggested, but it is supposed that these would not prove very serious, much less insurmountable. The greatest difficulty, perhaps, would be that of dealing justly with the fair claims of those ryots, who hold what is called *paitrik* (ancestral) land. It would perhaps be desirable to fix a rate at which such ryots might redeem their land from the zemindars.

Whatever may be thought of this particular proposal regarding the commutation of the land tax, the following considerations will show that a change in the present system is desirable, or rather imperatively required.

The rent or land tax which the ryots have to pay to the zemindar amounts on an average to about two rupees per beegah, or taking the beegah to be one-third of an English acre to about 12*s.* per acre. Those who hold only *paitrik* land are more favourably circumstanced, because the rent for that does not generally exceed one rupee per beegah. But most of those ryots who hold *paitrik* land also hold land of a different description, for which they have to pay at the higher rate. And the rent for land which is fit for gardening or for being built upon, is higher than two rupees; so that this rate may fairly be considered as the average. It constitutes about 40 per cent. of the gross return in a good year. A beegah of land in a favourable year yields about five rupees. If the two rupees for rent are deducted, there remain three, which the ryot can call his own. It is believed that 12 beegahs is about the average amount which a Bengali ryot holds. The proceeds of that, after deducting the rent, amount to 36 rupees per annum. Out of this sum he has to provide food and clothing for himself and family, to keep his houses in repair, and to maintain the necessary stock of cattle and implements, besides paying for extra labour during the seasons of ploughing and reaping. Now, it is barely possible for him to provide food and clothing with three rupees a month; but the means of meeting all other expenses must be derived from other sources, such as fishing or job-work of various descriptions. All such sources are precarious and almost invariably insufficient. The consequence is that the ryot is compelled to incur debt. The most common rates of interest at which he can borrow money from the zemindar or the money lender, are three and four pice for the rupee per month, which are respectively an annual interest of 56 and 75 per cent. When about to plough his land, he is usually under the necessity of obtaining an advance of seed corn from the zemindar, to whom he has to re-pay it at the season of harvest with 50 per cent. interest, or for the twelve month with 80 per cent. interest. In this way he becomes more and more deeply involved in debt. And yet the basis of this calculation, five rupees as the gross return of a beegah, is, if anything, too high rather than too low. In the majority of years the amount realised is considerably less; for storms, and inundations, and droughts, and murrain among cattle are calamities of frequent occurrence in Bengal; and seasons of sickness in the family are an additional source of difficulties.

The position in which the ryot stands to the zemindar is disadvantageous to both parties; but certainly more detrimental to the former than to the latter. The payment of rent for the current year, or of arrears, the repayment of advances of various kinds, and the payment of interest, constitute so many different heads of accounts between the two parties. Many estates are the joint property of a number of zemindars, of whom one may be entitled to one-half, another to a quarter, a third to the twelfth or sixteenth part of the proceeds. In such cases it is the usual practice for each shareholder to maintain a separate agency, and to keep separate accounts, so that every ryot has transactions with a number of landlords.

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owner to all intents and purposes. The system of secret trusts, now prevalent, is a gigantic fabric of iniquity and fraud, to which the world probably cannot furnish a parallel.

4. The village police should be reformed. Its present state is infinitely worse than a state of utter inefficiency; it is so bad that one can scarcely venture to describe it.

A subdivision of the judicial districts is required. The scantiness of the means of communication throughout Bengal greatly increases the obvious disadvantages arising from the overgrown size and population of the present districts. Thousands of villages are situated at a distance of two or three days' journey from the magistrate's or judge's office.

The writer believes that the introduction of all these and similar reforms would be facilitated, and their efficiency increased, by the commutation of the land-tax.

Appendix, No. 6.

lords. In the majority of districts the zemindars give written receipts for the rent; but even there the ryot does not always find it an easy matter to obtain such receipts; and in some localities the zemindars never give them. It must be acknowledged that in innumerable cases the ryots are not only backward, but positively unwilling to pay; and the multiplicity or intricacy of their accounts, together with the fear (frequently well-founded) of being overcharged, constitutes an additional and very prolific source of disputes, which most commonly terminate in favour of the zemindar, although it is not denied that they occasion considerable loss to him also.

The position assigned to zemindars by the law is very peculiar. They are neither *bonâ fide* landowners, nor *bonâ fide* fiscal officers appointed to collect the land-tax. Perhaps the nearest approach to a correct description of their position would be to say that they are landowners, whose estates are mortgaged to Government, the mortgage being liable to be foreclosed, as soon as they fail to make their quarterly payments. They are almost all, however, in the habit of treating their ryots not merely as their tenants, but as their serfs. They call themselves rajahs or kings, and the ryots their subjects. They almost universally either claim more than their due, or else they claim it in an improper manner, for it is not easy to determine what really is their due. They exact contributions from their ryots when a marriage, or a birth, or a death takes place in the family. They exact contributions for the avowed purpose of observing funeral rites in commemoration of their dead ancestors, and of celebrating the annual heathen festivals. These practices are almost universal. In numerous localities they exact from the ryots gratuitous labour in the field or at the oar; and compel the poor people to allow them, without payment, the use of their cattle or of their boats, if they possess any. It is not unusual, especially at a considerable distance from the civil stations, for zemindars to go still further in the abuse of their power, by inflicting imprisonment and torture upon any ryot who may have incurred their displeasure.

It is true that there exist laws of a most praiseworthy nature, which are intended to protect the ryot against unjust ejection from his tenure and against oppression generally; but these laws remain, to a great extent, a dead letter. Not to dwell upon the well-known fact that witnesses who will swear to anything can always be had in this country by the highest bidder, the ryot has very little money to spare for law suits. The advance which must be paid into court as a guarantee for the appearance—or *de facto* for the maintenance—of witnesses; the expense of a journey to the civil station, and of his own support, and that of his witnesses during their stay there, and the serious loss which such a stay must, at certain seasons, occasion to his property, and particularly to his crops: these are formidable obstacles to the ryot. He cannot, generally speaking, afford single-handed to contest a law suit with his zemindar, who possesses greater pecuniary resources, greater influence at head quarters, and greater experience in legal proceedings.

The powers with which the collector is armed, in order to enforce payment on the part of recusant ryots, are so great that they are a source of terror to the rural population. Some of the Government regulations, in which those powers are defined, are best known by the numbers which they bear. As an instance, that regulation which is usually called the seventh or huftum, may be mentioned. The enforcement of this regulation conveys to the Bengali ryot the same uncomfortable impression which is usually connected with the idea of being "quartered" or "decimated." When he sees that he is about to be "septimated," he makes every effort in his power to escape from his fate by flight, thereby risking the loss of all he possesses in the world. If these regulations were only enforced in those cases to which they were originally intended to apply, the evil would not, perhaps, be very great; but the zemindars frequently succeed in prevailing upon collectors (by false representations) to enforce them in cases to which they ought not to be applied at all.

In many cases the zemindars themselves are not aware of all the misery which is inflicted in their name upon the ryots by the agents whom they employ in collecting the rent. These middle-men are, in truth, the greatest tyrants. And as such middle-men would have to be employed by Government in case the ryotwari system should be substituted for the zemindari system, it is clear that such a change would not be of any great advantage to the ryots, probably of none at all. It is well known that the middle-men employed by humane European indigo planters, are in many cases as oppressive as those employed by native zemindars. What is wanted is that the ryot should have direct access to his landlord, and that the interests of both should be the same. And this object would probably be accomplished, in process of time, if by legalising the commutation of the land-tax, the prospect of becoming freeholders was opened to capitalists.

It appears, therefore, desirable that the subject of the zemindari system should be examined into by the Committee now appointed by Parliament, and that this aspect of it should form a special topic of inquiry. The zemindars have taken measures to bring their grievance to the notice of Parliament; but it is greatly to be feared that the grievances of ryots, which even in this country are not extensively known to Europeans, will be passed over in silence, unless special attention is directed to them. The contemplation of them has often caused the hearts of missionaries to bleed, and often led them to ask whether it is possible, in the present social condition of the majority of the population, for Christianity to take deep root in this country, and to produce those fruits of veracity, industry, prosperity, disinterestedness, generosity, and nobility of character, by which the Gospel is intended to become a blessing to mankind at large.

Appendix, No. 7.

LEGISLATIVE COUNCIL.

SALES OF LAND FOR ARREARS OF REVENUE (BENGAL).

Mr. Grant moved the first reading of a Bill "To improve the Law relating to sales of Land for arrears of Revenue in the Bengal Presidency." He said, in presenting his Bill on this important subject, he would not attempt to discuss the difficulties of the question, for he thought that they could not be discussed with much advantage until Honourable Members should have the printed papers in their hands. He intended simply to draw the attention of the Council to the chief points in which he proposed to amend the present law.

The first important point in which it was proposed to amend the present law was the dispensing with that provision which requires the previous sanction of the Board of Revenue to the sale of every estate which it is necessary to put up to sale for arrears of revenue in the province of Cuttack. Honourable Members were aware that there were two systems in force for the recovery of arrears of revenue. In Bengal, where the districts were permanently settled, the only process was the process of sale. It was the first and the last process; and the revenue was collected under it without vexation or difficulty. In the provinces not permanently settled, it was different. There the revenue was collected by a system of dustuks, tullubana, arrest of person, sale of personal property, and attachment of land. This process, under which sale was the last coercive measure resorted to, was supposed to be peculiarly adapted to those provinces; whilst in Bengal, as he had observed, the process of sale as the first and the last process was found to work most satisfactorily, and rarely in practice to require to be resorted to. Cuttack was the only Regulation Province not permanently settled under the jurisdiction of the Bengal Board of Revenue, and the only one in which any part of the North Western process of enforcing payment of revenue was in force by law. Within the last few years, there had been a great deal of discussion between the Bengal Government, the Board, and the local authorities in the Cuttack districts, regarding the process that should be adopted there. The weight of authority greatly preponderated in favour of placing Cuttack—that is to say, the whole of that portion of Orissa not permanently settled—on the same footing in this respect as the permanently settled districts. The Bengal Government recommended this measure, and he had adopted it in his Bill. But he thought, if this change were made, it would be quite necessary altogether to rescind Regulation X. of 1818, which, accordingly, he proposed to do. The preamble of that Regulation said:—

"Whereas it is deemed expedient, with the view to ensure for the future the more punctual collection of the public revenue from zemindars, talookdars, and other actual proprietors of land, and farmers of land in the district of Cuttack, the pergunnah of Puttaspore, and the several places dependent on it, to assimilate the system of collection in the said district and pergunnah and places more nearly to that pursued in the Western Provinces, the following rules have been accordingly enacted."

As the avowed object of the alteration of the law to which he was now adverting, namely, the dispensing with the previous sanction of the Board of Revenue, was to assimilate the system of collection in Cuttack to the system of collection in Bengal, which was entirely different from that pursued in the Western Provinces, he thought it would not be right to leave upon the Statute Book a Regulation intended to enforce the opposite system.

The next point in which it was proposed to alter the present law was not suggested in any of the papers which he had seen, but had occurred to himself as apparently an improvement in the law. By the present law, the holder of a lien on an estate, if he fears that the estate may be sold for arrears of revenue, is entitled to deposit the amount of the arrears with the collector, and if, before sunset of the latest day of payment, the arrears are not paid up by the proprietor, the deposit of the mortgagee is carried to the credit of the estate in liquidation of the arrears, and so the estate, with the lien upon it, is saved. But when this is done, the mortgagee has nothing more to look to for the recovery of the money he deposited than the personal security of the defaulting proprietor. He (Mr. Grant) thought that this was hard and unjust; and he had therefore provided in the Bill, that the mortgagee should have the same security over the estate for his deposit that he had by his original lien. If, in the discussion of this Bill by the Council hereafter, any valid objection should be found to exist to the giving of this new security to mortgagees, of course the plan could not be carried out. At present, he was not aware that any such objection existed; and if so, he could not doubt that the new security ought to be given.

The next proposed important alteration in the law had been recommended by the Board of Revenue. It was that each sharer in an estate, whether a sharer in a joint estate held in common tenancy, or the holder of a specific portion of the land of an entire estate, should

Appendix, No. 7.

have the means of acquiring the privilege of protecting his share by paying up his own portion of the Government revenue, whether the other sharers paid up theirs or not. He believed that nobody had doubted—he thought that nobody could doubt—that, if this privilege could be given, it was a simple act of justice to the honest and solvent sharer to give it to him, and so to secure him from being made the victim of the fraud or neglect of his co-sharers. He had therefore adopted, in the main, provisions which had been prepared by the Board of Revenue for this purpose, and formed part of a draft Act for the improvement of the law of Butwarrah or partition of estates, proposed by that authority. It was unnecessary to explain how such a provision had found place in a Butwarrah law; the proper place for it undoubtedly was the Sale law, and therefore it had been adopted in this Bill. The Bill provided that, when a recorded co-sharer desires to pay his portion of the Government revenue separately, he may submit to the collector a written application specifying the nature and extent of his interest in the estate. The collector will cause the application to be published; and if, within six weeks from the date of the publication, no objection is made by any other recorded sharer, the collector will open a separate account with the applicant, and will credit separately to his share all payments made by him on account of it. If any recorded proprietor of the estate, whether the estate is held in common-tenancy or not, objects to the application, the collector will institute a summary inquiry, and will, after such inquiry, reject or admit the application. The award of the collector will be subject to the usual appeal to the higher revenue authorities, and to reversal by a regular suit in the civil court, provided such suit be brought within one year from the date of the final award of the revenue authorities.

If a sharer whose share has been separated as above, should fall into arrears of revenue, and his share should be put up for sale, it might happen that no bid would be offered equal to the amount of the arrears. In such a case the Board of Revenue proposed that 10 days should be allowed to make good the arrear; and that, if the money were not paid on the expiration of that time, the whole estate should be put up for sale. Now, he thought it was quite necessary for the security of the public revenue that the whole estate should continue liable, and should be put up for sale, whenever any portion of the revenue due upon it continued unpaid; but he did not think it was necessary to do what the Board of Revenue recommended. In the first place, he did not think it expedient to allow the defaulter a second period for the payment of the arrears due from him, after the latest day of payment had passed. By universal admission, one of the most excellent provisions of the Sale law of 1841, which was followed in the Sale law of 1845, was that which insisted upon the payment of arrears of revenue before a certain fixed date, and allowed no subsequent payment to stop a sale. He should be sorry in any way to break in upon that principle. In the second place, he thought the requisite security of the revenue could be ensured in a manner more fair to the co-sharers whose shares of the revenue had been duly paid. He had provided in his Bill that, where the highest offer for a share exposed to sale for arrears of revenue should not be equal to the amount due upon it, the collector should stop the sale, and should allow 10 days to the other shares, within which time they should be at liberty to purchase the defaulter's share by paying to Government the whole amount due upon it. This would inflict no injustice upon the defaulting sharer, for he would obtain more than the market value of his share, as that market value had been tested by public auction; and it would be doing no more than justice to the innocent co-sharers, who, without loss, would thus be able to preserve their own property. This provision would also prevent the not uncommon fraud of a wealthy sharer wilfully making default, in order that the whole estate may be put up for sale, and that he may purchase it all himself.

The Bengal Government had proposed that the benefit of separate payment should not be extended to any share the revenue of which does not exceed 50 rupees. He had not thought it right to adopt that proposal. The object was the security of the sharer in his just rights, by the protection of his property when there is no default on his part. This is but justice, whatever the value of the share may be. A share paying 40 rupees might be of as much concern to a poor man as the estate of the Rajah of Burdwan, paying 40 lakhs, is to the rajah. The property of both should be justly protected.

The next proposed change in the law was another point which had not been suggested in the papers, but which had struck him as a material improvement. It occasionally might happen, especially in the case of an absent proprietor, that a man's property might be sold for arrears of revenue which accrued from no intentional default, and no negligence on his part, but from some accident, or from the neglect of an agent. Now, the property might be very valuable, and, if put up for sale, it might sell for a sum very disproportionate to its value to its proprietor. To enable proprietors to secure themselves if they choose from any such risk, he had provided that every zemindar paying revenue directly to Government on an entire estate, should have the power of lodging with the collector a sum of money, or Company's paper, for the purpose of being applied to the payment of any arrear of revenue that might remain due upon his estate, after sunset of the latest day of payment. This, if the deposit were made equal to one or two instalments of revenue, would secure the estate from the possibility of being sold, even if the proprietor were living in England. The deposit might be made in Government securities sufficient in amount to pay the revenue from the interest, whereby the estate might be permanently secured from sale for arrears of revenue;—a provision which might be of use for peculiar properties which, from buildings having been erected upon them, gardens or orchards having been planted

planted upon them, or from other like causes, were of great value in proportion to the revenue assessed upon them.

He now came to the most important question of all—the question of under-tenures. The Bill, as he had prepared it, would enforce the registration of under-tenures. There were two classes of under-tenures—under-tenures which existed before the permanent settlement was made, and under-tenures which were created after it. Those that existed before the permanent settlement was made, continued to hold good after the sale of the parent estate for arrears of revenue. But the contrary, as Honourable Members were well aware, was the case with under-tenures created subsequently. Under this Bill, as it was now prepared, holders of under-tenures of either description would be obliged to register them. The time allowed for the application to register was three years from the date of the passing of the Act. Within that period the Bill provided that the holder of an ante-settlement under-tenure, who desired to secure it against all risk whatever, should petition the collector for registration; and the collector, if he should be satisfied that the tenure was truly an ante-settlement tenure, would allow the registration. The award of the collector for registration might be contested by a civil suit, if such suit should be brought within one year from the date of the award, otherwise the tenure would stand for ever freed from being subject to any question as to its validity.

The question of the propriety of enforcing the registration of old under-tenures was one which was, doubtless, open to much discussion. He had prepared the Bill in this manner partly with the view of inviting such discussion. But he apprehended that, as to the propriety of enabling the holders of old under-tenures to register, and so to secure themselves against all possible suits to destroy their titles, there could be no difference of opinion. The absence of anything like effectual registration in all our districts, was the cause of constant litigation; for every holder of an under-tenure was liable to answer to the regular suit of every successive purchaser of the parent estate; because every successive purchaser of the parent estate enters with all the rights of the person with whom the settlement was originally made, and, by the force of those rights, can put the holder of the oldest under-tenant to the proof.

He now came to the case of new under-tenures. This had been admitted by all who had taken any part in it, to be a question of great difficulty; and certainly he, who had given a great deal of thought to it, was entirely of opinion that its difficulty had not been exaggerated. It had been under discussion for 12 years between persons who were of all the most competent to determine any such question. A project had been sent up by the Bengal Government in connexion with it, which he, at one time, had strongly approved as being a great step in advance. It was that all under-tenures in an estate, without exception or inquiry, should be allowed to hold as good against an auction purchaser as they were against the former proprietor, as long as the parent estate should be saleable at a price that would cover the arrears of revenue due from it; but that, as soon as the parent estate should fail to be saleable at such a price, it should be forfeited to Government, and the whole of the past settlement under-tenures should be annulled; whereupon Government should proceed to form a new settlement of the land.

Upon this plan, he would remark that the forfeiture could not be carried out, because whatever sum was offered at the sale for the estate, though it might be less than the amount due for revenue, was the due of the zemindar, who would have a right to insist that it should be carried to his credit, and that the amount of the arrears payable by him should be reduced *pro tanto*. That, however, was not a substantial objection to the main feature of the plan. But there were other objections to the plan which he thought were substantial. In the first place, the plan did not profess to give complete security to under-tenants holding under honest titles at fair rents. It did not, therefore, profess to do what it ought certainly to be the object of the Legislature to do. The object of the Legislature ought to be to give security to the under-tenant, with the view of encouraging him to lay out capital in the improvement of his land; and certainly so long as his tenure was liable to be taken from him for no default of his own, on the forfeiture of the parent estate, so long would he be discouraged from laying out his good money upon that land. The discouragement would, doubtless, be lessened by the adoption of the ingenious plan proposed by the Bengal Government; but it would by no means be removed altogether. For example, suppose that there were two talookdars, or holders of under-tenures, in one estate; one of whom having increased the value of his talook by a large expenditure of capital, had raised his rents to double their original amount; and the other, having allowed his talook to deteriorate, had reduced his rents by one-half; suppose that, in this state of things, the entire estate is put up for sale for arrears of revenue, and that no one comes forward to bid to the amount of the arrears, the estate would thereupon be forfeited; the Government would enter into possession, and the collector would make a ryotwarry settlement under Regulation VII. of 1822. Now, the collector would make a perfectly fair settlement for the land of the estate, for he would make it with reference to the assets of the estate as he should then find them; but he could not make, and could not pretend to make, a fair settlement for the talookdars. He could not pretend to ascertain how much money any one talookdar had spent upon his talook in the course of the last 60 years. He must fix the revenue of every beegah according to its existing value; and thus the consequence would be that the meritorious talookdar would be fined by an enhancement of his jumma for having improved the value of his share at his own expense, whilst the talookdar who had allowed the value of his land to deteriorate, would be rewarded by a reduction of his jumma. There was another objection to this plan, which he believed to be a sound one, and which he knew

Appendix, No. 7.

was felt strongly by the zemindars themselves. If this measure were introduced, there was no doubt that it would open a door to fraud. There was no doubt that many zemindars would create benamee and other talooks on their estates at inadequate rents, or would pretend to have created such talooks. Their estates might be purchased by persons in ignorance of the fraud, who would ultimately discover that they had bought a losing concern, or a bag of lawsuits; and the consequence of frequent bad bargains of this sort would be that the auction value of all zemindarees, even of those in which no such frauds had been really committed, would be diminished. He had no doubt that such fictitious tenures would be created in many cases, and he believed that a general reduction of the value of zemindaree property would be the consequence.

On the whole, therefore, he had come to the conclusion that this plan, which would be a half-measure at best, must be abandoned, and that the difficulties of the question must be fairly met in an endeavour to attain the object completely. He had been told on good authority, that two-thirds of the land in Bengal were held under talookdaree tenure. If so large, or anything like so large a proportion of land in this Presidency was held under that description of tenure, surely it was worth the while of this Council to make the tenure as secure as it was possible to make it. This is what he had attempted to do. He proposed that, when the holder of a new under-tenure—that is to say, of any tenure created since the settlement—should apply for the registration of his tenure, the collector should immediately cause the talook to be measured and surveyed, at the expense of the talookdar; provided that, in the case of tenures created after the passing of the Act, no such application should be received, unless it was submitted within one month from the date of the deed constituting the tenure. If the revenue authorities should be satisfied that the rent of the talook is fully sufficient to afford its share of the jumma of the estate, the tenure should be registered in complete detail, and this registry should secure it in all time coming, whatever might become of the parent estate. It would be an easy thing, after the survey of the talook, where the revenue survey had been passed over a district, for the collector to satisfy himself whether its rent were or were not such as would *pro tanto* risk the public revenue; for the revenue survey showed the precise area of every entire estate; the only difficulty was, to get at the assets of the particular talook, and to ascertain approximately the value of the rent of the land of the entire estate, which last point, when the area is known, would not, he hoped, be very difficult for all practical purposes. He believed that the cost of a special survey of the talook would not be large. It would not exceed, he was led to suppose, 4 rupees per 100 biggahs. A person, therefore, having a talook of 1,000 biggahs might have to pay 40 rupees for a special survey; and if the talook was worth anything at all, it was surely worth that to secure the property for ever. Where the revenue survey had not passed over a district, the process would be more expensive; but this was unavoidable. When the rent of the talook was ample, it ought not to be very difficult, after the survey of the talook, to prove the fact to the satisfaction of the revenue authorities.

He had now explained how he proposed to amend the sale law. He had given his best attention to the subject, but he did not pretend to have prepared anything like a perfect measure. He was sensible that his Bill would be found far otherwise. All he hoped was, that it might be found to be such as the united wisdom of the Council, with the aid which they would be sure to derive from the revenue authorities, and from the public, might work up into a law which would completely carry out the important objects contemplated; these objects being the security of honest titles, and the general encouragement of agricultural improvement.

The Bill was read a first time.

SALE LAW IMPROVEMENT BILL (BENGAL).

Read a first time on the 22d December 1855.

A Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency.

Preamble.

Whereas it is expedient to discontinue the practice of obtaining the previous sanction of the Board of Revenue to sales of estates for arrears of revenue or other demands of Government in the province of Cuttack: and whereas it is just that a person having a lien upon an estate, and paying the money necessary to protect it from sale for arrears of revenue, should be reasonably secured: and whereas it is expedient to afford sharers in estates who duly pay their shares of the sudder jumma of their estates, easy means of protecting their shares from sale by reason of the default of their co-sharers: and whereas it is expedient to afford landholders, particularly absentees, facilities in guarding against the accidental sale of their estates for arrears of revenue by reason of the neglect or fraud of their agents: and whereas it is expedient to enforce the registration of dependent talooks existing at the time of settlement, and to give absolute security to such talooks when so registered: and whereas it is expedient to protect the holders of under-tenures created in good faith, not resumable by the grantors or their representatives, and held at rents fully sufficient for the security of the public revenue, from loss by the avoidance of their tenures

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on the occasion of a sale of the superior estate for arrears of public revenue, for which such holders may not be in any degree responsible, and it is therefore proper for the above and other purposes to improve the law relating to sales of land for arrears of revenue in the Bengal Presidency; it is enacted as follows:—

Laws repealed.

I. Act I. of 1845, except in so far as it repeals other laws, and except in regard to sales made or advertised, suits commenced, and acts done under authority thereof; Regulation X. of 1818, and Sections XV., XVI., XVII., and XVIII., of Regulation XIV. of 1793, are hereby repealed.

What is an arrear of revenue.

II. If the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kistbundee of any mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of revenue.

Latest day of payment in permanently settled districts and in Cuttack.

III. Upon the promulgation of this Act, the Board of Revenue at Calcutta shall determine upon what dates all arrears of revenue and all demands which, by the Regulations and Acts in force, are directed to be realised in the same manner as arrears of revenue, shall be paid up in each permanently settled district under their jurisdiction, and in each of the districts not permanently settled in the province of Cuttack; in default of which payment the estates in arrear in those districts, except as hereinafter provided, shall be sold at public auction to the highest bidder. And the said Board shall give notice of the dates so fixed in the official "Gazette," and shall direct corresponding publication to be made, as far as regards each district, in the language of that district, in the office of the collector, or other officer duly authorised to hold sales under this Act, in the courts of the judge, magistrate, (or joint magistrate, as the case may be,) principal sudder ameens, sudder ameens, and moonsiffs, and at every thannah station of that district; and the dates so fixed shall not be changed except by the said Board, by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

Latest day of payment in other districts.

IV. In the province of Benares, and in districts not permanently settled, with the exception of the districts in the province of Cuttack, no sale shall take place for arrears of land revenue or other demands of Government, without the special sanction of the Board of Revenue previously obtained in each several case of sale. Provided that the said Board, at the time of authorising such sale, shall fix the latest day on which in each case such arrears or demands shall be received.

Proviso in the case of certain descriptions of arrear.

V. Provided always, that no estate, and no share or interest in any estate, shall be sold for the recovery of arrears or demands of the descriptions mentioned below, otherwise than after a notification in the language of the district, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than 15 clear days preceding the date fixed for payment, according to Section III. or Section IV. of this Act, as the case may be, in the office of the collector or other officer duly authorised to hold sales under this Act, in the court of the judge within whose jurisdiction the land advertised lies, in the courts of the principal sudder ameens and sudder ameens of the district, and in the moonsiff's court and police thannah of the division in which the estate to which the notification relates, or a part of it, is situated, the same to be certified by the receipt of the officer at whose office such notification may have been affixed; and also at the cutcherry of the malgoozar or owner of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose.

First. Arrears due from estates in the province of Benares.

Secondly. Arrears due from estates, not permanently settled, other than estates in the province of Cuttack.

Thirdly. Arrears other than those of the current year, or of the year immediately preceding.

Fourthly. Arrears due on account of estates other than that to be sold.

Fifthly. Arrears of estates under attachment by order of any judicial authority.

Sixthly. Arrears due on account of tuccavee, poolbundee, or other demands not being land revenue, but recoverable by the same process as arrears of land revenue.

Notifications of sale to be issued, and no tender after latest day of payment to stop the sale.

VI. The collector, or other officer duly authorised to hold sales under this Act, shall, as soon as possible after the latest day of payment fixed in the manner prescribed in Section III. or Section IV. of this Act, issue notifications in the language of the district, to be affixed in his own office, and in the court of the judge of the district, and to be published in the official "Gazette," specifying the estate or estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than 15 or more than 30 clear days from the date of affixing the notification in the office of the collector or other officer as aforesaid. And, except as hereinafter provided, all estates so specified shall, on the day notified for sale, or on the day or days following, be put up to public auction by and in the presence of the collector or other officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made after sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

Appendix, No. 7.

Notice to ryots, &c.

VII. Whenever an estate is notified for sale as provided by Section VI. of this Act, the collector or other officer as aforesaid shall affix a proclamation in the language of the district, in his own office, and as soon thereafter as may be in the moonsiff's courts and police thannahs within which the estate or any part of it is situated, and also at the cutcherry of the malgoozar or the owner of the estate, or at some conspicuous place upon the estate, forbidding the ryots and under-tenants to pay rent to the defaulting proprietor from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

Claims against Government not to invalidate a sale.

VIII. No claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, and no private demand or cause of action whatever, held or supposed to be held by any defaulter against Government, shall bar or render void or voidable a sale under this Act; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the collector's hands, bar or render void or voidable a sale under this Act, unless such money stand in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, or after the written agreement provided for in Section XV. of this Act, the collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

Deposits receivable from persons not proprietors.

IX. The collector or other officer as aforesaid shall, at any time before sunset of the latest day of payment, determined according to Section III. or Section IV. of this Act, receive as a deposit from any person not being a proprietor of the estate in arrear, the amount of the arrear of revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been paid by a defaulting proprietor of the estate. And in case the person so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a party in a suit pending before a court of justice for the possession of the same or any part thereof, it shall be competent to the said court to order the said party to be put into temporary possession of the said estate or part thereof, subject to the rules in force for taking security in the cases of parties in civil suits. And if the person so depositing, whose money shall have been credited as aforesaid, shall prove before a competent civil court that the deposit was made in order to protect an interest of the said person, which would have been endangered or damaged by the sale of the estate, or which he believed in good faith would have been endangered or damaged by such sale, he shall be entitled to recover the amount of the deposit, with or without interest as the court may determine, from the proprietor of the said estate. And if the party so depositing, whose money shall have been credited as aforesaid, shall prove before such a court that the deposit was necessary in order to protect any lien he had on the estate, the amount so credited shall be added to the amount of the original lien.

Separation of shares held in common tenancy.

X. When a recorded sharer of a joint estate, held in common tenancy, desires to pay his share of the Government revenue separately, he may submit to the collector a written application to that effect. The application must contain a specification of the extent and nature of the interest held in the estate by the applicant. The collector will then cause to be published in his own cutcherry, in that of the judge, magistrate, (or joint magistrate, as the case may be), principal sudder ameens, sudder ameens, and moonsiffs, and in the police thannahs in whose jurisdiction the estate or any part thereof is situated, as well as on some conspicuous part of the estate itself, a copy of the application made to him. If, within six weeks from the date of the publication of these notices, no objection is made by any other recorded sharer, the collector will open a separate account with the applicant, and will credit separately to his share all payments made by him on account of it. The date on which the collector records his sanction to the opening of a separate account, shall be held to be that from which the separate liabilities of the share of the applicant commence.

Separation of shares consisting of specific portions of land.

XI. When a recorded sharer of a joint estate, whose share consists of a specific portion of the land of the estate, desires to pay his share of the Government revenue separately, he may submit to the collector a written application to that effect. The application must contain a specification of the land comprised in his share, and of the boundaries and extent thereof, together with a statement of the amount of sudder jumma heretofore paid on account of it. On the receipt of this application, the collector will cause it to be published in the manner prescribed for publication of notice in the last preceding section. In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the collector will open a separate account with the applicant, and will credit separately to his share all payments made by him on account of it. The date on which the collector records his sanction to the opening of a separate account, shall be held to be that from which the separate liabilities of the share of the applicant commence.

Summary inquiry by the collector.

XII. If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the applicant has no right to the share claimed by him, or that his interest in the estate is less than, or is of a different nature from, that claimed by him, the collector will institute a summary inquiry into the fact of possession, and if he be satisfied that the applicant is really in possession of the share as claimed by him, he will open a separate account for his share, as directed in one or other of the last two preceding sections. If, in the case of a claimant of specific land, the objection be that the jumma alleged by the applicant to be the separate jumma of his specific share of the lands of the estate is not the jumma which has been recognised as such by the other sharers, the collector will

will make a summary inquiry into the fact, and will reject or admit the application. The orders of the collector under this section shall be subject to appeal to the higher revenue authorities in regular course, and shall be subject to reversal or alteration by a regular suit in the civil courts, provided that such suit shall have been instituted within one year from the date of the final award of the revenue authorities, but not otherwise.

Sale of separate shares.

XIII. Whenever the collector shall have ordered a separate account or accounts to be kept for one or more shares, if the estate shall become liable to sale for arrears of revenue, the collector in the first place shall put up to sale only that share, or those shares, of the estate from which, according to the separate accounts, an arrear of revenue may be due. In all such cases notice of the intention of excluding the share or shares from which no arrear is due, shall be given in the advertisement of sale prescribed in section VI. of this Act. The share or shares sold, together with the share or shares excluded from the sale, will continue to constitute one integral estate, the share or shares sold being charged with the separate portion or the aggregate of the several separate portions of jumma assigned thereto.

Entire estate may be sold under certain conditions.

XIV. If in any case of a sale held according to the provisions of the ast preceding section, the highest offer for the share exposed to sale shall not equal the amount of arrear due thereupon to the date of sale, the collector shall stop the sale, and shall declare that the entire estate will be put up to sale for arrears of revenue at a future date, unless the other recorded sharer or sharers, or one or more of them, shall within ten days purchase the share in arrear by paying to Government the whole arrear due from such share. If such purchase be completed, the collector or other officer as aforesaid shall give such certificate as is provided for in Section XXVII. of this Act, to the purchaser or purchasers, who shall have the same rights as if the share had been purchased by him or them at the sale. If no such purchase be made within ten days as aforesaid the entire estate shall be sold, after the notification and in the form prescribed in Section VI. of this Act, in the same manner as if the entire estate had been in arrear after the latest day of payment.

Deposit for the protection of an estate from sale.

XV. If any recorded proprietor or co-partner of an estate shall deposit with the collector money, or Government securities endorsed and made payable to the order of the collector, and shall sign an agreement pledging the same to Government by way of security for the jumma of the entire estate, and authorising the collector to apply to the payment of any arrear of revenue that may become due from that estate the whole or any portion of the said money or securities that may be necessary for that purpose, then in the case of any arrear of revenue due from the said estate not being paid before sunset of the latest day of payment fixed under Section III. or Section IV. of this Act, the collector shall apply to the payment of such arrear the said money or securities, or such part thereof or of any interest due on the said securities as may be necessary; and for this purpose the collector shall first apply any money that may be in his hands, and any interest that may be due upon such securities. And so long as any money or securities as aforesaid shall remain and be available as aforesaid, the estate for the protection of which the said deposit was made shall be exempted from sale for arrears of revenue.

Withdrawal of the deposit.

XVI. It shall be competent to the person making a deposit under the provision of the last preceding section, or his representative or assignee, at any time to withdraw the deposit, and to revoke the pledge of the same; and from the date of such withdrawal and revocation the estate shall be subject to the ordinary rules relating to sales for arrears of revenue.

Estates under Court of Wards or attachment.

XVII. No estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no estate the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no estate held under attachment by the revenue authorities otherwise than by order of a judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment by a revenue officer, in pursuance of an order of a judicial authority, shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

Estates may be specially exempted from sale.

XVIII. It shall be competent to the collector at any time before the sale of an estate shall have commenced, to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale by a special order to the collector to that effect in each case; and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, and it is hereby enacted, that the collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the collector of the order for exempting it from sale.

Proviso.

Sales where to be made.

XIX. Sales shall ordinarily be made by the collector in the land revenue cutcherry at the sudder station of the district, provided, however, that it shall be competent to the Board of

Appendix, No. 7.

of Revenue to prescribe a place for holding sales other than such cutcherry whenever they shall consider it beneficial to the parties concerned.

Adjournment of sales.

XX. In case the collector shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his cutcherry; and so on, from day to day until he shall be able to commence upon, or to complete the sale; but, with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

Order of selling.

XXI. On the day of sale fixed according to Section VI. of this Act sales shall proceed in regular order; the estate to be sold bearing the lowest number on the towjee or register in use in the collector's office of the district being put up first, and so on, in regular sequence; and it shall not be lawful for the collector or other officer as aforesaid to put up any estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XXII. of this Act.

Deposit on account of purchase-money.

XXII. The party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the estate as the collector may think necessary, either in cash, Bank of Bengal notes or post bills, or Government securities duly indorsed, 25 per cent. on the amount of his bid; and in default of such deposit, the estate shall forthwith be put up again and sold.

Full payment of purchase-money.

XXIII. The full amount of purchase-money shall be made good by the purchaser before sunset of the 30th day from that on which the sale of the estate bought by him took place, reckoning that day as one of the 30; or if the 30th day be a Sunday or other close holiday, then on the first office day after the 30th; and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorised for realising an arrear of public revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold; and if default of payment of purchase-money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VI. of this Act; and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also, that payment, or tender of payment, by or on behalf of the proprietor, of the arrear for which the estate was first sold and of the arrear which may have subsequently become due, if such payment or tender of payment be made before sunset of the day preceding the day of the notification of re-sale and after the defaulting purchaser shall have made the deposit required by Section XXII. of this Act, shall bar such re-sale.

Proviso 1st.

Proviso 2d.

Appeals.

XXIV. It shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the 15th day from the date of sale, reckoning as in Section XXIII., or if preferred to the collector for transmission to the Commissioner, on or before the 10th day from the day of sale, and not otherwise; and the Commissioner shall be competent, in every case of appeal so preferred, to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed the interest, at the current rate of Government securities, on the amount of deposit or balance of purchase-money during the period of its being retained in the collector's office; and the order of the Commissioner shall, in such cases, be final.

Annulment of sale in special cases.

XXV. It shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Board of Revenue, who, if they see cause, may recommend to the local Government to annul the sale; and the local Government in any such case may annul the sale, and cause the estate to be restored to the proprietor on such conditions as may appear equitable and proper.

Sales when final.

XXVI. All sales, of which the purchase-money has been paid up as prescribed in Section XXIII. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the 30th day from the day of sale, reckoning the said day of sale as the first of the said 30 days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from

from the date of such dismissal, if more than 30 days from the day of sale, or if less, then at noon of the 30th day, as above provided. Appendix, No. 7.

XXVII. Immediately upon a sale becoming final and conclusive, the collector or other officer as aforesaid shall give to the purchaser a certificate of title in the form prescribed in Schedule (A.) annexed to this Act. And the said certificate shall be deemed in any court of justice sufficient evidence of the title to the estate or share of an estate sold being vested in the person or persons named from the date specified; and the collector shall also notify such transfer by written proclamation in his own cutcherry, and in those of the moonsiff and darogah of the jurisdiction within which any part of the estate or share of an estate sold shall be situated, and also at the cutcherry of the malgoozar or owner of the estate, or share of an estate, or on some conspicuous place on the estate, or share of an estate. Certificate of sales.

XXVIII. The collector shall apply the purchase-money, first to the liquidation of all arrears due from the estate or share sold upon the latest day of payment; and secondly to the liquidation of all outstanding demands debited to the estate or share of an estate in the public accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate or share of an estate sold, to be paid to his or their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the estate or share of an estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that, if before payment to the late proprietor or proprietors of any surplus that may remain of the purchase-money, the same be claimed by any creditor in satisfaction of a debt, such surplus shall not be payable to such claimant, nor shall it be withheld from the proprietor, except under precept of a civil court. Application of purchase-money. Proviso.

XXIX. If a sale made under this Act be annulled by a final decree of a civil court, execution of such decree must be obtained before six months after the date thereof, otherwise the party obtaining the decreee shall lose all benefit therefrom. And when execution of such a decree is duly obtained, the party obtaining it shall not be restored to possession, until any amount of surplus purchase-money that may have been paid away by order of a civil court be repaid by him, with interest at the highest current rate of Government securities. And if such party shall neglect to pay any amount so recoverable, within six months from the date of such final decree, he shall lose all benefit therefrom. Effects of annulment by decree of court of sales under this Act.

XXX. Any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, or on behalf partly of himself and partly of another person, though by agreement the name of the certified purchaser was used, shall be dismissed with costs. No suits on the ground of *benamee* purchase.

XXXI. The annulment by a Commissioner or by Government of a sale made under this Act shall be publicly notified by the collector or other officer as aforesaid, in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXVI. of this Act; and the amount of deposit and balance of purchase-money shall be forthwith returned to the purchaser, with interest thereon at the highest rate of the current public securities. Notification of annulment of sale.

XXXII. The party certified as the proprietor of an estate or share of an estate by purchase under this Act, shall be answerable for all instalments of the revenue of Government which may fall due subsequently to the latest day of payment aforesaid. Liability of purchaser.

XXXIII. No sale for arrears of revenue or other demands realisable in the same manner as arrears of revenue are realisable, made after the passing of this Act, shall be annulled by a court of justice, except upon the ground of its having been made contrary to the provisions of this Act; and no such sale shall be annulled upon such ground, unless such ground shall have been declared and specified in an appeal made to the Commissioner under Section XXIV. of this Act; and no suit to annul a sale made under this Act shall be received by any court of justice unless it shall be instituted within one year from the date of the sale becoming final and conclusive as provided in Section XXVI. of this Act; and no person shall be entitled to contest the legality of a sale, after having received any portion of the purchase-money. Provided, however, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or omission connected with a sale under this Act, from his remedy in a personal action for damages against the person by whose act or omission he considers himself to have been wronged. Jurisdiction of civil courts in suits to amend sales. Proviso.

XXXIV. In the event of a sale being annulled by a final decree of a court of justice, the purchase-money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities. If sale annulled purchase-money to be refunded.

XXXV. The purchaser of an entire estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa, and Benares, shall acquire the estate free from all incumbrances which may have been imposed upon it after the time of settlement, and shall be entitled to avoid and annul all under-tenures, and forthwith to eject all under-tenants, with the following exceptions:— Rights of a purchaser of permanently settled estate sold for its own arrears.

First. Istemraree or mokurreree tenures which were held at a fixed rent, more than 12 years before the permanent settlement, which have been duly registered under Section

Appendix, No. 7.

XXXVI. of this Act, and whereon no arrear of rent was due on the latest day of payment of revenue as fixed under Sections III. and IV. of this Act.

Secondly. Tenures existing at the time of settlement, which have not been or may not be proved to be liable to increase of assessment on the grounds stated in Section LI. Regulation VIII. of 1793, which shall have been duly registered under Section XXXVI. of this Act, and whereon no arrear of rent was due on the latest day of payment of revenue as fixed under Sections III. and IV. of this Act.

Thirdly. Tenures of whatsoever description, and farms for terms of years, which have been created since the time of settlement, which have been duly registered under Section XXXVII. of this Act, and whereon no arrear of rent was due on the latest day of payment of revenue as fixed under Sections III. and IV. of this Act.

Fourthly. Lands whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying grounds have been made, or wherein mines have been sunk.

And such a purchaser as is aforesaid shall be entitled to proceed in the manner prescribed in Sections IX. and X. of Regulation V. of 1812, for the enhancement of the rent of any land coming within the fourth class of exceptions above made, if he considers the same to have been held at an unfair rent, and if the same shall not have been held at a fixed rent, equal to the rent of good arable land, for a term exceeding 12 years, but not otherwise.

Proviso.

Provided always, that nothing in this Section contained shall be construed to entitle any such purchaser as aforesaid to eject any khoodkasht kudeemee ryot, or any resident hereditary cultivator having a prescriptive right of occupancy at fixed rents, or at rents assessable according to fixed rules under the regulations in force, or to enhance the rent of any such ryot or cultivator otherwise than in the manner prescribed by the laws in force, or otherwise than the former proprietor at the time of settlement may have been entitled to do.

Registration of old talookdaree tenures.

XXXVI. The following rules for the registration of talookdaree tenures forming the first and second classes excepted in the last preceding section, shall be observed :—

First. The holder of the under-tenure shall be at liberty to apply for the registration of his under-tenure, by petition presented to the collector of the district in whose jurisdiction the parent estate is situated, within three years from the date of the passing of this Act. The application shall contain the following particulars as far as the same are ascertainable :

1. The pergunnah or pergunnahs in which the tenure is situated.

2. The denomination of the tenure.

3. The name or names of the village or villages whereof the land is composed, or wherein it is situated.

4. The area of the land comprised in the tenure, with its boundaries in complete detail.

5. The amount of rent and cesses payable annually for the tenure, and the duties, if any, required to be performed on account of it.

6. The date of the deed constituting the tenure, or the date when the tenure was created.

7. The name of the proprietor who created the tenure.

8. The name of the original holder of the under-tenure.

9. The name of the present possessor, and if he be not the original holder, his relationship to that person, and the mode in which he succeeded to the tenure, whether by inheritance, gift, purchase, or otherwise, and whether he holds jointly or solely.

Secondly. The collector on receipt of such application shall serve a notice on the recorded proprietor of the estate in which the tenure is situated, with a copy of the application, and shall also cause a notice, with a copy of the application annexed, to be published at the places and in the manner prescribed by Section VI. of this Act, requiring the proprietor or any party interested, within 30 days from the date of the issue of the said notice, to file any objection he may have to the registry of the tenure, or to any statement contained in the application. In the absence of any objection, the collector, if after making due inquiry he is satisfied of the applicant's claim, shall register the tenure. If any objection is made, he shall require both parties, within a reasonable time, to produce their respective proofs, and shall fix a day, by notification in his cutcherry, for the summary investigation of the case. If after such summary investigation he shall be of opinion that the applicant has failed to establish his claim, he shall reject the application. If after such investigation he shall be of the contrary opinion, he shall forthwith register the under-tenure in the provisional registry book. Any party dissatisfied with the collector's award may, within one year from the date of the award, but not afterwards, institute a suit in the Civil Court for the reversal of the same, and after the final decision of the Civil Court, the tenure shall be dealt with according to such decision. If the decision be in favour of the claimant of the tenure, on his producing an authenticated copy of such final decree, the tenure shall be transferred from the provisional registry to the permanent registry book ; but if the final decision

decision be otherwise, on the proprietor producing an authenticated copy of the same, the tenure shall be erased from the provisional registry book.

Registration of new talookdaree tenures and farms.

XXXVII. The following rules for the registration of talookdaree tenures and farms, forming the third class of tenures excepted in Section XXXV. of this Act, shall be observed :—

All the rules prescribed in the last preceding Section shall apply to this class of tenures also, with the following additional rules :

Immediately upon receipt of the application, the collector shall cause whatever measurement, survey, and local inquiry he may deem necessary for the security of the Government revenue, to be made. When no objection on the part of the proprietor of the parent estate, or of any other party interested is filed ; or when, if such objection is filed, the collector after summary investigation may be of opinion that the applicant has established his claim so far as the rights of the proprietor and other private parties are concerned ; before registering the tenure the collector shall satisfy himself that it was created in good faith so far as the interests of the Government revenue are concerned, and that the rent payable by the holder is not less than is fully sufficient to afford a fair proportion of the revenue assessed upon the parent estate. If the collector be not satisfied upon this point, he shall reject the application. If he be satisfied upon this point, he shall register the tenure in the provisional registry book under the rules prescribed in Section XXXVIII. of this Act. Provided always, that in the case of such tenures created after the passing of this Act, no application for registration shall be received, unless the same be submitted within one month from the date of the deed constituting the tenure.

Protection of under-tenures provisionally registered.

XXXVIII. Talookdaree tenures for the registration of which application shall be made within the prescribed time shall, in case of the sale of the parent estate for arrears of revenue, be protected pending the summary investigation of the collector, and shall be protected eventually by provisional or permanent registration, if the award of the collector upon such application be in favour of the applicant, or in case of that award being against the applicant, if that award be reversed by the final decision of a civil court.

Appeals from collector's registration awards.

XXXIX. The awards of collectors passed under Sections XXXVI. and XXXVII. of this Act, shall be open to appeal to the superior revenue authorities in usual course.

Restriction of jurisdiction of civil courts.

XL. No civil court shall be competent to interfere with any award of any revenue authority passed under Sections XXXVI. and XXXVII. of this Act, founded upon any consideration regarding the good faith in which a tenure may have been created so far as the interests of the Government revenue are concerned, or the adequacy of the rent for the security of that revenue.

Protection of under-tenures permanently registered.

XLI. After the expiration of one year from the date of registration in the provisional registry book, the collector shall transfer the registration to the permanent registry book, unless it be shown that a civil suit has been filed to annul the registration ; in which case he shall suspend registration in the permanent registry book pending the final result of such suit. The entry in the permanent registry book shall be an effectual protection of the under-tenure so registered, unless within 60 years from the date of registry a decree be passed at the suit of Government by a civil court, pronouncing the registration to have been obtained by fraud, to the injury of the Government revenue.

Rights of a purchaser of an estate not permanently settled sold for its own arrears.

XLII. The purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in districts other than those mentioned in Section XXXV. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like settled or accredited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling-houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, watercourses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided, that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that, according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the regulations of Government.

Rights of a purchaser being a sharer in any estate.

XLIII. Excepting shares in estates under butwarrah who may have saved their shares from sale under Sections XXXIII. and XXXIV. Regulation XIX. of 1814, and those who have done so under Section X. or Section XI. of this Act, any recorded proprietor or co-partner who may purchase in his own name or in the name of another the estate of which he is proprietor or co-partner ; or who by re-purchase or otherwise may recover possession of

Appendix, No. 7.

And of a purchaser of an estate not sold for its own arrears.

the said estate after it has been sold for arrears under this Act; and likewise any purchaser of an estate sold for arrears or demands other than those accruing upon itself, and due for the current or last preceding year, shall by such purchase acquire the estate subject to all its incumbrances existing at the time of sale, and shall not acquire any rights in respect to under-tenants or ryots which were not possessed by the previous proprietor at the time of the sale of the said estate.

Recovery of arrears due to defaulters.

XLIV. Arrears of rent which on the latest day of payment may be due to the defaulter from his under-tenants or ryots, shall, in the event of a sale, be recoverable by him after the said latest day, by any process except distraint which might have been used by him for that purpose on or before the said latest day.

Punishment for contempt.

XLV. Any collector or officer exercising the powers of collector in respect to sales, shall be competent to punish any contempt committed in his presence in open cutcherry or office for the time being, by fine, to an extent not exceeding 200 Company's rupees, commutable, if not paid, to imprisonment in the civil gaol for a period not exceeding one month; and the magistrate to whom such an offender may be sent by a collector as aforesaid, shall carry his sentence into effect. Provided, that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

Default in making deposit to be considered a contempt.

XLVI. A default to make good a bid by making the deposit required by Section XXII. of this Act shall be held to be a contempt.

Government may purchase at a sale.

XLVII. When an estate is put up for sale under this Act for the recovery of arrears of revenue due thereon, if there be no bid, or if the highest bid be insufficient to cover the said arrears and those subsequently accruing up to the date of sale, the collector may purchase the estate on account of the Government, in which case the Government shall acquire the property, subject to the provisions of this Act.

Fees and charges demandable by collector.

XLVIII. The collector on the part of the Government shall be entitled to demand from applicants under Sections X. or XI. or Sections XXXVI. or XXXVII. of this Act, fees and expenses not exceeding the rates specified in Schedule (B.) to this Act annexed, which Schedule shall be taken as part of this Act; and applications under the said Sections shall not be received unless the said fees and charges are tendered therewith.

Regulations VII. 1822, and IX. 1825, to be in force in certain estates.

XLIX. The provisions of Regulation VII. of 1822, and Regulation IX. of 1825, shall be in force in every estate in any part of which a measurement, survey, or local inquiry may be made under this Act; and in every estate purchased on account of Government under Section XLVII. of this Act.

Interpretation.

L. In the construction of this Act the word "Collector" shall include a deputy collector, or other officer exercising by the authority of Government the powers of a collector or deputy collector.

Application and commencement of this Act.

LI. The operation of this Act shall be confined to the provinces and places in the Presidency of Fort William, in Bengal, which are or shall be subject to the general regulations of that Presidency; and this Act shall commence to have effect on the 1st of May 1836.

SCHEDULE (A.)

I certify that A. B. has purchased under Act No. of the mehal (or share of a mehal) specified below, standing in the towjee of the district of , and that his purchase took effect on the day of (being the day after that fixed for last day of payment).

(signed) *D. E.* Collector.

SPECIFICATION.

(*If of an entire Mehal.*)

Towjee number.
Name of mehal.
Name of the former proprietor.
Sudder jumma.

(*If of a share of a Mehal.*)

Towjee number of the entire mehal.
Name of the entire mehal.
Sudder jumma of the entire mehal.
Description of the share sold.
Subordinate towjee number of the share sold,
Name of the former proprietor of the share sold.
Sudder jumma for which the share sold is separately liable.

SCHEDULE (B).

Fees.

For filing an application under Section X. or Section XI. for opening a separate account for a share of an entire estate :

	Rs.	*a.*	*p.*
If the annual jumma of the share do not exceed 500 rupees - - -	10	–	–
If the annual jumma of the share exceed 500 rupees and do not exceed 2,000 rupees, at the rate of two per cent. upon the jumma.			
If the annual jumma of the share exceed 2,000 rupees - - - -	100	–	–

For filing an application under Section XXXVI. or Section XXXVII. for the registration of an under-tenure :

If the annual rent of the under-tenure do not exceed 500 rupees - -	25	–	–
If the annual rent of the under-tenure exceed 500 rupees and do not exceed 2,000 rupees, at the rate of five per cent. upon the rent.			
If the annual rent of the under tenure exceed 2,000 rupees, at the above rate up to 2,000 rupees, and at two per cent. upon all above that amount.			

Charges.

For measurement, survey, and local inquiry under the provisions of Section XXXVII.,

If the district in which the entire estate is situated has been officially surveyed, at the rate of for every 100 beegas comprised in the under-tenure.

If the district in which the entire estate is situated has not been officially surveyed, at the above rate according to the extent of the under-tenure, with an additional charge at one quarter of the above rate according to the extent of the entire estate.

Fees and charges under this Schedule must be tendered according to the terms of the application. After the disposal of the case the account will be adjusted according to the result of any survey that may be made. Any balance due upon this adjustment shall be recoverable as an arrear of revenue.

ANNEXURE to Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency.

Statement of Objects and Reasons.

The Government of Bengal has recommended certain important improvements of the law for the recovery of arrears of revenue by the process of sale in the Bengal Provinces. The object of this Bill is to improve the law in the points which the Bengal Government has noticed as requiring improvement, according to the spirit of the recommendations of that Government; and this opportunity is taken to amend the law in other points in which it has been found, or is believed to be defective, so that the new law may be a complete sale law in itself, embodying all the amendments which experience and discussion show to be desirable.

2. The Bengal Board of Revenue and the Bengal Government recommend that the previous sanction of the Board of Revenue to sales of land in the province of Cuttack be dispensed with, in order that the process for the recovering of arrears of revenue in that province may be entirely assimilated to the process in force in the other Regulation Provinces under that Board. The papers in which this point has been discussed will be found in No. 1 of the Appendix of this statement. The successful working of the existing sale law in Bengal is admitted by every one; and the general opinion of the revenue authorities is that the 30 years' settlement of the province of Cuttack has made it advisable to adopt wholly in that province the simple and effectual process which is found to work so well in Bengal. This object is carried out by new provisions in Sections III. and IV. of this Bill; and by repealing Regulation X. of 1818, the intention of which was to enforce in Cuttack the system for the recovery of arrears of revenue adopted in the North-Western Provinces, which intention, however, has not been for many years attempted to be carried into effect in practice.

Appendix, No. 7.

3. The Bengal Government recommended the enactment of certain provisions prepared by the Board of Revenue in connexion with a proposed new Butwarra law, having for their object to enable a sharer in a joint estate to open a separate account for the revenue due upon his share, and to secure that share from sale by paying up his portion of the public dues, so long as the other shares in the estate paid their portions, or were saleable at public auction for the amount of their own arrears. This provision has been adopted in Sections X. to XIV. of this Bill. I have added a provision enabling the sharer or sharers not in arrear to purchase the share in arrear, when no bid equal to the amount of arrear is made for it, and thereby to preserve the whole estate from sale. The papers relating to this point form No. 2 of the Appendix.

4. The Bengal Government recommended provisions whereby all under-tenures, though created since the settlement, and at whatsoever rents, should hold good so long as the parent estate should prove to be saleable at public auction for an amount equal to any arrear of revenue that might accrue upon it; and that, whenever this should cease to be the case, the parent estate should be forfeited to Government, who would thereupon make a re-settlement of the whole of it. The discussions on this subject are printed in a separate volume, whereof copies will be circulated with the present papers.

5. I have not adopted this plan. I have substituted for it a system of registration after summary inquiry and survey, which, in all cases in which the tenure is such that it may fairly be upheld both as against the zemindar and as against Government or the auction purchaser, will secure it permanently, whatever may happen to the parent estate. These provisions form Sections XXVI. to XLI. of the Bill.

6. Of the remaining proposed alterations in the law, which have not been suggested in the papers laid before the Council, it will be sufficient to notice the following.

7. By Section IX. of the Bill, it is proposed to give a mortgagee who deposits money in order to save from sale, to the extinction of his lien, the estate over which his lien extends, when his deposit is applied for that purpose, the same lien for the amount thereof that he had originally over the estate thereby preserved from sale.

8. Section XV. of the Bill enables a proprietor of an estate, by the deposit of money or Government securities, to preserve his estate from all risk of sale by reason of any accident or neglect on the part of an agent.

9. Section XXIX. of the Bill obliges a former proprietor, whose estate has been sold for arrears of revenue, and who has obtained a final decree of Court annulling the sale, to execute that decree within six months after obtaining it, under the penalty of losing all benefit therefrom. The evils of prolonged instability of possession, and prolonged liability to mesne profits, are obvious; and a case is known to have occurred in practice, in which the decree-holder, for his own purposes, designedly postponed the time of re-entering upon his estate for several years.

J. P. Grant.

22 December 1855.

APPENDIX No. 1.

No. 880.

REVENUE

From the Secretary to the Government of Bengal to the Officiating Secretary to the Government of India.

Home Department,

Sir, dated Fort William, 24 October 1853.

IN 1850 the Board of Revenue proposed to discontinue the practice of realising arrears of revenue in the province of Cuttack by means of dustucks, or written demands served upon defaulters by peons or other servants of the Collector's office.

2. It was represented that the system supported no less than 1,400 peadahs, and that the authorised fees realised by them during the year 1848-49 amounted to 12,952 rupees; and, on the assumption that each peadah is not content with less than five rupees a month, it was confidently conjectured that the amount actually levied on the zemindars in that year may have been 84,000 rupees.

3. It was further represented that the issue of these dustucks is after all ineffectual, as the payment of revenue is not finally enforced until the estates are lotted and advertised for sale, insomuch that the lists of advertised estates sent in 1850 to the Board, with application for permission to sell, "embraced nearly the whole province."

4. Instead of this plan, the Board recommended the adoption of the system of periodical sales in force in Bengal. The Cuttack districts have now been settled for 30 years, and the settlements have been made precisely on the principle of the Bengal settlement, except its permanency.

5. All

5. All the local authorities agreed in recommending the change, and some of the zemindars themselves petitioned for it; but the Board were divided in opinion as to whether it could be effected without a change in the law.

6. When the question came before the late Deputy Governor, doubts were felt as to the propriety of the change, and a letter was written to the Board by Mr. Secretary Grant, of which the following are extracts—

"Originally, by section XXXVI. Regulation XII. of 1805, the Bengal process of collection generally was introduced into Cuttack; and practically in Cuttack, as in Bengal, the process of sale became the only coercive process resorted to. The result in Cuttack was very unsuccessful. A great proportion of the estates in the province changed hands; much fraud and abuse were practised, and the collections were not punctually realised. In 1817 a rebellion broke out in the province. In 1818, at the recommendation of the officer who restored the province to order, Regulation X. of that year was passed, the object of which was to remedy the evils above-mentioned by introducing into Cuttack the process generally, by which arrears of revenue are recovered in the Ceded and Conquered Provinces. The change was found very beneficial; and to this day the law for the recovery of arrears of revenue is nearly the same in Cuttack as it is in the Ceded and Conquered Provinces.

"It is most reasonable that the law should be similar in all these provinces, because they are all alike in not being settled in perpetuity. They are also all alike in being now settled for long terms of years.

"The essential distinction between the two processes in the permanently settled and temporarily settled provinces is that, in the former, sale is the first, and in the mass of cases, the only process, and it follows the default of the zemindar as a matter of course; and, in the latter, sale is the last process, in the mass of cases not resorted to at all, and in no case resorted to otherwise than as a special necessity after special inquiry; issue of dustucks at the defaulter's charge, arrest and imprisonment of his person, sale of his personal property, attachment and khas management of his lands, and farming out his lands, being resorted to instead. It follows that the spirit in which the two laws are administered should be very different. In Bengal the revenue is collected mechanically, without trouble to the Collector; in the unsettled provinces the collection of the revenue, punctually, and not oppressively, is a main part of a Collector's duty, and a field for the unceasing exercise of his discretion. It is very evident, that if in any district a Collector should attempt to work the law of the temporarily settled provinces in the spirit in which the law of the permanently settled provinces is legitimately and successfully worked, that is to say, if he should sit still and let the law take its full course in every case indiscriminately, the practical result must be very bad. Yet this bad result would not be attributable to the law.

"Hence it appears to the Deputy Governor that it may be assumed that, if the result of the procedure is good generally, but under the same law and under the same circumstances it is bad in some two or three districts, there is a strong presumption that it is the administration, and not the procedure, that is to blame. Now, this appears to be the present case. The process in the three Cuttack districts is complained of as working ill, whilst, so far as this Government is aware, the process in the North Western Provinces is not so complained of.

"These observations his Honour feels called on to make, because it is not to be concealed that the real effect of the change of procedure in Cuttack, which the Board now recommend, although it may be carried out without any change of law, will nevertheless practically be equivalent to the avowed reintroduction into Cuttack of the Bengal process for the recovery of arrears of revenue. For although the provision of the law would be observed, whereby the previous sanction of the Board is necessary before an estate not permanently settled can be ordered for sale for arrears, it is not proposed that this sanction should be otherwise than indiscriminately given for all estates reported to the Board unless the arrear is paid by a given date; nor, although, to meet the letter of the law, that report to the Board must be a detailed report of estates recommended *nominatim* for sale, is it proposed that it shall be other than an indiscriminate list of all estates in arrear. If the Board's recommendation be adopted, although the law in appearance would remain the same as the law in the Upper Provinces, it would be, in reality, only the Bengal law in an awkward shape. Wherever sales are indiscriminately made, there essentially is the Bengal law in force.

"The grounds on which the Board make their recommendation, are the great evils of the present system in respect to the issue of dustucks and the sale of personal property. It is represented that the authorised and unauthorised expense in peons falls as a heavy and useless addition to their assessment on the smaller zemindars; that dustucks are quite useless, sales being the only practical inducement to the payment of revenue; that the sale of a zemindar's personal property is a violation of his home without being at all effectual as a means of obtaining the dues of the state; and that altogether the system opens a wide door to roguery and abuses of many sorts.

"Here is ground of complaint enough. But the question arises is it the procedure or the administration that is to blame?

"That the procedure does not necessarily involve all these evils in any very high degree seems clear. For to pass by the example of the North Western Provinces where the same law of procedure is administered, if his Honor be not greatly misinformed, without being open to such complaints, it is admitted by Mr. Ricketts, and is maintained by Mr. Mills, that some years ago these objections to the process were not discoverable in Cuttack. It

Appendix, No. 7.

is admitted in short that the discrimination, and the exercise of discretion which the process requires, and with which it used to be administered in Cuttack, are now disregarded.

"In looking at the papers before him, the Deputy Governor sees no lack of proof of this. He is told of there being no list of the dustucks peons engaged; of no account of peons' tullubana being kept, so that no correct return of the tullubana authorisedly levied can be made; of peons serving dustucks being allowed to obtain their pay directly from the zemindars whom they are sent to apprehend; and of dustucks issuing without the knowledge of the Collector; and the number of serving peons being increased, with no higher sanction than the pleasure of a nazir. He finds no mention of the attachment of an estate for arrears, and he finds that every estate in arrear on a certain date is entered mechanically in the list to be reported for sale, and that the sale of every estate reported is sanctioned, as a matter of course, unless the arrear be paid by another given date.

"Here then, to repeat a passage above written, is an 'attempt to work the law of th temporarily settled provinces in the spirit in which the law of the permanently settled pro vinces is legitimately and successfully worked;' the Collectors 'sit still, and let the law take its course in every case indiscriminately;' and the result is such as is reported in your letters now before Government.

"The Deputy Governor can only account for the change of practice which is admitted, by the supposition that lately sufficient pains have not been taken to inculcate upon the collectors of Cuttack the difference of the revenue system, as it is by law established in Cuttack, from that of Bengal where they have been brought up.

"The Deputy Governor, however, entirely agrees with the Board and the local officers in opinion that, if it is to be recognised as a principle that sale is to be the only effectual proceeding for enforcing the payment of the revenue in Cuttack, then certainly all the harassing intermediate processes of dustucks, arrests and sales of personal property should be abandoned. If these vexatious personal processes are ineffectual for the recovery of arrears, they must be purely noxious.

"But in the present state of his information, and above all in the present state of the law, the Deputy Governor must hesitate to recognise that principle in Cuttack; and he must even doubt the propriety of the practical recognition of it, which the present system of indiscriminate sales affords.

"His Honor is of opinion that, before proceeding further in the matter, the Board should put themselves into communication with the Agra Board; forwarding to them copies of these Cuttack reports; asking them how the evils here experienced are avoided under their jurisdiction; and requesting them to give a description of the system of recovering arrears of revenue now in force in the North Western Provinces. The Board and the Government here will then be in a position to judge fairly between the two systems.

"The Deputy Governor does not mean to pronounce that, where an equal and moderate settlement for a long term of years exists, a simple and generally unbending sale law may not be the least vexatious process of realisation, and the one most conducive in the end to the respectability and welfare of the zemindars. But with the recollection of what led to the enactment of Regulation X. of 1818; with the knowledge that under the excellent administrations of Mr. Ricketts and Mr. Mills in Cuttack, no evil was discovered in that law; and with Mr. Mills' adverse opinion before him; he cannot hastily authorise the fundamental change recommended.

"His Honor thinks that the change of system, if introduced, should be accompanied by a law empowering the zemindars to sell, by summary process, mokuddamee tenures under them, and it is admitted by the local authorities that sales operate hardly, in the present state of the law, in the case where only one sharer, or a portion of the sharers in an estate, makes default. At all events, his Honor is of opinion that, if an indiscriminate sale system is to be recognised by authority as the only practical process of realising the revenue in Cuttuck the law should be openly changed. He does not think it would be right to make a change so contrary to the explicit purpose of the existing law as the introduction of the Bengal process into Cuttack, by administering the law in a manner contrary not only to its spirit, but to its express direction. The preamble of Regulation X. of 1818, says that it is expedient to assimilate the system in Cuttack more nearly to that pursued in the Western Provinces; whereas the avowed object of the present recommendation is to do the reverse. The enacting clause of this law directs that the process which it is proposed in every case to omit, shall be gone through before sale 'in ordinary cases,' and sale without such intermediate processes is ordered to be made an exceptional case. The law also directs that in all cases Collectors, on an arrear occurring, shall be particularly careful to inform themselves of the real cause of the default; but the proposal is, that he shall recommend for sale in every case of arrears, as a matter of course.

"It is not to be denied that the papers now before Government tend to show that in practice the sprit of this law is neglected already, and sale is now regarded as the sole effective process. But this so far as His Honor is aware, is not an authorised system, and appears to have been introduced of late years.

"In

"In only one point is the Deputy Governor aware that the revenue officers in Cuttack are at a disadvantage as compared with their brethren in the Upper Provinces; but that point, he admits, is a very important one. It is the absence of pergunnah tuhseeldars who are in the Upper Provinces one of the most useful and most respectable classes of public servants. The great advantage of the tuhseeldaree system is that it affords a trusty officer to every small circle of villages. The want is not remedied by what is apparently the equally expensive system of having a large number of deputy collectors under Regulation IX. of 1833, and uncovenanted officers in charge of the abkaree, because these officers, being mostly at the sudder stations, though they relieve the Collector personally of a great deal of the proper duty of a Collector, are of no use in facilitating his management in the interior of his district, and of no convenience to the people remote from the sudder station. Where the tuhseeldaree system exists, a Collector has as good a hold over the revenue administration of the most distant pergunnah as he has in his sudder pergunnah; and the smallest malgoozar pays his jumma as conveniently to himself in the one as in the other.

"As the Deputy Governor believes that the system of tuhseeldars can be introduced into Cuttack with a saving of expense, and he sees no reason why Cuttack should not enjoy the advantages allowed to all other districts not permanently settled, he will be very ready to consider of its adoption, if the Board are aware of no solid objection to it. He is enabled to say that Mr. Mills, to whom the plan has been mentioned by way of suggestion, approves of it."

7. To this letter the Board replied in their letter No. 622, dated the 9th December 1851, a copy of which with its enclosures is now submitted for the consideration of the Government of India.

8. There is in fact very little real analogy between Cuttack and the North Western Provinces. The settlement in the former is a zemindaree settlement, the rights of all under-tenants and ryots being fixed during the whole period of its duration. In the latter, the settlement is made in detail with all those having a proprietary interest in each village. The dustuck system, which is truly described by Mr. Currie to be a necessary evil, even in the North Western Provinces, is a source of pure mischief in Cuttack, being ineffectual for its object, and recourse having almost always to be had to sale as a final measure of coercion. It was adopted in Cuttack when there was no proper settlement and when the revenue was very unequally assessed. Its abolition is nothing more than the complement of the very perfect zemindaree, though terminable settlement, that has since been effected.

9. The location of officers in the interior of districts, with criminal and fiscal powers, is a measure of which the utility is not confined to Cuttack; but it may be doubted whether, under a zemindary settlement, temporary or permanent, it would be wise to entrust to such officers the duty of collecting the revenue, and thereby to divert their attention from other objects on which it may be far more usefully and beneficially bestowed.

10. It does not appear to his Lordship that any alteration of the law is necessary for the discontinuance of the practice of issuing dustucks. So much of Regulation X. of 1818, as prescribes the issue of dustucks as a necessary preliminary to sale, was repealed by Clause 2, Section II. Regulation XI. 1822; and though the provisions of the former regulation have ever since been acted on, they have not been compulsory but permissive. There can be no necessity for a law to authorise the abandonment of a process which, the law says, may be resorted to or not at the pleasure of the executive. It is only necessary that the Board should give notice in the province that, after a certain date, the process of recovering of arrears by dustuck will no longer be resorted to. To this effect the Board of Revenue have been instructed.

11. The 4th section of the law of 1845, which requires a reference to the Board in each instance before a sale can be held, might be repealed, as regards Cuttack, by a short Act for the purpose (such as that transcribed in the margin)* or, as suggested in my letter No. 775, dated the 15th ultimo, the occasion of revising the sale law as respects under-tenures, and the payment of the dues of joint shareholders on separate account, might be taken to pass a new sale law, embodying all the alterations which experience has shown to be necessary.

I have, &c.
(signed) *Cecil Beadon*,
Secretary to the Government of Bengal.

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* Act No. —— of 1853.—Whereas it was enacted by Section IV., Act No. I. of 1845, that in districts not permanently settled no sale shall take place for arrears of land revenue or other demands of Government, without the special sanction of the Board of Revenue previously obtained in each several case of sale; and whereas it is not expedient that such sanction should be obtained to the sale of land for such arrears or demands in the temporarily settled districts of the province of Orissa, it is enacted as follows:—So much of Section IV., Act No. I. of 1845, as enacts that in districts not permanently settled no sale shall take place for arrears of land revenue, or other demands of Government, without the special sanction of the Board of Revenue previously obtained in each case of sale, so far as the same relates to the province of Orissa, is hereby repealed.

Appendix, No. 7.

No. 622.

From the Officiating Secretary to the Board of Revenue, Lower Provinces, to *J. P. Grant*, Esq., Secretary to the Government of Bengal, Revenue Department, dated Fort William, the 9th December 1851.

Sir,

In reply to your letter of the 21st February last, No. 266, communicating the observations of his Honor the Deputy Governor of Bengal on the Board's proposition for the abolition of the dustuck system in the Cuttack province, and the substitution in lieu thereof of a tullub chittee followed by sales to be held on certain fixed dates twice in the year, I am directed by the Board of Revenue to submit herewith copies of the Minutes of the Members as per margin,* as well as the correspondence† with the local and other officers on the subject.

Land Revenue.

Present:—E. M. Gordon and E. Currie, Esquires.

* Minutes.—Mr. Ricketts' Minute, dated 27th August last. Mr. Gordon's, dated 25th September. Mr. Currie's, dated 22d ultimo.

Correspondence.—Secretary to Sudder Board of Revenue, North Western Provinces, to Secretary to Board of Revenue, Lower Provinces, dated 23d May last, No. 79, with enclosures. Commissioner of Cuttack to Board, dated 29th May, No. 1000, with enclosures. Ditto to ditto, dated 18th June, No. 1135, with enclosure. Ditto to ditto, dated 18th August, No. 1590, with enclosures.

2. In accordance with the desire intimated in paragraph 16 of your letter, the Board forwarded the report of the local officers to the North Western Board, and requested information respecting the system in force in the North Western Provinces, and the mode in which the evils described in the Cuttack reports had been there avoided. A copy of the reply of the secretary to that Board, No. 79, dated the 23d May last, and of the observations of the Cuttack officers thereon, submitted with the Commissioner's letter of the 18th August last, No. 1590, will be found with the correspondence now forwarded.

3. The Board, it will be seen from the minutes, are of opinion that no attempt should now be made to work out the provisions of Regulation X. of 1818, and adhere to their recommendation that the dustuck system be abolished, and that periodical sales be held for the realisation of the revenue. In accordance with his original proposition, Mr. Ricketts advocates half-yearly sales; but the other members concur in the suggestion of Mr. Forbes, the Collector of Pooree, that three sales in the year would be better.

4. Mr. Ricketts does not consider that any change in the law is necessary in giving effect to the proposed change of system; but his colleagues are of opinion that Regulation X. of 1818 must be altered if not abrogated, and that it should be declared, in modification of Section IV. Act I. of 1845, that the previous sanction of the Board is not necessary to the sale of estates in the province of Cuttack.

5. Although opposed to the introduction of the tuhseeldaree system of the North Western Provinces, the Board are favourable to the location of revenue officers at a distance from the Sudder station in the manner suggested by the Commissioner in his letter, dated the 29th May. These officers would try all summary suits in their respective jurisdictions, and should be empowered to receive the revenue of such of the smaller zemindars as might prefer paying at their cutcherry to making payments at the Sudder station. The duty of issuing tullub chittees and sale notices to all such parties would devolve upon them, and the establishment of peons necessary for that purpose would form a sufficient guard for the custody and conveyance of the small amount of treasure which would pass through their hands. These deputy collectors might also very properly, the Board think, be entrusted with the management of the abkaree within their respective jurisdictions.

6. With reference to paragraph 24 of your letter, the Board are opposed to the alteration there proposed in the appointment of the Pooree and Balasore Collectors.

I have, &c.
(signed) *A. C. Bidwell*,
Officiating Secretary.

Minute by Mr. *Ricketts*.

In 1817 the European officers were inefficient; the omlah were corrupt and nearly all foreigners; the estates were disproportionately assessed; there was no confidence in the administration. Things are entirely changed. The European officers understand their duties; the omlah are for the most part, if not exclusively, natives of the province; estates are all assessed in proportion to the assets. It is almost impossible to imagine a more complete change than that which has taken place in Cuttack since Regulation X. of 1818 was enacted.

Mr. Forbes, who has been employed in the North West Provinces, explains that the settlement of Cuttack is very unlike the settlement of Western India. "They have not a single point in common. In the North Western Provinces the settlement proceeded from the aggregate to the details, which are generally mutable and uncertain and dependent on the arrangements of the proprietors. In Cuttack the settlement proceeded from the minutest

† This correspondence was not among the papers sent up by the Government of Bengal.

Appendix, No 7.

minutest details to the aggregate, and the former have been made fixed and certain by the delivery of pottahs to the resident ryots, and have thus become immutable for the whole period of the settlement." In short, Cuttack has been really settled; the interests of each party in each field have been ascertained and recorded; there is no reason now why a spendthrift zemindar should not be sold out. It is evident when the Western Board ask what checks there are "to prevent the Government from suffering loss from the fraudulent and collusive distribution of the revenue over the various shares of the subdivided villages," that they are entirely ignorant of the complete system under which the land revenue has been assessed in Cuttack. Indeed, it is in Cuttack alone that the theory of a settlement has been completely carried into effect.

Messrs. Allen and Forbes.

The orders of the Government, dated the 21st February, criticising with some severity the plan I proposed, having been communicated to the local officers, two out of the three, and these two gentlemen who for talent and efficiency are considered inferior to none now employed under the Board, have notwithstanding reported that they consider it well suited to the disposition of the people and the condition of the province.

The 6th paragraph of the orders of Government says that the system I proposed will be the avowed re-introduction into Cuttack of the Bengal process for the recovery of arrears of revenue. Such is not the case. No discretion that has existed since 1818 is taken away; no privilege which has existed since 1818 is abrogated. On the contrary, it recognises the indulgence peculiar to the province which virtually has long existed; the demand of revenue is to be strictly enforced twice a year only; while it combines the considerate provisions of the local law, and that provision of the Bengal law which all parties applaud as having prevented sales. The tullub chittee will convey the warning, and afford the zemindars the pretext for being urgent in their own demands which all agree is so necessary; while the last day on which payment will be received being fixed, the Cuttack zemindars will learn to know that, by the day fixed, arrangements for payment must be made, and their besetting failing of procrastination and encouragement of hopeless anticipations of assistance or indulgence will be checked as it has been in Bengal. Instead of "the Bengal law in an awkward shape," it will be the Bengal law suited to the habits, customs, and wishes of the Ooriahs.

In paragraph 18 of the orders of Government it is said that the system I proposed omits the process of which the law directs the observance previous to sale. This is another mistake. I proposed that a tullub chittee should be issued before the estate is lotted for sale, and, when sale has been sanctioned, that notice shall be given of the last day fixed for payment. Mr. Allen writes: "I am strongly in favour of Mr. Ricketts' proposition. I have diligently endeavoured to ascertain the sentiments of the landholders upon this question, and am thoroughly satisfied that a vast majority of them are favourable to the abolition of dustucks, and to foreknown and fixed days for last payments and sales. The dates proposed by Mr. Ricketts have, I find, given very general satisfaction. The tullub chittee would be a sufficient warning to careless and thoughtless zemindars, though, in my opinion, forgetfulness of the obligation is but rarely the cause of default."

Mr. Forbes writes: "I have perfect confidence in the stability of the settlement of the land revenue of this province, if the people be only protected from the extortion and rapacity of Government officials. If Government in 1818 were compelled to enact the extraordinary law, it has since, at the vast cost incurred in making a detailed settlement of the land revenue of the province, done the utmost to make amends for the barbarous policy it was then compelled to pursue; and all that the province, in my opinion, now requires, is to be relieved from the last remnant of the barbarous policy of A. D. 1818. This may best be done by adopting the plan for the realisation of the land revenue proposed by Mr. Ricketts."

Mr. Forbes, as well as Mr. Allen, see in my plan the welfare of the people, and the punctual realisation of the public dues, and as, though the plan has been known for above six months, not a single objection has been preferred against it, I think we may conclude that Mr. Allen is right when he says it will be acceptable to the people. With the local authorities and the people on my side, I cannot for a moment doubt that the plan would be successful. In fact it embraces no great change. It would merely systematise existing arrangements, and prevent abuses. I can see no occasion for a law when, as I have shown, there is nothing in the existing laws to prevent its introduction.

I hope and believe that the abuses which the local authorities represent to have existed of late years, did not exist when I was in Cuttack either as Collector or Commissioner. Doubtless much may be done to prevent them; but I greatly prefer the introduction of a plan under which such abuses cannot be, than to continue a system the successful working of which avowedly depends entirely on the character and habits of the officers employed to carry it out.

I say it without intending the least disparagement of the officers of the present day, that the spirit of the management of former days is not to be restored; and a great many, perhaps a majority, would say it should not be restored. We may write, and exhort, and blame, and encourage, and explain, it will I fear be all to no purpose. If I were to take charge of the Collectorship again, and do the things I used to do, consult the convenience and recognise the necessities of the rent payers, issue dustucks against some and not against others, what would the Commissioner and the Board say? I apprehend there would be grave lectures touching indiscretion, and so forth; but I collected the revenue with approved punctuality, and to the best of my recollection, during an administration of eight years, sold but one considerable estate.

Appendix, No. 7.

We may write that "in all cases the Collector, on an arrear occurring, shall be particularly careful to inform himself of the real cause of the default;" but the real cause of default is not to be learned. But, unless we can restore the habits of 1835, the activity, the inclination to serve the people, we shall write in vain. The intimate acquaintance with the people which then existed is now unknown, and I fear cannot be restored in this part of India. It cannot be expected of an assistant that he should devote all his time to become acquainted with the people of a district from which he may be at any moment removed; and officers now become Collectors at a time of life when such habits as used to prevail in Cuttack, in the times alluded to by Mr. Grant, cannot be acquired. For years my camp was my home. What would any Collector or Commissioner now under us say if ordered to pass the months of June and July in a hill tent, 10 feet square. We were young and were used to it; the present race of Collectors is old and unused to it; and the management of those days will not come back at our beckoning, unless we can also beckon back the pay and early promotion which in those days we received.

I would alter nothing in the plan I have proposed. If that cannot be—if dustucks must continue—then I think much of the Western Province system may be adopted with advantage. That there, dustuck bearers do not pilfer because they are paid servants of the Government, I do not believe. Assuredly in this part of the world it is the paid servants of the Government who always pilfer most. The muskooree peon might be satisfied with a dotee; the paid servants of the Government would certainly demand a fare, but the uniform payment appears very desirable. At present the penalty for default is regulated by the distance from the Sudder office. The nazir's share of the tullubana has not been recognised by our code as regards collectorships as far as I can ascertain; and in many respects it certainly is most objectionable that this officer should be permitted to benefit according to the increase in the number of processes issued; but on the other hand, if he is not liberally paid, he will pilfer; and I have great doubts whether an alteration in the system, so far as to allow the nazir no share of the tullubana, will not increase, rather than decrease, the burthens of the people. Supposing a fund to be provided, as it appears to be in Western India, by the imposition of a tax on default, and the nazir to be paid from the tax, still he will demand a gratuity from each peada to whom he gives a badge; and the peada, either in cash, food, or clothing, will levy this payment from the people, who will have to pay very much what they now pay, and the tax besides.

As to the employment of tuhseeldars in Cuttack. What are they to do? There is already a tuhseeldar at Budruck, half way between Cuttack and Balasore, who receives the revenue paid by such small landholders as are unwilling to travel to Balasore. I am very unwilling to scatter officers over the province with the powers of Magistrate and Collector, unless the officers employed be persons whose integrity and independence are beyond all doubts. Moreover the Commissioner in his estimate has made no provision for providing the deputy collectors to be stationed in the Mofussil with treasures and guards which would be necessary.

On vacancies occurring, I think the pay of the Balasore and Pooree officers may be reduced, but not to 1,500. It is the pay, of all others, I would not give them. It is most desirable that an officer should remain in Cuttack for several years. The language, the system, are both peculiar to the province. An officer is not efficient for the first year of his employment in the province. An officer on 1,500 rupees is always in expectation of promotion to a collectorship. There would be a change every second or third year. If 2,000 rupees is allowed, the best of the revenue officers will always be available, and they will remain in Cuttack till entitled by standing to judgeship.

The responsibility connected with the salt agencies must not be forgotten. Besides the work connected with the Aurungs, the salt agent of Balasore has the superintendency of two long double lines of salt chokies, one line to prevent the introduction of salt from the Aurungs into the district, and another line to prevent salt being smuggled from the district into Midnapore and the tributary mehals; while at Pooree the Collector has the management of the extensive Khoordah khass mehals. 2,000 rupees per mensem is the least that should be allowed.

Were there always a covenanted assistant with the powers of a joint magistrate at Balasore, either the deputy collectors under Regulation IX. of 1833, or the abkaree superintendent might be dispensed with; but the place is unhealthy and is often without a covenanted officer of that grade. I would not for the present alter the establishment.

27 August 1851. (signed) *H. Ricketts.*

MINUTE by Mr. *Gordon.*

THE provisions of Regulation X. 1818 have never been strictly, and in all their parts, carried out; and for many years past have been openly departed from. One implied part in the machinery of the above law, the existence of an organised establishment of tuhseeldars, has always been wanting. To collect the revenue in the districts of Cuttack, literally and strictly, under the provisions of the above law is an impossibility. The law requires that, on the occurrence of a balance, the cause of that balance should be immediately ascertained; and no good reason for its existence appearing, the realisation of it should be enforced by the detention or imprisonment of the defaulter, and the attachment, if necessary, of his estate, and the distraint and sale of his personal property.

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2. It is obvious that, unless the Collector were possessed of ubiquity, he could not himself fulfil all these requirements of the law. Neither could one man make all the necessary inquiries, if it should be found that the parties who had contracted to pay the Government revenue, did not voluntarily and with punctuality fulfil that contract. Doubtless, without the aid of tuhseeldars, great differences would be found in the administration of different Collectors. A man of activity and energy, a man conciliatory yet firm, and who, by always moving about the district, shou'd become acquainted with nearly every one in it, would of course collect the revenue; but it would be found that even he would not collect it with the exact punctuality required by the law. It seems plain, then, that the law, in all its parts could never have been literally carried out; and latterly—that is, for the last ten years—its provisions have been openly departed from in the matter of sales.

3. After the passing of Act XII. of 1841, Mr. Commissioner Mills, in sending up lotbundees, and soliciting the special sanction of the Board to bring to sale, for the recovery of arrears of revenue, the estates enumerated therein, writes as follows, in his letter dated the 23d March 1842:—

"The officiating Collector of Cuttack, when forwarding his lotbundee, remarks as follows:—'That the greater number of these proprietors will pay up the balances before the day of sale, I have not the slightest doubt; but it is difficult for me to state which will prove the defaulters; I have therefore included all, as the threat of sale under the new Act will have a very salutary effect upon the zemindars, who are too prone to defer payment until the last moment.'"

4. Mr. Mills proceeds to say—"It has always been found necessary to resort to the extreme measure of sale twice a year in the Cuttack province. The threat of a sale is sufficient to enforce payment, and seldom or ever is a sale actually made; but the zemindars are too fond of procrastinating the payment of their dues; and the other processes for the recovery of arrears having failed, we are obliged to have recourse to the one and only strong means, namely the lotting of the estates for sale."

5. Now it appears to me that, whether Regulation X. of 1818 had been well or ill administered up to that time, the above is a plain admission that, by means of the above law, the revenue could not be collected; for it was unquestionably contemplated by that law, that a resort to sale should be the exception, not the rule.

6. To say that the advertisement to sell was a mere threat is, in my opinion, to say nothing to the purpose. In no other district of Bengal, any more than in Cuttack, is a threat to sell followed by an actual sale. The sales are few everywhere, the threat to sell being sufficient for the realisation of the Government revenue.

7. Ever since Mr. Mills wrote the above letter, a list of estates lotted for sale has been submitted twice a year for the Board's sanction, and the bulk of the revenue of Cuttack has been realised by a resort to the threat of a sale.

8. But the great question is, what is to be done now? Is an establishment to be organised, so that the provisions of Regulation X. 1818 shall be strictly carried out, or is a departure from that law to be openly avowed and sanctioned? The first thing observable is the apparent ease with which the revenue is collected on the threat of resorting to a sale. All must allow that the system of issuing dustucks has been loosely administered. But if, by means of a sale law, it is found that the revenue is collected, we naturally ask why such a system should not at once be adopted?

9. Similarity of circumstances between Cuttack and the North Western Provinces, seems to have been assumed by the Legislature, when Regulation X. of 1818 was passed. The nature of the landed tenures in the North Western Provinces is exceedingly complicated; and speaking for myself, I doubt whether I could ever thoroughly understand that subject from the printed accounts of it. Local and practical knowledge, I take it, would be necessary to make me master of the system; yet this much is clear from the published accounts of the system, that often a very large number of persons have an interest both in what is paid to the state and in the surplus profits that remain to be divided amongst that large number after the demand of the state is satisfied, that disputes about those interests are constantly occurring, and that generally the nature of the interest is recorded at the time of settlement. Two conclusions may be drawn from this state of facts; one is, that to enforce the joint responsibility of all the proprietors for the payment of the Government demand, without any inquiry into the liability of the proprietors separately, would be a very harsh measure; the other is, that the adjustment of the disputes by means of the settlement record, and the knowledge of the local officers, is a matter of comparative ease. Thus the collection of the revenue by means of tuhseeldars becomes absolutely necessary, both with reference to the claims which the proprietors may justly lay to the adoption of such a system, and to the sound policy of preserving contentment amongst the agricultural classes.

10. In Cuttack the system is very different now, whatever it may have been when Regulation X. of 1818 was passed. From those in that province who best deserve the name of proprietors, namely, the ancient ryots, and the holders of tenures under different denominations at fixed rents, the Government officers do not collect at all. What each of all these has to pay is fixed with reference to the quantity of the land, and the rate of rent that may prevail in the neighbourhood for that quality of land at the time of settlement.

Appendix, No. 7.

The aggregate of all these separate fixed demands forms the gross rental; from this gross rental a deduction of from 30 to 40 per cent. is made, and the remainder is the Government demand, the right to contract for which has been acknowledged to exist in certain parties, and whose profit is mainly the deduction allowed from the gross rental.

11. This being the state of facts, one naturally asks, why the estate should not be sold, if these men who have entered into agreements to pay the Government demand for a term of years fail to do so, and why a cumbrous system of local officers must be organised to ascertain what shares these men have to pay?

12. A sale, it will be observed, does not deprive those above described as proprietors, of any of their rights. The purchaser can only enforce the terms of the settlement. On the other hand, a shareholder in the settlement made with Government, that is one of those who contract to pay the Sudder jumma, can, by applying for a separation of his share under Regulation XIX. of 1814, secure himself from the injustice of his brother shareholders. It is now under the contemplation of the Board to propose to the Government that a law be passed, rendering a shareholder amongst Sudder malgoozars liable, in the first instance, for revenue only to the amount of his share, the whole estate being still liable for the Government demand, if the price fetched by the sale of the share of any defaulting share holder be insufficient to cover the arrear. I have under preparation the draft of such a law, which heavy current business alone has prevented me from completing. If such a law were passed, and facility given to the Sudder malgoozar to recover from his tenants, by a law of the kind recommended by Mr. Forbes, the Sudder malgoozar or zemindar of Cuttack would have little reason to complain, and there would be little work for the proposed tuhseeldars to perform.

13. It must be borne in mind, as stated by Mr. Collector Forbes, that in all cases of real calamity, such as the occurrence of inundations and serious deficiency of crops, extensive and careful local inquiries are instituted, and suitable suspensions or remissions of the Government demand made.

14. The only case that occurs to me, as showing the convenience of local tuhseeldars, and by consequence of local treasuries, isthat in which the Sudder malgoozars or zemindars of small estates, situated at a distance from the Collector's treasury, are very numerous. I scarcely suppose that the subdivision by inheritance amongst the zemindars of petty estates in Cuttack has become so minute as of itself to warrant the location of a number of separate treasuries in the interior of a district. Besides it must be remembered that these zemindars voluntarily assume the responsibility of contracting for the payment of the demands upon their estates, and probably find the dignity inherent in the character of a zemindar a sufficient compensation for any inconvenience that may be incidental to such a position. In all such cases, too, the periods of payment are limited in number.

15. It will be seen from the tenor of these remarks, that I am opposed to the plan of organising an establishment in order to carry out strictly the provisions of Regulation X. of 1818. There is no necessity, in my judgment, for such a measure; and I entirely agree with Mr. Forbes that the less the officers of Government interfere with the people, the better. That gentleman has pointed out, also, that separate treasuries would be necessary, though he has over-rated the number.

16. But if we are not to attempt to collect the revenue of Cuttack by a strict adherence to the provisions of Regulation X. of 1818, what change is necessary? All must agree that the system of issuing dustucks, as it has been heretofore conducted, is, to use the words of Mr. Secretary Grant, "purely noxious." When the present subject came before me originally, I recorded an opinion to the effect that there did not appear to me to be any good reason why the sale law, which was in force in Bengal, should not be extended to Cuttack. I refused to admit the fact that the zemindars of Cuttack were ignorant of what they had to pay, or when they had to pay their revenue—that the best proof of this was to be found in the fact that, when advertisements of sale were issued, they invariably paid up their balances—that this fact showed that, when dustucks were issued, it was not inability to pay, but unwillingness that stayed their hands—that, therefore, the issue of dustuck did little or no good—and that the substitution of the threatened process of sale would be less vexatious, and more effectual towards the end in view. I gave up my opinion in deference to those expressed by Messrs. Ricketts and Mills. I must confess, however, after a most careful re-consideration of the whole subject, that I return to my original opinion, with this modification, that I would act upon the suggestion of Mr. Forbes, as set forth in his letter dated the 21st January 1850. Mr. Forbes would issue one demand of payment, and afterwards issue an advertisement of sale if the demand were not paid by a given date. He would have three sales in the year instead of two as recommended by Mr. Ricketts. I think sales thrice, instead of twice in the year, would be an improvement, financially speaking, as contributing to speedy payments, and would be an advantage to the zemindars themselves, as not requiring too much from them at one time, and as lessening the temptation to improvidence.

17. Whether this plan or that of Mr. Ricketts should be adopted, an alteration of Regulation X. of 1818 would, I conceive, be necessary. It is no doubt true, as stated by Mr. Ricketts, that under Clause 4, Section V. Regulation X. 1818, the issue of a written demand, previous to advertisement for the sale of the estate, is discretionary; but inasmuch as the Collector, before he proceeds to an actual sale, is required to be satisfied, that the other

other measuree authorised in the preceding sections would be insufficient for the realisation of the Government arrear, I do not think that a general resort to sale, without the use of the other provisions of the law, could be regarded as legal. The spirit of the law certainly is that the revenue shall be realised by other means than by sale; and if we determine to make the process of sale the main instrument for the relisation of the revenue, we are bound to make the law conformable to our altered system.

18. If the law should be changed, I would dispense with the necessity of obtaining sanction for the issue of sale advertisements. To apply for sanction would be a mere matter of form, and therefore quite superfluous.

19. Mr. Forbes and the Commissioner are advocates for passing a law empowering the zemindars to sell summarily, and without the necessity of instituting summary suits, the tenures of their tenants. Mr. Allen, the Collector of Balasore, is strongly opposed to such a measure. He thinks it would convey a dangerous power to the zemindar, for which there is no occasion, as he can sell the tenures in question immediately after he has obtained a decree, and that a decree in a summary suit, if the law be vigorously administered, may be obtained in three months. But Mr. Allen appears to have forgotten, that to sell under-tenures in satisfaction of summary decrees, except at the end of the year, is illegal, and is prohibited by the Board's circular, dated the 19th June 1834, No. 16. My strong impression is, however, that this illegality is very general; and it is a question whether it would not be better to legalise this practice, than to proceed upon Mr. Forbes's plan. I would consult Mr. Forbes and the Commissioner on the point, and request the former to prepare the draft of a law making the necessary alterations in Regulation X. of 1818, and empowering zemindars to sell under-tenures, either without the previous institution of a summary suit, or immediately after the obtaining of a decree, as might seem most fit to that officer.

20. I concur with Mr. Ricketts, in thinking, and for the reasons given by him, that to change the appointments at Balasore and Poorce into Deputy, instead of full Collectorships, would be an unwise measure.

25 September 1851. (signed) *E. M. Gordon.*

MINUTE by Mr. *Currie.*

ON the general subject discussed in this correspondence, I have little more to say than that I agree fully in the sentiments expressed in the first 18 paras. of Mr. Gordon's minute.

It is clear that the state of landed property in Cuttack bears a much closer resemblance to that which prevails in the permanently settled districts of Bengal, than to that existing in the North Western Provinces. It is clear too, that although it was the intention of Regulation X. 1818 to assimilate the system of administration in Cuttack to that of the North Western Provinces, yet from the want of Mofussil establishments in the former province it was never fully and effectually carried out; and that, for the last ten years at least, sale advertisements have been the ordinary means of enforcing payment of the revenue. It appears further that the people have become habituated to this mode of coercion, and that dustucks are found to be continually less and less effective. It would seem then that the province is fully ripe for the enforcement of a simple sale law, which is admitted in Mr. Secretary Grant's letter to be "the least vexatious process of realisation, and the one most conducive in the end to the respectability and welfare of the zemindars."

Even in the North Western Provinces where, from the peculiar condition of a large proportion of the landed proprietors, some mode of personal coercion appears indispensable, the dustuck system is, I think, at best a necessary evil. Very much, no doubt, has been done of late years to mitigate the abuses to which it is inherently liable, but after all I cannot regard it with the complacency with which it seems to be viewed by the Western Board. The aggregate amount levied in tullubanah is no doubt small when compared with the aggregate jumma; yet in some districts it amounts to a tolerably heavy tax, and in those districts the number of dustucks is of course very large.* But the levy of the authorised tullubanah is the least part of the annoyance and, in all probability, of the expense which the system inflicts upon defaulters. Though imprisonment for arrears be almost obsolete, the practice of detaining the defaulter in the custody of the nazir, or at the tuhseeldaree cutcherry still continues; and in the latter case there can be no security that the authorised period of ten days is not often exceeded. From Mr. Muir's letter it might be supposed that the tullabanah levied from defaulters provided the whole expense of serving the dustucks and left a considerable surplus to Government; but, from Appendix No. 6 to the "Directions to Collectors," it seems clear that only the extra and temporarily employed peadahs are paid out of the tullubanah, and that no part of the expense of the chuprassees and sowars of the fixed establishment, who must serve a large proportion of the dustucks, is defrayed from that source.

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* For instance, Goruckpore, the revenue of which is, I believe, about 20 lacs. Number of dustucks, 40,192. Tullubanah, 30,456 rupees.

Appendix, No. 7.

The plan proposed in Mr. Gordon's minute is, as it seems to me, identical with that advocated by Mr. Ricketts, with the single modification that the number of sales is to be three instead of two; and this I think an improvement. Should the Government assent to the proposal, which, as observed by Mr. Ricketts, will in fact be only to systematise under authority a practice now actually existing,* I think with Mr. Gordon that it will be necessary to make some modification of the law. It will probably be sufficient to rescind Regulation X. 1818, and declare, in modification of Section IV. Act I. 1845, that the previous sanction of the Board shall not be necessary to the sale of estates in the province of Cuttack. The sales would of course be conducted under section V. of that Act, and the issue of a previous tullub chittee on the occurrence of an arrear is authorised by the original law, Regulation XIV. 1793.

I do not find it stated in the Board's letter to Government, or in any of the other papers, whether it is proposed that the tullub chittee should be served at the expense of the defaulter or of Government. I think that the defaulter should pay for both the tullub chittee, and the sale notice; but if this is done it will be necessary to organise a plan similar to that under which dustucks are served in the North West. It should, however, be so arranged as that the tullubanah will pay the whole expense of the necessary establishment.

The question of providing for the summary sale of mokuddumee and other under-tenures is not without difficulty, and should, I think, be separately considered. It is intended that, under the proposed system, the Collector should exercise all discretion in actually proceeding to sale; and the existence of an arrear due from a mokuddum, which the zemindar has not had opportunity to realise, would be a legitimate ground of indulgence.

With regard to the question of Mofussil establishments, though opposed to the introduction of a tuhseeldaree system, such as exists in the North Western Provinces for collecting the revenue by personal duress, I am favourable to the location of revenue officers at a distance from the Sudder station in the manner suggested by the Commissioner. These officers would of course try all summary suits in their respective jurisdictions, and they should be empowered to receive the revenue of the smaller zemindars who might prefer paying at their cutcherry to making payments at the Sudder station. The duty of issuing tulub chittees and sale notices to all such parties would devolve upon them; and the establishment of peons necesssry for the purpose would form a sufficient guard for the custody and conveyance of the small amount of treasure which would pass through their hands. Whether any of these officers should be vested with the powers of deputy magistrates would depend upon their personal character and qualifications; but I think that they might very properly be entrusted with the management of the abkaree in their respective jurisdictions.

With regard to the Collectorships of Pooree and Balasore, I concur with my colleagues. The duties of salt agent in both those districts are very important; and the office should not, I think, be reduced below, but should rather be better remunerated than that of an ordinary Collectorship.

(signed) *E. Currie.*

22 November 1851.

NOTE by Mr. Officiating Secretary *Plowden.*

BY Regulation X. of 1818, the process, generally, by which arrears of revenue are recovered in the Ceded and Conquered Provinces, was introduced into the province of Cuttack, which is a temporarily settled province.

2. The essential difference between the processes in the permanently settled districts of the Lower Provinces of Bengal and the temporarily settled province of Cuttack is that, in the former, sale is the first, and, in the mass of cases, the only process, and it follows the default of the zemindars as a matter of course; and in the latter, sale is the last process, in the mass of cases not resorted to at all, and in no case resorted to otherwise than as a special necessity after special inquiry; issue of dustucks at the defaulter's charge, arrest and imprisonment of his person, sale of his personal property, attachment and khas management of his lands, and farming out his lands, being resorted to instead.

3. When it becomes necessary to resort to the sale of an estate in a temporarily settled district, the special sanction of the Board of Revenue must be previously obtained in each several case of sale; and the Board are required, at the time of authorising such sale, to fix the latest day on which in each case the arrear or demand due shall be received.†

4. Latterly, the issue of dustucks, under the provisions of Regulation X. of 1818, became wholly ineffectual in the province of Cuttack, as payment of revenue was not finally enforced until the estates were lotted and advertised for sale, insomuch that the lists of estates sent to the Board, with application for permission to sell, came to embrace nearly the whole province.

5. The

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* *Note.*—It will not escape observation that the number of estates actually brought to sale under this practice is exceedingly small. Seventeen in 10 years in Pooree, eleven in 6 years in Balasore.

† *See* Section IV. Act I. of 1845.

5. The dustuck system having thus become useless as a method of collecting the revenue, at the same time that it was liable to many abuses, and was attended with great expense to the zemindars, the Board of Revenue proposed, in 1850, to discontinue it, and to adopt instead the system of periodical sales in force in the permanently settled districts of Bengal, the Cuttack districts having now been settled for 30 years, and the settlements having been made precisely on the principle of the Bengal settlement, except its permanency.

6. On a reconsideration of the subject, in connexion with objections made by the Bengal Government, and, after further inquiry, the Board adhered to their opinion, and in December 1851 repeated their recommendation for the abolition of the dustuck system, and the substitution of periodical sales for the realisation of the revenue. To give effect to this change, they were of opinion that Regulation X of 1818 must be altered, if not abrogated, and that it should be declared, in modification of Section IV, Act I, of 1845, that the previous sanction of the Board is not necessary to the sale of estates in the Province of Cuttack.

7. In now reporting these particulars, the Bengal Government write as follows:—

"There is, in fact, very little real analogy between Cuttack and the North Western Provinces. The settlement in the former is a zemindaree settlement, the rights of all under-tenants and ryots being fixed during the whole period of its duration. In the latter, the settlement is made in detail with all those having a proprietary interest in each village. The dustuck system, which is truly described by Mr. Currie to be a necessary evil even in the North Western Provinces, is a source of pure mischief in Cuttack, being ineffectual for its object, and recourse having almost always to be had to sale as a final measure of coercion. It was adopted in Cuttack when there was no proper settlement, and when the revenue was unequally assessed. Its abolition is nothing more than the necessary complement of the very perfect zemindary, though terminable settlement, that has since been effected.

"It does not appear to his Lordship that any alteration of the law is necessary for the discontinuance of the practice of issuing dustucks. So much of Regulation X of 1818 as prescribes the issue of dustucks as a necessary preliminary to sale was repealed by Clause 2, Section II, Regulation XI, of 1822; and though the provisions of the former Regulation have ever since been acted on, they have not been compulsory, but permissive. There can be no necessity for a law to authorise the abandonment of a process which the law says may be resorted to or not at the pleasure of the executive. It is only necessary that the Board should give notice in the province that, after a certain date, the process of recovering arrears by dustuck will no longer be resorted to. To this effect the Board of Revenue has been instructed."

8. These views of the Bengal Government will probably be held to be perfectly sound. As regards the law, they are undoubtedly correct.

9. But in order to complete the change, it is necessary that the 4th Section of Act I of 1845, which requires a reference to the Board of Revenue in each instance before a sale can be held, should be repealed as regards Cuttack. The Bengal Government recommend, therefore, that this be done, either by a short Act for the purpose (such as the one transcribed in the margin*), or that the occasion of revising the sale law as respects under-tenures, and the payment of the dues of joint shareholders on separate account, be taken to pass a new sale law, embodying all the alterations which experience has shown to be necessary.

10. This latter course will probably be preferred, in which case these papers should be taken up with those on the subjects abovementioned, and any others which may be pending in relation to the sale law, with a view either to the incorporation of all proposed amendments, which it may be determined to adopt, in one new law, or to the construction of a new sale law embodying all such amendments.

G. Plowden.

28 February 1854.

N. B.—The above Act (drafted by the Bengal Government) would not effect the purpose. Besides the repeal of Section IV, so far as it relates to the Province of Orissa, an amendment would be necessary of Section III, as that province would be left out of the operation of the sale law altogether. Section III relates only to permanently settled districts, which the districts of Orissa are not. It would therefore be necessary, besides taking Orissa out of the rule of Section IV, to bring it within the rule of Section III.

This point will also have to be attended to, if, instead of a special Act for this and other amendments, it be determined to re-cast the present sale law, Act I of 1845.

G. P.

* Act No. —— of 1854.—Whereas it was enacted by Section IV, Act I, of 1845, that in districts not permanently settled no sale shall take place for arrears of land revenue, or other demands of Government, without the special sanction of the Board of Revenue previously obtained in each several case of sale, and whereas it is not expedient that such sanction should be obtained to the sale of land for such arrears on demands in the temporarily settled districts of the Province of Orissa, it is enacted as follows:—So much of Section IV, Act I, of 1845, as enacts that in districts not permanently settled no sale shall take place for arrears of land revenue, or other demands of Government, without the special sanction of the Board of Revenue previously obtained in each case of sale, so far as the same relates to the Province of Orissa, is hereby repealed.

Appendix, No. 7.

APPENDIX, No. 2.

EXTRACT of a LETTER from the Government of *Bengal* to the Government of *India* in the Home Department, No. 775, dated 15 September 1853.

Para. 11. There are two admitted defects in the present sale law, one is that a sale of an estate for arrears voids all under-tenures, the other is that shareholders of joint undivided estates cannot save their property from sale by the payment of the quotas due on their respective shares. His Lordship some months ago submitted to the Government of India the project of a law for the correction of the former evil, and the latter will be cured by passing into law the substance of the eight sections of the Board's draft above referred to. In the belief that these measures will provide a remedy for the most objectionable effects of the sale law, his Lordship desires to recommend them strongly for the early consideration and adoption of the Legislature.

12. The Governor has only one addition to suggest to the Board's draft, and that is, that there should be a minimum limit to the amount of jumma which any one or more shareholders of a joint undivided estate should be allowed to pay in one separate account, and that limit his Lordship considers might fairly be fixed at 50 rupees. By the law of 1807, no shareholder was entitled to a division whose sudder jumma was less than 500 rupees, and though this law was afterwards repealed, yet practically the limit has always been high, as it is obvious that a small proprietor could not afford the expense of maintaining an ameen for years, merely to enable him to pay his revenue on separate account.

13. The limit of 50 rupees will not therefore be felt as a hardship, particularly if two or more shareholders are allowed to join together for the purpose, their aggregate jumma not being less than the minimum. If every shareholder, however small his share may be, were to be permitted by law to have a separate account, there would be a risk in every district of such minute payments as those which have occasioned considerable public inconvenience in Chittagong, and which the Government has been at much pains to get rid of.

EXTRACT of a LETTER from the Secretary to the Board of Revenue, Lower Provinces, to the Government of *Bengal* in the Revenue Department, No. 302, dated 20 August 1852.

Para. 10. But Mr. Forbes' plan of reserving from sale, under certain conditions, the shares of those proprietors who should pay their quotas of the Government revenue, appeared to the Board deserving of consideration, and if it were in force, there would apparently be no necessity, they observed, "for adopting his other suggestion of permitting one sharer to sue summarily another defaulting sharer. There cannot be a doubt that, were the plan carried into effect, it would lessen the number of applications for divisions and deprive powerful proprietors of the means of injuring their co-sharers' rights. The only objections to the plan that occurred to the Board, were the multiplication of accounts and the increase of business it would introduce, and the temptations it would hold out to the sharers to collude so as to throw shares with inadequate assets on the hands of the Government. The first set of objections, however, they did not consider to have much force—with an increase of establishment the additional work would give little or no trouble, and in return for so great a boon, it would be perfectly just to meet the expense by the imposition of a tax on the landowners by whom, on account of its smallness, it would not be felt. With respect to the second objection it would, they thought, be removed, if the joint nature of the whole estate should not be altered by reason of the sale of any of the shares, that is, if the whole estate continued to be liable for any arrear not covered by the price of any share that might happen to be sold."

11. The Board thought that reasons of sufficient force had not been advanced for depriving sharers of the right they now possess of enforcing the separation of their shares; and as this right had been admitted in a long course of legislation, they thought its abrogation would not be justifiable except on the ground of necessity, to which point matters had not attained.

12. Entertaining these views, the Board thought it expedient that the whole correspondence above referred to should be circulated for the opinions of the Mofussil officers. With reference to their returns it may be sufficient to observe generally, that the majority * of the officers who pronounced any opinions at all, were in favour of the plan of opening separate accounts with shareholders. Some were opposed to it, but there was little in their objections

* *Note.*—Amongst these were Messrs. Dunbar, Gouldsbury, and Taylor, Commissioners; and Messrs Annand, Bowring, Davidson, Hamilton, Louth, G. Loch, Mactier, Trotter, Torrens, and Yule, Collectors. Those who were opposed to it were Messrs. Gough, Harvey, and Brown, Commissioners, and Messrs. P. Taylor, A. Reid, and Tottenham, Collectors.

objections deserving of the name of argument, and by some the plan did not seem to have been understood. Mr. Brown wrote as if the plan was now in operation, confounding the privilege of exemption from sale at present awarded to a sharer whose share is under butwarra on his paying the arrear due from him, with that of the proposed exemption, without the necessity of the sharer having to apply for a separation of his share. Mr. Harvey seemed in like manner to fall into the same mistake, and he proposed on grounds which appeared to the Board to be wholly insufficient, to put a stop to butwarras altogether.

13. On a consideration of these returns and of the whole subject, the Board have come to the following general conclusions:—1st. That the work of effecting divisions of estates by the revenue authorities at the instance of the shareholders, cannot be altogether dispensed with. 2d. That the existing law for effecting divisions is defective and requires amendment; and, 3dly, that the plan of opening separate accounts with shareholders, advocated by Mr. Forbes, and supported by so many officers of standing and experience, ought to be adopted, subject to such safeguards and restrictions as may be considered necessary.

* * * * * * * * * * * * *

20. The Board will now offer some remarks on the third general question of opening separate accounts with shareholders, and reserving from sale the shares of those proprietors who may pay their quota of the Government revenue without the necessity of having previously brought their shares under the operation of the butwarra law.

21. Enough has been written in this letter to show that the proper division of an estate must in very many cases be a work of difficulty. Admitting that, by the better agency it is proposed to introduce and the greater power which it is proposed to confer on those to whom the work is to be intrusted, the difficulty may be lessened, yet it can never be entirely removed. The thing to be done is to distribute interests of varying value and difficult of estimation amongst contending occupants, so that justice may be done to all. And there can be no doubt that industry and discrimination in acquiring the necessary information, as well as judgment and honesty in applying it, are essentially necessary in a high degree, for the proper execution of the task. It is therefore desirable to lessen as much as possible the necessity for butwarras.

22. But there can be no question, as has been stated by many of the local officers in reply to the Board's circular, that the object of the applicants for butwarra in the great majority of cases, is not the separation of their shares, but the saving of their shares from sale by the payment of the exact amount of revenue (and no more) that may be due upon them, and although there has doubtless hitherto been great delay in the completion of butwarras arising from many causes, such as the badness of the agency employed, the inefficiency of the existing law, and the remissness of the revenue authorities, the Board are convinced that that remissness has, in a great measure, arisen from the apathy of the parties concerned, and that the delays are as frequently owing to the indifference of the owners with respect to the consummation of the butwarras as to any other cause.

23. Under this impression it appears to the Board that it is highly desirable to confine the attempts at butwarra to those cases in which the applications for butwarra may be safely assumed to be made in good faith, and in order to ensure this the Board see no better or more certain course than to allow of the opening of separate accounts.

24. It may be suggested that the difficulty might be met by requiring the shareholders to apply, as at present, for a separation of their shares, but allowing the division to remain in abeyance in cases in which it was not pressed by the applicants. The object contemplated by such a scheme would of course be the protection of the interests of the separate shareholders without imposing on them the necessity of a separation, and this might be accomplished by a slight change in the existing law. But the scheme would be founded on a fiction, and could not with credit be sanctioned by the Legislature; whilst it would not meet a numerous class of cases in which a remedy for existing evils is called for, namely, the cases in which the lands of an estate found upon the rent-roll as one distinct and with a fixed jumma, are not separately defined, but in joint and undivided occupancy with other estates having separate numbers on the rent-roll. It is obvious that the applications for the butwarra of a shareholder in such a case could not often be complied with, for the butwarra would comprise the partition of several estates, to which the consent of the proprietors of those estates would be necessary, yet the poor and honest shareholder in such an estate, without doubt requires protection from a more powerful or fraudulent co-sharer, and this, as it appears to the Board, can be effected in no better manner than by the system of separate accounts.

25. So long indeed as that system can be carried out without the risk to the security of the Government revenue, the Board do not see what valid objection can be urged to the introduction of it, and they think it quite clear that any objection on this score will be entirely obviated by holding that the share sold shall constitute, equally as it did before the sale and before the introduction of a separate account, a part of the whole undivided estate, and that the whole estate shall be liable for any balance that may remain uncovered by the price of the share sold. The increase in the number of accounts will easily be met by an increase of establishment, the expense of which may, without any injustice, be defrayed rateably by those for whose benefit it is incurred.

Appendix, No. 7.

26. The advantages of the plan are numerous and striking. If it is adopted, applications for butwarras will be confined to those cases in which a division is really necessary, and much valuable time will thus be saved to the officers of Government. The number of butwarras being also greatly diminished, the risk to which Government is now exposed of loss of revenue from having separated shares with inadequate assets thrown upon their hands will, consequently, be decreased. The benefit conferred on the honest shareholder by protecting him against a dishonest co-sharer, will be immense. All the shareholders will be relieved from the anxiety they now suffer from uncertainty regarding their partner's payments. Encouragement will be given to shareholders to record their interests in the registers of mutations; and, lastly, by rendering sales of entire estates extremely rare, it will protect the ryots and under-tenants from the gripe of auction purchasers, and give them that increased security in their tenures which it is so desirable to effect.

27. Such are the main grounds upon which the Draft Act has been framed, and enough has now been said to place the Government in possession of all circumstances essential to the full understanding of the objects the Board have in view. The conditions under which parties shall be admitted to separate accounts, with minor provisions for the more efficient execution of butwarras when applied for, will be found detailed in different sections of the Act. On the whole, the majority of the Board believe that the proposed law will be looked upon as a great boon of the agricultural community; and although Mr. Ricketts is inclined to think that, if a plan could be introduced for much more greatly simplifying butwarras, it might be yet more acceptable than the one proposed, by giving independent possession to each sharer, and freeing the ryots from the inconvenience of being answerable for their rents to a numerous body of landlords, he is not prepared to suggest any plan for so facilitating the completion of butwarras, and he is agreed with his colleagues in thinking that the system proposed is, under all circumstances, the best that can be adopted, and one likely to be well suited to the requirements of the case.

Extract from Draft Act.

XXIV.—Clause 1.—It being well known that many sharers of joint estates withhold the payment of their quota of the public revenue to the great injury of the other shareholders, who are thus made to pay more than is due from them, and to the great multiplication of applications for divisions, which are preferred, not for the purpose of having the shares of the applicants separated, but to enable them to save their shares from sale, by paying what is legally due upon them, it is hereby enacted that, from the date of the passing of this Act, and subject to the following rules and conditions, shares in joint estates, the proprietors of which shall have paid the Government revenue due upon them, shall be exempted from sale.

Clause 2.—When the sharer or sharers of a joint estate, holding in common tenancy desire to pay their quota of the Government revenue separately, they shall submit a written application to that effect to the collector, attested by two credible witnesses. The application shall contain a distinct specification of the extent of the interest held in the estate by the applicant or applicants, and how it was acquired, that is, whether by inheritance, gift, or purchase. The collector will then cause to be published in his own cutcherry, in that of the judge, in that of the moonsiff, in the police thannah in whose jurisdiction the estate is situated, as well as on some conspicuous part of the estate itself, a copy of the application made to him. If within six weeks from the date of the publication of these notices, no objections are made by any of the other sharers, or any other party interested, the collector will proceed to open an account with the applicant or applicants, and will credit separately to their shares all payments made by them. The date on which the collector shall record his sanction to the opening of a separate account shall be held to be that from which the separate liabilities of the share or shares of the applicant or applicants are to commence.

Clause 3.—When a proprietor of a joint estate, who pays revenue immediately to Government, and whose share consists of specific lands, desires that the amount of revenue due upon his share shall be paid separately, he shall prefer to the Collector a written application to that effect, attested by two credible witnesses. The application shall contain a specification of the lands comprised in his share, together with a statement of the amount of sudder jumma that was fixed upon it at the time it was created, or which has heretofore been paid on account of it. On the receipt of this application, the Collector will cause to be published the same kind of notice, and in the same places, as that which he is directed to do in Clause 2d of this Section, and in the event of no objection being urged within the time stated in that clause, he will open an account for the share at the proportion of jumma which the proprietor claims to pay, and pass to its credit separately all payments made on account of it. The date from which the share in question shall be considered and treated as a separate one, shall be that on which the Collector records his recognition of it as a separate share.

Clause 4.—If it be objected, by any person having an interest in the estate, either that the applicant has no right at all to the share claimed by him, or that his interest in the estate is less than that claimed by him, or of a different nature, the Collector will institute a summary inquiry into the fact of possession, and if he be satisfied that the applicant

Appendix, No. 1.

applicant is really in possession of the interest claimed by him, he will open a separate account for his share, as directed in the two preceding clauses. If in the case of a claimant of specific lands, the objection be that the jumma alleged by the applicant has never been recognised as the separate jumma of such lands, the Collector will inquire into the fact, and, according as the truth of the objection is established or otherwise, will reject or admit the application.

XXV. In order to guard against errors and confusion of accounts, the Collectors are prohibited from recognising the existence of proprietors holding in common tenancy, and proprietors possessed of specific lands in one and the same estate. As the meaning of the term "common tenancy" implies a right to collect from all the ryots of an estate, the creation of one specific Mehal necessarily converts the remaining lands into a specifie Mehal.

XXVI. Whenever the Collector shall have ordered a separate account, or separate accounts, to be kept for one or more shares, if the estate shall become liable to sale for arrears of revenue, the Collector shall put up to sale only that share or those shares of the estate from which, according to the separate accounts, an arrear of revenue may be due. In all such cases, notice of the intention of excluding the share or shares from which no arrear is due shall be given in the advertisement of sale prescribed in Section VI. Act No. I. of 1845. The estate sold will consist of a share or shares, and these together with the excluded shares, will continue to constitute one integral estate, the share or shares sold being charged with the separate portions of jumma, or the aggregate of the separate portions of jummas, assigned to such share or shares. Provided, however, that nothing contained in this and the two foregoing sections shall bar the indefeasible right of Government to hold the entire estate responsible for the amount of the whole jumma; and if in any case the highest offer or bid for the share or shares exposed to sale shall not equal the amount of arrear due up to the latest date of payment, the Collector shall stop the sale of such share or shares, and if the arrear be not paid up within ten days, shall proceed to sell the whole estate; and such sale shall be made after notification and in the forms prescribed in Section VI. Act I. of 1845; and such notification shall not be published till the expiration of ten clear days from the day on which the first sale was stopped. Provided also, that if the highest offer or bid shall equal the balance due up to the latest date of payment, and the share or shares be sold accordingly, and the purchaser fail to pay the deposit as required by Section XV. Act I. of 1845, or to make good the full amount of the purchase money as required by Section XVI. Act I. of 1845, the Collector shall in either case, if the arrear be not paid up within ten days, proceed to sell the whole estate, after notification in the forms prescribed by Section VI. Act I. of 1845; and such notification shall not be issued till the expiration of ten clear days after the day on which the default shall have occurred.

XXVII. If the whole estate shall be sold owing to any of the causes mentioned in the preceding Section, the provisions of Section XX. Act I. of 1845, in regard to the application of the purchase money, shall in all respects be applicable and be enforced accordingly.

XXVIII. When a share or shares of an estate held in common tenancy, or specific lands in a joint estate, shall be sold, under Section XXII. of this Act, the purchaser shall acquire the share or shares, or the specific lands, subject to all encumbrances existing at the time of sale, and shall not acquire any rights in respect of under-tenants which were not possessed by the previous proprietor at the time of sale.

XXIX. When separate accounts for the shares of an estate shall at any time have been opened by the Collector, those accounts shall be held to describe the true status of the estate until alterations in the accounts, founded on fresh applications from the sharers, and on inquiries similar to those made on the occasion of the original application, shall have been made, and no error in regard to the proprietorship of shares shall be admitted as a ground of suit in any court of justice, against the Collector or Government, if the sharer or sharers shall have failed to notify to the Collector any change that may have taken place in the share or shares, and to apply, as in the original instance, for the alteration of accounts, made necessary by the alteration that may have taken place in the shares.

XXX. As the opening of so many separate accounts may render necessary an increase in the Collector's establishment, and as it is just that the expense of the increased establishment should be defrayed by those for whose benefit it has been incurred, the Board of Revenue are hereby empowered to prescribe rules by which the increased expense shall be made to fall on the parties rateably, and the charge thus imposed shall be levied by the same process as that in force for the realization of arrears of revenue.

Appendix, No. 7.

PAPERS relative to a proposed Revision of Act I of 1845.

(No. 721.)

From the Secretary to the Government of Bengal to *E. Currie*, Esq., Legislative Member of Council for Bengal.

Revenue.

Sir, Fort William, 21 November 1855.

I AM directed to forward herewith for your consideration the original paper noted in the margin,* and to state that the Lieutenant-Governor desires to take this opportunity of requesting you to report what prospect there is of a Bill being introduced to amend Act I of 1845 in respect of securing under-tenures in case of an estate being sold.

2. The subject was referred † to the former Legislative Council of India in 1852, and formed No. 63 in the list ‡ of cases pending before that Council when the present Council was constituted in 1854.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of Bengal.

PETITION of about 245 Zemindars in the District of Tirhoot.

OUR representation is this:—There are many petty zemindars in this district, as also several villages which have been subdivided into several portions both by rights of sale and inheritance. For this reason it often happens that petty shareholders withhold paying the Government revenue, and the other shareholders are obliged to borrow money to pay the dues of the defaulters and thereby save the whole estate from being sold. Thus by repeatedly paying for the defaulter, parties who hold large shares are much reduced, till at last, when they fail to obtain loans, their estates are sold. Also, when a petty shareholder withholds payment of the Government revenue, and when this circumstance is not known to his co-sharers having large shares, the whole estate is sold. We therefore pray that Act I of 1845 be revised, and that an enactment be passed directing that the shares of those parties only who neglect to pay the Government revenue shall be sold. When such a rule has been passed, there will be no need of bautwarra, and the incurring of any expense on that account. We further solicit that an istahar be issued to the effect that all shareholders of each talook should, within six months, submit to the Collector a statement of their respective shares, and it is no matter of regret if the defaulters' shares are sold.

(signed) *K. C. Mookerjee.*

26 November 1855.

(No. 488.)

From *Hodgson Pratt*, Esq., Under-Secretary to the Government of Bengal, to the Commissioner of Revenue, Bhaugulpore Division.

Lieutenant-Governor's Camp,
Sir, Gourah, Zillah Sarun.

I AM directed by the Lieutenant-Governor to forward to you for report the accompanying petition from certain zemindars of Tirhoot, praying for such an amendment of Act I. of 1845, that in the case of estates held by several shareholders, the lands belonging to defaulting shareholders only shall be sold for arrears of revenue.

I have, &c.
Government of Bengal, Revenue, (signed) *Hodgson Pratt*,
6 January 1855. Under-Secretary to the Govt. of Bengal.

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* Translation of a petition from the zemindars of Tirhoot.
Letter from the Under-Secretary to the Government of Bengal to the Commissioner of Revenue, Bhaugulpore Division, No. 488, dated the 6th January 1855.
Letter from the Commissioner of Bhaugulpore to the Secretary to the Government of Bengal, No. 1625, dated 6th November 1855, with enclosure.

† Government of Bengal to Government of India, Home Department, No. 1049, dated 21st October 1852.
Government of Bengal to Government of India, Home Department, No. 54, dated 3d February, 1854.

‡ Letter from Legislative Member of Council to the Secretary to the Government of Bengal, No. , dated 22d June 1854.
Secretary to Government of Bengal to Legislative Member of Council, No. 1493, dated 3rd July 1854, clause 2 paragraph 3.

(No. 1625.)

From *G. F. Brown*, Esq., Commissioner of Revenue for the 12th or Bhaugulpore Division, to the Secretary to the Government of Bengal, Fort William. Appendix, No. 7.

Revenue.

Sir, Bhaugulpore, 6 November 1855.

I HAVE the honour to acknowledge the receipt of Mr. Under-Secretary Hodgson Pratt's letter, No. 488, dated 6th January last, with enclosed petition from certain zemindars of Tirhoot, praying for such an amendment of Act I of 1845, that in case of estates held by several shareholders only the portion belonging to the defaulting shareholders shall be sold for arrears of revenue.

2. This subject has been already reported on by me (as will be seen from the annexed extract, paras. 4 and 5 from my letter to the Board of Revenue, No. 561, dated 5th April 1854), having been forced on my notice by the immense number of butwarrahs always pending in Tirhoot, and the mischief resulting therefrom in a financial point of view; for the payment of the small jummahs into which the Government demand is thereby subdivided cannot be enforced except once a year, and that, too, at the end of the year instead of once a quarter.

In the course of five years ending with 1853, 169 mehals were divided into 669, thereby adding 500 mehals to the district rent roll, many of them with jummahs less than 10 rupees each.

3. The petitioners state, and truly so, that the necessity and expense of butwarrah proceedings would be superseded if the law were altered in the manner pointed out. At present, indeed, in nine cases out of ten, the applicants for butwarrahs have no real desire that their land should be divided, their object being gained * as soon as an order is passed for the appointment of an ameen to make the butwarrah; for from that date they are entitled to the protection which sections XXXIII. and XXXIV. of Regulation XIX. of 1814 are calculated to afford. Whereas, under any other circumstances, the proprietors of joint estates who have distinct interests and pay their revenue separately (as is very much the case in Tirhoot) are kept in a perpetual state of anxiety lest any one of their number should default, either wilfully or accidentally, and thus involve the whole in irretrievable ruin. This liability is particularly felt where, as it often happens, the number of proprietors is large and the amount of shares small; and I believe it to be the occasion of much of the chicanery and litigation for which Tirhoot is so notorious.

4. As already observed in my report to the Board of Revenue, No. 561, dated 6th April 1854, "I have reason to believe that all the evils complained of would disappear could the sale law be altered so as to allow of only the share in arrear being sold, provided the sum bid covered the arrear, and the rest of the mehal exempted from responsibility except where such was not the case."

5. The original petition received with your letter is herewith returned.

I have, &c.
(signed) *G. F. Brown*,
Commissioner of Revenue.

EXTRACT paras. 4 and 5, from a Letter from the Commissioner of the Bhaugulpore Division, to the Address of the Secretary to the Board of Revenue, No. 561, dated the 5th April 1854.

4. IN at least nine out of ten cases the parties concerned would be just as well, perhaps better, pleased were the lands not divided, provided their respective shares and jummahs were recorded in the Collector's office and each proprietor held responsible for the revenue of his own share only. Indeed, I have reason to believe that all the evils complained of would disappear could the sale law be altered so as to allow of only the share in arrear being sold, provided the sum bid covered the arrear, and the rest of the mehal exempted from responsibility, except where such was not the case.

5. At all events, Government should not suffer, as is now the case, by large jummahs being so far subdivided as to prevent the Collector's enforcing payment every quarter; for, under the Board's Circular, No. 1, of 22d January 1842, when the jummah is inconsiderable the liability to sale is reduced to only twice, and even to only once a year; and that at the end instead of at the beginning of the year.

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* *Vide* article 8 of the Board's butwarrah series.

Appendix, No. 7.

PAPER relative to the Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the *Bengal* Presidency.

From Captain *H. W. Craufurd* to the Clerk of the Council.

Sir,

The Honourable the Legislative Council having, at their sitting of the 17th of May 1856, passed a resolution on the motion of Sir James Colvile that "the petition of Captain Craufurd, presented on the 10th of May, be referred to the Select Committee on the Bill to improve the law relating to sales of land for arrears of revenue in the Bengal Presidency, with an instruction to consider and report upon the propriety of protecting under-tenants against the consequences of a sale for arrears of rent," I hope I may be permitted to lay before the Committee, through you, something explanatory as to that petition, and afterwards to reply shortly to some of the objections that have been made to the Bengal Government's scheme for the protection of under-tenants when an estate is sold for arrears of revenue. I shall also beg to be allowed to say something in reply to the objections that have been made to the extension of protection to cases of sales of under-tenures for arrears; and, lastly, to submit to the consideration of the Committee a scheme for the protection of honest and non-defaulting under-tenants of all degrees and other incumbrancers, from the consequences of a sale of landed property for arrears either of revenue or of rent.

The great experience of some Members of the Committee and their thorough acquaintance with the laws regulating the relations of landlord and tenant as well as with all that has passed during the long discussion of the subject of protecting under-tenures in cases of sale for arrears, relieves me from the necessity of troubling the Committee with any explanatory statement regarding those matters. I might go to great length on the subject, and perhaps with some advantage to my own views, but the time of the Committee is valuable, and I will refrain from trespassing on it at greater length than is absolutely necessary for my purpose.

I am most sensible of the very slight claim I have to the confidence of the Committee, for I am not of long standing in the country, nor have I the honour to belong to that class whose views alone have hitherto had any influence in Indian Legislation. But, I think, if the Committee will grant me such a fair share of its confidence as will induce its members to give a deliberate consideration to the scheme I shall propose, they will perceive in it at least the germ of a simple, consistent, and practicable method of protecting registered incumbrances of all classes from the injurious consequences of sales for arrears under the present law, and that it may be effected without impairing the security of the Government revenue, without altering the system of registration, and without disturbing the basis of either Mr. Grant's or Mr. Currie's Sale Bills.

I will now, with the permission of the Committee, lay before it a short explanation as to my petition, which is not well calculated to lead fully into the subject with which it is to be hoped the Committee will deal *in extenso*. The Council was to go into Committee on a Bill for the consolidation and amendment of the law of sale for under-tenures, which contemplated leaving the subordinate tenures subject to annulment, as at present, on a sale of the superior tenure of arrears. At the same time Mr. Grant's sale law Bill, in which provision is made for the protection of under-tenures in cases of sales for arrears of revenue, was before a Select Committee to be reported on. I certainly had allowed the proper moment for putting forward my prayer to pass by, but I was not at the time resident in Calcutta, and the progress of the Bill had escaped my notice. When Mr. Currie's Bill was first brought forward I had petitioned the Council against legislating on the subject without providing for the protection of under-tenants, and it seemed to me a hard measure for them to have a Bill pressed forward, making substantive changes in the relations of landlord and tenant, and granting increased powers to the former for the destruction of the latter, whose grievance was left untouched. I hurried then to put before the Council a petition praying for certain enactments calculated to protect all incumbrances on under-tenures sold for arrears and to bring all under-tenures under one sale law, which, I thought, would at least lead to a postponement of Mr. Currie's Bill, and that it might follow and not precede that of Mr. Grant to amend the sale law for superior tenures.

The broad principle of the present law for sales of landed property for arrears, whether the property be a zemindarree tenure created by Government or an inferior tenure created by the zemindar, or an under-tenure of that inferior tenure, and so on 'gradatim,' is, that the right of the party to whom the arrears are due is not limited to the simple recovery of the amount of his arrears, but extends to the sale of the tenure free from all the incumbrances that have accrued on it since the time of its creation, whether their extinction be necessary or not for the recovery of the arrears.

The broad principle now contended for, and the justice of which has long since been generally admitted, is that the right of the party to whom the arrears are due should be restricted to the sale of what is necessary for their recovery. It is also contended that it is against the interest of the State, and highly impolitic, to impair the value and the security of all secondary tenures of land, whether as an investment or as a pledge for advances for their improvement, or otherwise, by permitting their annulment to be the consequence of a default in due payment of revenue or rent on the part of their superior.

It is admitted that all tenures, whether zemindarree tenures created by Government or under-tenures created by zemindars and inferior landholders, are answerable in their entirety, as

as at the time of their creation, for the rent payment then imposed on them—but it is contended that all incumbrances on property to be sold for arrears should be undisturbed as long as the selling value of the property subject to them is equal to the amount to be recovered; and, however defective my petition may be, it is to be hoped that the Committee will make a full report to the Council, on the subject of the application of that principle, in some form or other, to all sales of land for arrears.

I will now attempt a reply to some objections that have been made to the Bengal Government's scheme for the protection of incumbrances in cases of sales of estates for arrears of revenue, and to its extension, modified in conformity with the circumstances, to their protection in cases of sales of under tenures for arrears of rent.

The Honourable Member of the Committee who is the author of the new Sale Law Bill, and who has devoted so much time and thought to the important and complicated question of protection to under-tenures, has thus set forth his reasons for not adopting the Bengal Government's scheme when framing that Bill. "He had strongly approved of this scheme at one time as a great step in advance, but he objected to it because it did not give complete security to under-tenants holding under honest titles at fair rents, and did not therefore do what it ought certainly to be the object of the Legislature to do. The object of the Legislature ought to be to give security to the under-tenant, with the view of encouraging him to lay out capital in the improvement of his land, and certainly, so long as his tenure was liable to be taken from him for no default of his own on forfeiture of the parent estate, so long would he be discouraged from laying out money on the land." At the same time the Honourable Member allowed that the position of under-tenants would be much improved by the adoption of the scheme. If the Honourable Member's objections went no further than this, I should say that he still approved of the scheme, and I should entertain a confident hope that he would not oppose its introduction into his Bill, as subordinate to his own, which would complete the measure of security that he wisely thinks it should be the object of the Legislature to afford. But the Honourable Member has put forward two other objections, to which his ability, experience, and influential position give great weight. I do not despair, however, of showing the Committee that these objections are not of such importance as to justify the rejection of a scheme having so much to recommend it as that of the Bengal Government. One of these objections is, that, in case of forfeiture of the parent estate and a re-settlement by Government, the improving tenant, who had laid out capital on his tenure, would suffer an injustice in the re-settlement from a large enhancement of his rent. This consequence of the sale of an estate for arrears of revenue under the Bengal Government scheme would certainly not be impossible, but its occurrence would be highly improbable. It could only occur when resumption of the estate by Government took place, because it would not fetch, when put up for sale, the amount of arrears due. Now those arrears could amount to no more than a quarterly instalment of the annual revenue, and would, in all probability, be much less, and at either price it may be taken for granted that a tenant who had sunk capital in the improvement of his property would gladly become the purchaser of the estate. He would, however, if Mr. Grant's scheme and that of the Bengal Government were united, of course, before sinking any considerable amount of capital in improvement, secure himself from the chance of resumption by registry under section XXXVI. or XXXVII. of Mr. Grant's Bill. The only remaining objection on the part of Mr. Grant, I believe to be, that fraudulent creations of tenures previous to a sale would be frequent, and that purchasers would therefore find that they had purchased a "losing concern or a bag of law suits, and that landed property would in consequence fall in value." But the provisions for upholding only such incumbrances as were registered at least three months previous to the date of sale would greatly check such proceedings. There would also no longer be any temptation to a zemindar to use up his property in that way; for, instead of being able, as at present, to re-acquire it free from incumbrances by a *benamee* purchase, all his fraudulent incumbrances would, if registered three months before the date of sale, be upheld if the estate subject to them would fetch the amount to be recovered, and, if it would not, his property would be resumed.

It is in ignorance as to what course the Bengal Government will pursue, and in great doubt, from observations that have dropped in debate from the Honourable Member who represents it in Council, whether it will afford any support to the scheme bearing its name and originating with its present head, that I have ventured to trouble the Committee with any argument in favour of it, which, under other circumstances, I might, with great advantage, have left to be put forward by its natural supporters. The Honourable Member representing the Government of Bengal has gone so far as to declare, in his place in Council, that putnee and other tenures of that class are the scourge of the country, and that the legislation contemplated is peculiarly for their security, and calculated to lead to their multiplication. Any argument that I might urge to show that the creation of these tenures usually relieves the ryots from the exactions of an embarrassed landlord, and replaces him by one with whom the primary object is—not the collection of rent, but the encouragement of agricultural operations, might be looked upon with suspicion. But the present head of that Government has, fortunately for me, recorded his opinion on that point in these words, "Perhaps the greatest of all evils belonging to sales is the insecurity which they bring upon under-tenants of all descriptions, and the mischievous power of annoyance and interference and extortion which they give to a new auction purchaser over his under-tenants. If we can ameliorate nothing else belonging to sales, we ought at all events to endeavour to amend this; for, if ever any great improvement is to happen to this

Appendix, No. 7.

country, it must come by means of the introduction, as under-tenants of zemindars, o men of skill, capital, and enterprise."

It has been objected by Mr. Currie to the application of the same protection to under-tenures of lower degrees that may eventually be granted to those derived directly from the zemindar, that they are so various in kind, and so numerous in Bengal, that it is unsafe to deal with them in that general way, and without knowledge of the special conditions of each. It is difficult, however, to conceive that any of them can have been created under such conditions as would render it unjust to protect it from annulment, in consequence of default on the part of the holder of the superior tenure—provided always, that the under-tenant had not himself defaulted in payment to his superior.

It has also been objected to the extension of this protection to cases of sales of under-tenures, that, although the Government may curtail its own privileges, it has not the same right to deal with the privileges of zemindars and other landholders. But surely, as in the case between the Government and the zemindar, the former has reserved no rights to itself beyond the realisation of the assessed revenue, so, in the case of inferior tenures created by zemindars and others in perpetuity, there are no rights reserved by the landlords, beyond the realisation of the rent imposed on the tenure, that are of sufficient strength to bar legislation for the security and improvement of landed property, and the advantage "*rei publicæ*." The Legislature has frequently interfered to regulate the conditions of these tenures, and Mr. Currie's Bill, now before the Council, proposes a great alteration in their condition; for whereas now they are only saleable for recovery of arrears at the close of the year, that Bill proposes to give to the landlord the privilege of selling them at any time of the year; and to the Government new privileges, which will much aggravate the insecurity that already affects them so disadvantageously.

The zemindars having sought, and being about to obtain, a change in the condition of these holdings which will be highly advantageous to themselves, it seems to me that they will not be in a position to raise any valid objection, on the grounds stated, to legislation for the protection and security of the under-tenants, and indeed of all registered incumbrancers. With regard to the right of re-entry having been reserved by the zemindar, the Chief Justice, in the debate on this question of the 17th instant, clearly showed that, if it ever had existed, it had been taken away by Clause 3, Section III. Regulation VIII. 1819, which positively declares putnee and other under-tenures to be not avoidable for arrears.

It now only remains for me to put before the Committee the scheme for which I respectfully prayed their deliberate consideration at the beginning of this letter, and I believe that will be most conveniently done in the form of a series of proposals; first, for the amendment of Mr. Grant's sale law Bill for estates, and then for the amendment of Mr. Currie's sale law Bill for under-tenures.

As to Mr. Grant's Bill, my first proposal is that a registry of incumbrances shall be kept in the collectorate of each district in four separate books, three of which are already kept, and have been since the passing of the registration law, in 1793, by the registers of deeds.

Book No. 1 for registry in two divisions, provisional and permanent, of tenures under Sections XXXVI. and XXXVII. of Mr. Grant's Bill.

Book No. 2 for registry of deeds of sale, or gift of lands, houses, and other real property.

Book No. 3 for registry of leases and limited assignments of land, houses, and other real property.

Book No. 4 for registry of deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of the same.

The books 2, 3, and 4, at present kept by the registers of deeds, should be handed over to the Collectors, upon whom would devolve in future the duty of registering such deeds, as well as those to be registered in the new book No. 1. The Collectors would, of course, receive the present authorised fees for registration, and they should be applied to the support of an establishment for the proper performance of the duties. The registration of small tenures by poor people might be much facilitated by authorising a reduced fee, and permitting provisional registration by moonsiffs for tenures under a certain jumma, to be fixed by the Board of Revenue; the moonsiffs to comply with the provisions of the registration law as regards the validity of the deed to be registered, and to forward it to the Collector for his endorsement and entry in the registry book.

2dly. I propose that the Collector should keep, for each mehal having a separate number in the towzee, an abstract of the existing registered incumbrances on it, in a series of four separate schedules, taken from the four register-books aforesaid.

Schedules 1, 2, and 3 to set forth the following particulars regarding each incumbrance:—The date of registration. The name of the registered incumbrancer. The nature of the incumbrance. The yearly rent, and the term, when the incumbrance is a terminable one. Schedule 4 to show the name of the registered mortgagee, the extent of his lien on the mehal, the amount secured by it, and the conditions of repayment.

These abstracts, once set in order, would give little extra trouble in the collectorate; and, bearing in mind the generally diffused and accurate knowledge possessed by natives of the condition of estates in Bengal, they would, I think, give sufficient notice to intending purchasers at public sales, while the register-books would be open, as usual, for the inspection of parties desiring more special information.

3dly. I propose that a copy of the abstract of existing registered incumbrances on any estate to be sold under Mr. Grant's Bill, form a part of the notification of sale, but that only such incumbrances

incumbrances in Schedules 2, 3, and 4 shall be advertised as were registered three months previous to the latest day of payment of revenue, as fixed under Sections III. and IV. of Mr. Grant's Bill.

4thly. I propose that, in the 35th section of Mr. Grant's Bill, the third exception to the right of the purchaser "to avoid and annul all under-tenures and forthwith to eject all under-tenants," shall stand thus: All incumbrances duly registered in the collectorate and advertised with the notification of sale, and whereon no arrear of rent was due on the latest day of payment of revenue as fixed under Sections III. and IV. of this Act. Provided that, if, when the lot be put up for sale, there be no bid, or if the highest bid be not equal to the amount to be recovered, the Collector shall proceed immediately to offer the lot for sale free from the incumbrances in Schedule 4, and shall so proceed, if the bids be not equal to the amount to be recovered, to offer the property for sale, first, free from the incumbrances in Schedule 3, and then free from those in Schedule 2. I refrain from dealing with Schedule 1. If Mr. Grant's scheme be sound, recourse to the sacrifice of the property registered in it can never be necessary for the realization of the revenue, and in practice I am pretty confident that the sacrifice of any registered incumbrances will be prevented by the holders of them bidding at least up to the amount to be recovered, which can never be large.

As to the protection of incumbrances in cases of sales of under-tenures under Mr. Currie's Bill, it seems to me that the same system may be easily applied for that purpose.

My first proposal regarding that Bill would be to bring sales of putnee tenures under it by repealing the selling clauses of Regulation VIII., 1819, so as to have all under-tenure sold under one law.

2dly. I propose that the collector should keep for each registered under-tenure an abstract o existing registered incumbrances, divided into four classes.

All incumbrances of older standing than the tenure itself to form the first class.

All incumbrances registered in Register book No. 2, and created since the creation of the enure itself, to form the second class.

All incumbrances registered in Book No. 3, and created since the creation of the tenure itself, to form the third class.

All incumbrances registered in Book No. 4, and created since the creation of the tenure itself, to form the fourth class.

I do not propose to form a class of those under-tenures registered under Section XXXVII. of Mr. Grant's Bill, because that system of registration is hardly capable of application to under-tenures not created by the zemindar.

3dly. I propose that a copy of the abstract of existing registered incumbrances on any tenure to be sold shall form a part of the notification of sale, but that only such incumbrances shall be advertised as were registered three months previous to the sale day fixed under the provisions of Mr. Currie's Bill.

4thly. I propose that the rights of all purchasers at sales held under Mr. Currie's Bill be thus defined. (*See* Section XXXV. of Mr. Grant's Bill.)

The purchaser of an under-tenure sold under this Act shall acquire the tenure free from all incumbrances that may have been imposed on it after the time of its creation, and shall be entitled to avoid and annul all under-tenures and forthwith to eject all under-tenants with the following exceptions.

1st. All incumbrances duly registered in the collectorate and advertised with the notification of sale, and whereon no arrears of rent were due on the sale day fixed by Government for sales of under-tenures under this Act. Provided that, if, when the lot be put up for sale, there be no bid, or if the highest bid be not equal to the amount to be recovered, the Collector shall proceed immediately to offer the lot for sale free from the incumbrances in class 4, and shall so proceed; if the bids be not equal to the amount to be recovered, to offer the property for sale free, first from the incumbrances in class No. 3, and then from those in class No. 2.

2d. Lands whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying grounds have been made, or wherein mines have been sunk.

And such a purchaser as is aforesaid shall be entitled to proceed in the manner prescribed in Sections IX. and X. of Regulation V., 1812, for the enhancement of the rent of any land coming within the second class of exceptions above made, if he considers the same to have been held at an unfair rent, and if the same shall not have been held at a fixed rent, equal to the rent of good arable land for a term exceeding 12 years; but not otherwise.

Provided always, that nothing in this section contained shall be construed to entitle any such purchaser as aforesaid to eject any khoodkasht kudeemee ryot or any resident hereditary cultivator having a prescriptive right of occupancy at fixed rents, or at rents assessable according to fixed rules under the regulations in force, or to enhance the rent of any such ryot or cultivator otherwise than in the manner prescribed by the laws in force, or otherwise than the former proprietor at the time of the creation of the tenure may have been entitled to do.

As Mr. Grant, in his Bill, does not protect unregistered old talookdaree tenures, so, in my proposals as to Mr. Currie's Bill, I have not protected unregistered incumbrances older than the creation of the tenure itself. Had Mr. Grant's Bill not been in existence, the matter might have been differently arranged; but I believe that, at sales of under-tenures held

Appendix, No. 7.

held under Mr. Currie's Bill, with these provisions the sacrifice of incumbrances will be prevented, as at sales of estates held under Mr. Grant's Bill, by the holders of them bidding at least up to the amount to be recovered, which will always be small.

Begging you to do me the favour to lay this before the Select Committee to which my petition of the 10th instant has been referred,

I have, &c.
(signed) *H. W. Craufurd.*

Calcutta, 26 May 1856.

MINUTE.

Sale Law Improvement Bill.

Letters from Board of Revenue, with Minutes and other enclosures.

The papers transmitted by the Board on the subject of the Sale Law Improvement Bill, including the Minutes of the Members and the abstracts of Mofussil opinions, as well as the original letters containing the opinions of the officers specially noticed by the Board, will now be transmitted to the clerk to the Legislative Council.

2. I have read these papers, and the printed papers sent down from the Legislative Council, with the care and attention called for by the great importance of the subject of which they treat.

3. In sending up the opinions of the Revenue Officers under this Government, I will add a few words in explanation of my own sentiments, and I will do this as briefly as possible, for the papers are already very voluminous.

4. I would in the first place request particular attention to the remarks of the Board on Section III. of the Bill as to the effect of cutting off in such districts as Sylhet all modes of collecting the revenue except by sale under this Act. At present the revenue in Zillah Sylhet is collected primarily and mainly under the provisions of Section IV. Regulation I. 1801, and there are upwards of 70,000 recorded estates on the Collector's Roll, all minutely sub-divided. It has been doubtful, ever since the passing of the present sale law (Act I. of 1845), whether this mode of collection be legal, or not; but there can, I submit, be no doubt that it ought to be made legal if it be not so.

5. The Board propose that the Section above quoted should be now distinctly re-enacted, with this alteration however, that express sanction of the Board shall not be necessary in every instance, but that the Board be empowered "to invest such Collectors, as they consider proper, with the power of distraining the personal property of revenue defaulters before bringing the estates in balance to sale." I entirely agree with the Board, and desire to submit their recommendation for the favourable consideration of the Legislative Council.

6. The first important alteration of the present law which occurs in the new Bill is to be found in Sections X., XI., XII., XIII. and XIV. By the operation of these Sections a very great boon will be conferred on shareholders of zemindarees, with every one of whom the Collector will be empowered, after certain enquiries, to open separate accounts, bringing to sale for the realization of arrears only those shares which may be actually in balance; and if those shares prove unsaleable, giving to the co-sharers an option, in the first instance, of purchasing them by paying the whole arrear due from them, before actually proceeding to sell the whole estate for the arrear, which power is necessarily reserved in the last resort for the security of the Government revenue.

7. This amendment upon the existing law was originally proposed by the Most Noble the late Governor of Bengal; but it was a part of his Lordship's plan, that the benefit should not be extended to any share, the revenue of which might not exceed 50 rupees. To this it was objected in the Legislative Council, that the object is to confirm the just rights of the sharer by securing his property when there is no default on his part; and that a share paying 40 rupees may be of as much concern to the owner as are estates paying 40 lakhs to the Rajah of Burdwan.

8. I would say, with deference, that I doubt if this objection be sound. The object of the law seems to me not "to secure the just rights of the sharer" absolutely and without reference to the security of Government. For if that were so, it would be unjust in any case to sell out the sharer who had paid his quota. Yet this the proposed law does not scruple to do, even though the sharer may have paid up his full share of the revenue, whenever the Government revenue on the whole estate, *i. e.* on other shares of the estate, cannot otherwise be realized. I apprehend that the sharer in a joint undivided estate, charged with the payment of a certain fixed revenue to Government, cannot properly be said to have any rights except what the law has given him; and among those rights, ever since the permanent settlement, has never been a right to have a separate account as to his share, or to have his interests in any way distinguished from the interests of all other sharers in the estate. What the Government is now disposed to allow (clearly not as a right but as a boon) is avowedly to be limited by all such conditions as may seem necessary for the security of the Government, and if it be for the security of the Government interests to limit this

boon

boon to shares of a certain value, it is surely allowable to do so; nor does it appear to me any reason to the contrary to say, that a sharer has in justice a right to be secured from the sale of his property on payment of his quota, because as I view it, he has in reality no such right, and never had it; nor is it proposed, even by those who use this argument, to give him any such absolute protection.

9. I would submit therefore, that it is quite open to consideration, and may be proposed for consideration without any breach of justice and right, whether or no it be for the interests of Government to grant the boon generally and universally; or whether, on the contrary, it be not advisable to limit it to shares of a certain value as proposed by Lord Dalhousie; and I must say for my own part, that I look on Lord Dalhousie's propcsition—more or less modified—as in the highest degree expedient on this occasion.

10. There are a great many districts under the Government of Bengal, including all the districts of the Behar Province, in which the sub-division of shares is carried to a great extent. I walked into a small village a few days ago in the Patna district, which I was told on the spot was divided among or held jointly by seventy sharers; and at Chuppra, I was visited by certain zemindars of old family, whose zemindaree, never large, is now held in seventy-five shares, of which each separate share is owned by three or four different persons. These were spoken of as quite ordinary cases, and it seems obvious that the number of the sharers will go on increasing under the Hindu law up to the limit of starvation, especially if encouraged and fostered by unlimited separate accounts at the Collectorate. The question cannot but occur to me—Is it wise and politic to encourage this? or even if it were wise and politic, how are any conceivable establishments to keep such an enormous mass of small separate accounts?

In Sylhet there are already 70,000 different estates; and, as a specimen of the extent of sub-division, Mr. Glover, the Collector, tells us of one estate which has already 150 recorded sharers, and 800 unrecorded, who, if they think it worth while to pay the fees, may all get themselves recorded as soon as this Bill passes.

11. Now I am driven to believe that, before rushing at once into such a system of account as this Bill will bring upon us, it would be safer at all events to begin with some reasonable limit. If 50 rupees, as proposed by Lord Dalhousie, be considered too high (I confess I do not think it so), let a lower standard be taken. But in any case let the Act be tried first, as it were, on manageable terms. If it works easily, it can afterwards be at any time extended gradually as may seem fit. As at present drawn, it appears to me that the proposed law will, in the words of several of the revenue officers consulted, "swamp the Collector's offices."

12. It is certain that the present law discourages sub-division to a certain extent, and has assuredly a tendency to break up over-divided estates. I suppose that the Legislative Council are not likely to differ from me in the opinion that it is undesirable to extend a pauper proprietary, and will be willing, like myself, to avoid everything that may have a tendency unduly to encourage the "rabbit warren" system of landownership.

13. Whether the plan of a limit be adopted or not, I would submit that it will be advisable to omit from Section XII. the direction to the Collector to "institute summary inquiry into the fact of possession."

14. On this subject I desire to adopt the following observations by Mr. Theobald, which seem to me very worthy of notice. I would add that, under the system now enforced by the Board, no proprietor's name is now recorded by the Collector until he has satisfied himself as to the fact of his possession:—

"And upon these objections, when made, the Collector is to institute a summary inquiry into the fact of possession.

"It has been remarked that recorded sharers have already established their title, and that they ought not to be put to the risk of a second inquiry, which will, in many cases, operate as an invitation and inducement to dispute and litigation on a title which never was questioned before; and following up these views, it has been suggested that the applicant who proves, by a reference to the Collector's books, that he is a recorded sharer, should *ipsa facto* be entitled to have the separate account of his share opened.

"It is to be hoped that this suggestion will be adopted; but if not, it is important to note what is the enquiry which the Collector is to make as the Bill now stands. The inquiry is to be into the fact of possession. Such an enquiry would be a departure from the application. The application refers to grounds of title: possession may, or may not, go with the title. The question, therefore, of the fact of title or truth of the application may be wholly different from the question of possession. If, indeed, unrecorded proprietors were to have the benefit of the Bill, there would be some reason for putting it on the ground of the fact or possession; but I can imagine none why this fact should be inquired into, in the case of persons already recorded as having a title. Moreover, what shall constitute 'possession' is not explained; there is no word in the whole vocabulary of the law which admits of a greater variety of application. Possession may be constructive or direct and actual; by oneself, one's agent or servant, or constituted by facts which show an intention to possess, and merely no adverse claim to the possession by any other person. It has been common, I am informed, for European proprietors to have shares of zemindarees recorded in the names of their managers or servants. Who, in that case, the manager or the proprietor, is in possession? If the latter, is he to lose the benefit of the Bill by reason of his not being

Appendix, No. 7.

being recorded, though in possession? One tenant in common may alone receive the rents and pay their shares to other tenants in common; or, a manager appointed by one may be in possession, not for one but for all. Who, in these cases, is in possession? A mortgagee of a share may be in the receipt of the rents, while the mortgagor is the recorded sharer. Is the recorded sharer not to have the benefit of this Bill, or is the possession of the mortgagee to be construed as his possession. This is but a small sample of the cases of no uncommon kind, in which the result of an application must be extremely doubtful, if the right of the recorded sharer is to depend on the question of possession."

15. The next important alteration proposed by this Bill is that contained in Section XV. which allows a zemindar to deposit money or Government securities with the Collector, so that the amount, or the interest in the securities, may be used in liquidation of balances as they arise. I look upon this measure as one which may prove of considerable value and usefulness to absentee zemindars unable to find trustworthy agents, a very general condition of absentee zemindars in this country. I am uncertain, however, whether it be a real affair of the Government to transact agency of this kind for absentees. The provision may (like the institution of the Government agency now about to be abolished) have a tendency to raise the value of Government securities; but I doubt, after all, if it will be made much use of. If it should be largely made use of, it would seem as reasonable in this case as in the case of the Government agency to empower the Collector to charge an agency commission for drawing and applying interest on securities, the private property of individuals. On the whole, and speaking with much deference, I am not greatly in favour of this provision. The Government can now permit a zemindar to deposit cash or paper, when it may think fit in peculiar cases, and did so in the case of the late Dwarkanauth Tagore. I doubt if it be expedient to force the Government to do so in all cases.

16. I come now to the provisions regarding under-tenures, which are in every respect the most important parts of the Bill, and those demanding the most careful consideration; and first of "Ante-permanent settlement tenures," the subjects of the first and second clauses of Section XXXV. of the Bill.

17. As I view the case of these ante-settlement tenures, I am unable to divest myself of the opinion that the proposed change of the law will affect them very disadvantageously. I need hardly say that the present Sale Law (Act I. of 1845) gave to the holders of these tenures no new rights. When that Act declared that an auction purchaser of a zemindaree had no power to avoid or annul (1.) "Istemraree or Mokurruree tenures, which were held at a fixed rent more than twelve years before the permanent settlement," and (2.) "Tenures existing at the time of settlement, which have not been, and may not be, proved liable to increase of assessment on the grounds stated in Section LI., Regulation VIII. of 1793," it declared only what had been the law ever since 1793. The rights of tenants of the two classes above named were given at the same time with the rights conferred upon zemindars, and are coeval with the permanent settlement. They cannot surely be now infringed without injustice; and I would submit that it cannot but be a very serious infringement of those rights to enact, at this time of day—60 years and more after the date of the law which constitutes their charter—that the status then given to them, and declared to be as permanent as the permanent settlement, shall nevertheless now cease and determine altogether, unless the possessors of those rights shall, within three years, come in and register them before the Collector, exposing themselves by that very process to an inevitable sequence of litigation, with all its difficulties and uncertainties, such as they were most unlikely ever to have been in danger of under the existing law, except in the rare event of a sale of the zemindarees to which they belong.

18. If it were proposed to enact that, unless the zemindars of the permanent settlement should now come forward and register before the Collector a number of particulars regarding their zemindarees, certain to provoke and produce a long chain of expensive and uncertain litigation not otherwise likely to arise, and that, failing such registration within three years, their estates should be deprived of the benefits of the permanent settlement, there would undoubtedly be an outcry against the proposition; yet, unless I am under some great error in my view of the question, such a proposition would differ in principle very little, if at all, from that of the present Bill as regards ante-settlement tenures. The rights annexed to these tenures are as old as those annexed to the zemindarees, and they were granted by the same authority, in the same manner, and under the same sanctions. If then it would be unjust now to make registration a condition of the continuance of the permanent settlement as regards zemindarees, and of this no one can doubt, it must surely be equally unjust to make registration a condition of the continuance of the permanent rights guaranteed to the ante-settlement tenures by the law of the permanent settlement.

19. The law of 1793, after declaring the power of cancelling and annulling under-tenures to be exercised by an auction purchaser of a zemindaree, says expressly:—"Nothing contained in this regulation shall be construed to authorise the assessment of any increase upon the lands of such dependent talookdars as were exempted from any increase of assessment at the forming of the Decennial (Permanent) Settlement, in virtue of the prohibition entered in Clause 1st, Section LI., Regulation VIII., 1793. The revenue payable by such dependent talookdars is declared fixed for ever."* How can any novel rule be now made a condition

* Regulation XLIV. 1793, Sections VI. and VII.

a condition of this legally declared permanency? Yet this appears to me to be what is intended by the present Bill.

20. Nor is this all, for the present Bill proposes to annex to these tenures a new penalty for arrears of rent, such as they were never liable to before, and such as, to my apprehension, they seem to have been guaranteed against by former laws. According to former laws, an ante-settlement tenure might be sold for an arrear of rent,* but it was sold with all its privileges intact; and while the purchaser succeeded to all the rights of the defaulter, the latter received (less the amount in arrear) the full benefit of the purchase-money.

21. But under the law as now proposed, if an arrear, however small, should happen to be due, or can be made to appear as due, on the latest day fixed for the zemindars' payment to Government, every right and privilege attaching to the tenure is to be at once swept away, the tenure is to be no longer excepted from the operation of the ordinary power of an auction purchaser, and it may be avoided and annulled, and its holder ejected at the will of the new zemindar, just as if the holder were a tenant-at-will of yesterday, and as if the laws of 1793 and 1799 had never been enacted for his benefit.

22. It was said, in favour of the registration provision, during one of the debates on the Bill, that to enable a tenant to register must be advantageous to him, "for every holder of an under-tenure was liable to answer to the regular suit of every successive purchaser of the parent estate, because every successive purchaser of the parent estate enters with all the rights of the person with whom the settlement was originally made, and by the force of those rights can put the holder of the oldest under-tenures to the proof."

23. To this I would desire to submit, by way of answer in the first place, that to enable a tenant to register is one thing, and to force him to register on pain of losing his rights on the occurrence of a zemindaree sale is another. The latter is what the present Bill appears to do, and not merely the former.

24. In the second place, I would desire to observe, that successive actions against a tenant who has once succeeded in proving his title on a first action seem very unlikely to take place; and if they do take place, can harm only the plaintiff, and not the tenant, with a decree in his pocket to produce against all comers.

25. Further, I would bring to notice, that revenue sales are extremely rare, and therefore actions by auction purchasers to oust ante-settlement tenants rarer still. An ante-settlement tenant knows this, and is content. But he knows, too, that not every one who has a right is able to prove it, when brought into court for that purpose. If such a misfortune as a sale of the zemindaree should occur, and be followed by an action to try his title, the ante-settlement tenant will do his best to defend himself, and will take his chance of success. But he will surely thank nobody for a law which (like this Bill) will drive him into court, sale or no sale, occasion or no occasion; will put him to a proof which, as the law now stands, he might perhaps never have been called on to produce; and which, whatever the ultimate result to the tenant, will create a litigation, and all the expense and harassment of a litigation, such as, but for the new law, might probably never have come to pass at all.

26. Lastly, I would remark, that this Bill will very probably cause an innumerable quantity of false claims to establish a title under this class of tenure, to be supported by the usual amount of perjury and forgery, to the great detriment of the zemindar during the pendency of the claim, and occupying much of the time of the officers of Government in fruitless labour.

27. It is very probable that I may have mistaken the effect and meaning of the proposed alteration of the law, and that my objections may be therefore imaginary. But if I should be correct in my interpretation, I cannot but be excused for desiring that the provisions above noticed may receive further consideration before they are finally passed into law.

28. This much as to ante-settlement tenures. I will now speak of tenures created subsequent to the settlement, the provisions regarding which in the third clause of Section XXXV., and certain following sections, are perhaps the most remarkable in the whole Bill.

29. The object of the Bill has not been to save from the interference of auction purchasers all post-settlement under-tenures, but only such as are held liable to the payment of rents sufficient to afford a fair proportion of the revenue assessed on the parent estate. Accordingly, it provides that tenures of any description, farms, talooks, putnees, howalahs, theekas, ijarehs, jotes, or by whatever other denomination in use in different districts, may all, after certain inquiries to be made by the Collector as to the proportion of their rents to the zemindaree jumma, be registered; and when registered, shall be for ever safe from the effects of a zemindaree sale.

30. It is no doubt a great and serious grievance, that no man in these provinces can hold or take a tenancy of land under a zemindar without risk of its being annulled by the sale of the zemindaree itself. This risk is certainly much less than it used to be before the

* Clause 7th, Section XV. Regulation VII. 1799.

Appendix, No. 7.

the passing of Act I. of 1845, but it still exists; and while this is the case, there must be a considerable standing difficulty in the way of agricultural improvement. Although, therefore, in the case of tenures now existing, the risk was probably more or less considered when the bargain was made by the tenant, and therefore there may be some room for doubt as to the abstract justice of conferring, at the expense of the zemindar, what is in effect a large pecuniary value on these tenures, beyond what was ever contracted or paid for by the tenant, yet in consideration of the general evil involved in the present insecurity of under-tenures, there seems to be at the present time a general consent of opinion that in some way or other the condition of post-settlement under-tenants ought, for the sake of the public weal, to be made more stable and secure; and to do this, as far as possible, is the purpose of all who are interested in the present Bill.

31. I have, however, after much anxious consideration, arrived at the conviction that the method of attaining the object in view proposed by this Bill is open to very serious, and, I incline to think, insuperable, objections; and this I find to be the general opinion of the most intelligent and experienced officers who have been consulted.

32. It is well known that in most parts of Bengal and Behar whole districts are held in one form or another of under-tenure, the vast majority being post-settlement tenures. Within three years, if this Bill passes, applications will be made to register all these, and a great many more besides, that is to say, fictitious tenures, claims to which are certain to be made up for the occasion. As I read the Bill, too, there is nothing to prevent any fixed tenancy ryots holding directly under the zemindar from applying for registration; and if so, the number of applications may be swelled by thousands. Almost every revenue officer who has considered the subject has assumed as incontrovertible, that, in a great majority of instances, for any one tenant that may apply, the whole zemindaree to which it belongs must be measured, and its assets ascertained and compared, before the conditions of Section XXXVII. can be complied with. It has been endeavoured to prove to me by a very able and experienced native friend, favourable to the present Bill, that this will not be necessary, except in a small proportion of cases, which he was disposed to assume arbitrarily at 5 per cent. of the whole number of applications. I have not been able to agree in this opinion. But even supposing we are to undertake the operation of measuring and ascertaining the assets of as many zemindarees as may be concerned in 5 per cent. of the very numerous applications which will pour in, what a gigantic task to throw ourselves upon, utterly unprepared as we are for any such scale of operation!

33. Or let it even be supposed (which is the most favourable, but surely most improbable supposition,) that not one single zemindaree will have to be measured and valued in consequence of these applications; is it not quite certain that, at the least, a very large proportion of all the under-tenures for which application may be made will have to be measured and valued? And must not even this be, to any officer who knows practically what such operations involve, and what sort of instruments he has to employ upon them, a thing to be contemplated with the most serious apprehension?

34. Accordingly, we find the revenue officers, for the most part, speaking of the proposition as one of extreme difficulty and hazard. Mr. Ricketts, member of the Board, says:—"The ascertainment of this sufficiency to afford a fair proportion would be in many cases next to impracticable." And again:—"In large estates such an inquiry would be interminable." Mr. Dunbar, member of the Board, writes of Section XXXVII.:—"It seems to me impracticable to carry out its provisions as they stand in the Bill. No Collector could by means of a summary investigation satisfy himself that a new tenure has been created in good faith, so far as the interests of Government are concerned, and that the rent payable by the holder is not less than is fully sufficient to afford a fair proportion of the revenue assessed in the parent estate. Nothing short of a detailed process similar to that employed in cases of Buttwarrah could give the Collector the necessary assurance." Lastly, Mr. Dampier, member of the Board, says of Sections XXXVI. and XXXVII.:—"These are the most important parts of the law, and I very much doubt if any summary inquiry could enable a Collector to carry through the objects proposed by them." And further on, after approving of Mr. Ricketts's proposition, that the registration of under-tenures should not ordinarily protect against the Government, he adds:—"If otherwise, the inquiries would be impracticable and interminable."

35. These are the opinions of the members of the Board. Of the Commissioners, Messrs. Davidson, Steer, Young, Samuells, Grote, and Stainforth (now a member of the Board) are all against this part of the Bill, some of them expressing themselves in strong terms against it, while most of the Collectors quoted by the Board object to this part of the Bill, besides several very capable and experienced Deputy Collectors who look on the proposed provisions as in the highest degree difficult, if not, as one of them expresses it, "nearly impracticable."

36. For myself, if the Bill should pass in its present shape, and if, as may surely be anticipated, a large number of under-tenants and self-styled under-tenants come forward for registration, I am unable to imagine how the plan will be carried into effect, except after a prodigious delay, and then, after all, with infinite hazard to the Government revenue.

37. For it is a part, and I apprehend, an inevitable part, of the scheme, that "under-tenures,

tenures, for the registration of which application shall be made within the prescribed time, shall, in case of the sale of the parent estate for arrears of revenue, be protected pending the summary investigation of the Collector."* But where the applications are numerous there is no saying how this may interfere with the collection of the Government revenue, or what confusion it may bring about. Even those revenue officers who do not think the plan impracticable are mostly of opinion that it will take years to effect the necessary inquiries which are to be made by the Collector. During all these years whole zemindarees, made up chiefly or entirely of "protected" under-tenures, many of them, of course, unreal and got up for the occasion to worry the zemindar, will be unsaleable for arrears, or, if sold, must be sold at far less than their real prices; for who would give the full price, or who could tell the real value of a zemindaree, every foot of which was under a protracted investigation as to its under-tenures, including all the claims and counter claims and boundary disputes, and suits and appeals, and special appeals and frauds, and chicaneries of every description inevitably consequent upon such an investigation, the cost of which must be incalculable, and the result far beyond the guessing powers of the acutest of human kind?

38. And let it be considered also what a prodigious and utterly unmanageable amount of hopeless litigation will, by the proceedings of the next three years, be thrown into our already inadequate and over-burthened civil courts.

39. I pass over for the present the immense litigation before the Collectors and the tens of thousands of "summary investigations," which everybody knows have an inveterate tendency to grow as long and tedious and complicated as the most "regular" investigations. I will pass over also the vast numbers of appeals from the so-called "summary" investigations of the Collectors to the "summary" tribunal of the Commissioner, and thence, unquestionably, in very numerous cases, to the Board of Revenue in Calcutta. I pass over all this, though as all the under-tenants and self-styled under-tenants in the Lower Provinces must apply for investigation or lose their chance for ever; and, as we have been told (*see* Sale Law Debate of 22nd December 1855) that two-thirds of all the lands in Bengal are held in under-tenures, we may conceive what will be the flood of work poured upon the revenue officers by the operation of this Bill. But I am very desirous of calling attention to the necessarily large proportion of these many thousands of cases, which, after passing through all the stages of summary litigation before the revenue courts, will eventually come, first as regular suits, and then in various forms of appeal before the civil courts of the country, from the Moonsiffs up to the Sudder. It seems to me certain that the influx of litigation thus about to be caused will utterly choke and stifle the civil courts, and so produce inevitable delays and arrears, and all the enormous expense and other mischiefs therefrom invariably arising. And if this anticipation be correct, there will surely be an amount of hazard incurred by this part of the Bill far overbalancing all the good at which it aims; and this especially, if it should appear that the essential end in view may be attained without hazard of any such dubious consequences.

40. Now I cannot but think that a slight modification of a plan suggested many years ago, and recently revived and adopted by Lord Dalhousie when Governor of Bengal, may be found, though, perhaps, not wholly free from objection, yet sufficient to ensure all, or nearly all, the essential objects of the present scheme, without involving us in any of its greatest difficulties.

41. That plan was thus described by the Honourable Mover of the present Bill on the 22d December 1855:—"That all under-tenures in an estate, without exception or inquiry, should be allowed to hold as good against an auction purchaser as they were against the former proprietor, as long as the parent estate should be saleable at a price that would cover the arrears of revenue due from it; but that as soon as the parent estate should fail to be saleable at such a price, it should be forfeited to Government, and the whole of the post-settlement tenures should be annulled; whereupon Government should proceed to form a new settlement of the land."

42. Setting aside the unessential objection which in the debate quoted was taken to the plan of "forfeiture," an objection at once obviated by changing forfeiture to Government into purchase by Government, only two substantial objections could, it appears from the debate in question, be found to the plan proposed: one, that it would not ensure complete protection to honest under-tenants holding at fair rates; the other, that it would tend to cause the creation of fictitious tenures, and thereby diminish the value of estates. It may, perhaps, be found that the first objection is capable of being removed by an additional provision, which will certainly improve the plan. The other objection may also, I think, be partially, but very sensibly, obviated; and the residue of objection that will then remain will, perhaps, when carefully examined, appear comparatively slight and inconsiderable, or, at all events, not comparable in weight and importance with the benefits of the plan on the one hand, or on the other, with the much more formidable objections which, I cannot but think, beset the scheme of the present Bill.

43. It will be convenient, in examining these two objections, to invert their order, and treat, in the first place, of the second objection. This second objection was thus stated:—

"If

* Section XXXVIII.

Appendix, No. 7.

"If this measure" (*i.e.* the measure proposed by Lord Dalhousie) "were introduced, there was no doubt that it would open the way to fraud. There was no doubt that many zemindars would create benamee and other talooks in their estates at inadequate rents, or would pretend to have created such talooks. Their estates might be purchased by persons in ignorance of the fraud, who would ultimately discover that they had bought a losing concern or a bag of lawsuits; and the consequence of frequent bad bargains of this sort would be that the auction value of all zemindarees, even of those in which no such frauds had been really committed, would be diminished. He had no doubt that such fictitious tenures would be created in many cases, and he believed that a general reduction of the value of zemindaree property would be the consequence."

44. Now I would submit that it might go a great way towards removing this objection to enact, regarding tenures created after the passing of the Act, that they should not in any case be valid after an auction sale unless registered. The registry would enable all interested persons to acquire perfect information as to the creation of new under-tenures, so that no auction purchases could hereafter take place "in ignorance of the fraud," but all would know exactly what they were going into; and then, if any one should purchase a bag of lawsuits, it could only be because he was partial to lawsuits, and who then could say him nay?

45. And the further effect of this amendment might surely be, that any diminution of value of zemindarees that might be caused by the fraud of the zemindars would take place only as to the zemindarees in which the frauds had occurred, and would not necessarily or probably extend to others; and there would certainly be no need that we should trouble ourselves to mitigate to the fraudulent zemindar the obvious consequence of his own fraud, namely, the reduced price he would receive for his zemindaree when brought to auction sale.

46. But if any one should pursue this further, and should say that these frauds would soon throw the zemindarees in which they had been committed into the hands of Government, I should reply unhesitatingly that this would be a positive good.

47. It has been matter of question whether the permanent fixing of the Government Land Revenue, which took place in the Lower Provinces under the administration of Lord Cornwallis, was or was not disadvantageous to the country; and plausible arguments have been advanced on both sides. But whatever be the sound judgment as to the question of permanently fixing the Government demand in the land, there has never been any room for doubt, that the manner in which the permanent settlement was actually carried into effect was in the highest degree erroneous and objectionable. The intention of the permanent settlement was to recognise and confirm existing rights in the land, and to prevent encroachment on those rights for the future. The effect of the settlement was, however, to erect into landowners men who were mere tax collectors, and to give them almost unlimited power over all the old village proprietors, thus exposing to hazard a vast mass of long existing rights and creating new and unknown rights of property where they had never been before. The consequences of this (which was quite distinct from the permanent fixing of the Government dues, and need by no means have accompanied that measure) have been deeply injurious to the great body of real proprietors whose rights were sacrificed on the occasion; and the bad consequences of the measure may be traced at the present day in many of the evils which penetrate into and vitiate so much of the constitution of our rural societies. The only chance of breaking any part of this system down (and every breach in it is a blessing to thousands) is through the purchase of zemindarees by Government at auction sales. Opportunities for such purchases occur indeed but rarely, but when they do present themselves, I would submit that they should never be neglected. Every zemindaree so purchased is a population redeemed and regenerated, and well would it be for Bengal and Behar if there were any prospect of such purchases on a far larger scale.

48. This much as regards the second objection to the scheme of the Government of Bengal. As to the first, it may, as I would submit for consideration, be fairly met and sufficiently obviated by providing, as it would I suppose be perfectly safe to provide, that the Government, after purchase of a zemindaree by auction sale, should be debarred from cancelling or enhancing the rent of any tenure which might be proved on mofussil investigation to be honestly and adequately assessed. This would surely "give complete security to under-tenants holding under honest titles at fair rents," and would entirely prevent the possibility of the occurrence of the supposed case of the industrious and the idle talookdars put as an example in the speech of the honourable mover of the Bill already quoted, wherein the industrious talookdar was devoted to ruin under the Bengal scheme for the sole fault of his idle brother. I would submit that, with the amendment now suggested, which could produce no possible hazard to the Government revenue, industry would be as certain of its reward as in the celebrated pictures of Hogarth; and if so, the whole of this first objection would seem to be satisfactorily removed.

49. There is, however, a question regarding post-settlement under-tenures which I have not seen adverted to in any of the debates or correspondence regarding this Bill, but which seems to me very worthy of consideration, namely, whether there are not some under-tenures which, far from encouraging agricultural improvement, are by their nature so ruinous and destructive to the public weal as to render it highly desirable to discourage them by all means in our power, and even to get rid of them as far as possible, instead of doing anything

thing to encourage and perpetuate them; I mean those tenures which are extremely common in Bengal and Behar, and more particularly in Bengal, which convey a right of collecting a half or a fourth or any other share of the rents of a mehal or a division of a mehal or a village. There are numerous cases in which one "khoodkasht ryot" has to pay his little rent in shares to three or four or more talookdars, or other under-tenants of the zemindar; every sharer trying to get the most he can, and to overreach his co-sharer, and the ryot being ground to powder between them all. This is notoriously one of the curses of the country, carrying with it the most bitter and ruinous consequences. In its present shape this Bill will tend to perpetuate the evils of this cruel system; but I would hope that it may on further deliberation be found practicable to take a different course.

50. In advocating the plan (with some amendments) of the Bengal Government, I am fortified by the strongly consenting opinion of Lord Dalhousie, and of some of the best informed and most experienced of the officers who have been consulted on the subject; besides that of at least one well-known non-official person, who has given much attention to the matter, and is highly qualified to speak with authority regarding it.

51. To conclude, then, without affecting any accuracy of legislative expression, but merely as a means of more clearly explaining my sentiments, I would desire, on the subject of under-tenures, to legislate somewhat as follows:—

"The purchaser at a sale held under this Act shall acquire the estate, subject to all leases, assignments or other incumbrances existing on the estate at the time of sale, with the following exceptions; that is to say, the said purchaser shall be entitled to avoid and annul all leases, assignments, and other incumbrances, created subsequent to the passing of this Act, which may not have been duly registered within one month from the date of the deed constituting the incumbrance, and at least three months before the date of the sale; and the said purchaser shall also be entitled to annul and avoid all tenures created since the permanent settlement, whether before or after the passing of this Act, and whether registered or unregistered, the terms of which may entitle each of the holders thereof to collect a share of the rent of each ryot or other subordinate tenant within the tenure in question.

"When an estate is put up for sale under this Act, for the recovery of arrears of revenue due thereon, if there be no bid, or if the highest bid be insufficient to cover the said arrears and those subsequently accruing up to the date of sale, the collector may purchase the estate on account of the Government, and the Government, by such purchase, shall acquire the estate free from all incumbrances which may have been imposed upon it subsequent to the time of settlement, and shall be entitled to avoid and annul all under-tenures and to eject all under-tenants, with the following exceptions:—

"First. Istemraree or Mokurruree tenures, which were held at a fixed rent more than 12 years before the permanent settlement.

"Second. Tenures existing at the time of the permanent settlement, which have not been, or may not be, proved liable to increase of assessment on the grounds stated in section LI. Regulation VIII. of 1793.

"Third. Any tenure created since the permanent settlement, the holder of which may be willing to enter into engagements to pay for the term of the tenure such a fixed rent as the Government may assess upon it, not exceeding in any case two-thirds of the total amount of the ascertained Ryottee or Mofussil assets comprised in the tenure.

"Provided that no tenure created since the passing of this Act shall be entitled to exemption from annulment under the preceding clause, unless the same were duly registered within one month from the date of the deed constituting the tenure, and at least three months before the date of the sale.

"Provided also that no tenure created since the permanent settlement shall be entitled to exemption from annulment under the third clause of this section, if it be a tenure, the nature of which may entitle each of the holders thereof to collect a share of the rent of each ryot or other subordinate tenant within the tenure in question.

"Fourth. Lands held at rents not less than the rent of good arable land in their neighbourhood, whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying grounds have been made, or wherein mines have been sunk."

52. The law framed on this principle will, as I humbly incline to believe, subserve all the essential purposes of the Bill now under consideration, without, as it seems to me, incurring any of its most serious difficulties.

53. It will preserve all under-tenures intact in the event of ordinary sales for arrears of revenue, except in the rare case of a purchase by Government in default of other sufficient bidders; and even in that event, it will assign a limit to the power acquired by Government, which will ensure the stability of all tenures held at fair rents, without in any degree hazarding the Government interests. It will cause no new measurements or Mofussil inquiries, because, when an estate is bought by Government, a Mofussil inquiry must necessarily take place; and this inquiry, which would at all events be made, will disclose all the facts required for the security of the tenant, as well as for the security of Government. It will occasion no increase of litigation, but, on the contrary, immensely diminish it. For, on the one hand, it will cut off all that large class of lawsuits which now occur after a sale between the

Appendix, No. 7.

auction purchaser and parties claiming rights of permanent under-tenancy; and, on the other, it will send tenants to court against the Government, or Government against tenants, only in those rare and scarcely supposable cases, in which the Government, after a purchase and a measurement, may be unwilling to comply with the provisions of the law in favour of under-tenants holding, or willing to hold, on rents proved by Mofussil investigation to be fair and adequate.

54. The plan proposed will, as I humbly conceive, give to all *bonâ fide* tenants as complete security and stability as they are capable of receiving, nor can I foresee any strong objection to it, but that it will allow a zemindar to create fictitious under-tenures for his own benefit. If however these tenures be created at adequate rents, there is no reason, that I am aware of, why they should not be upheld as well as any other fairly rented tenures. If they be created at inadequate rents, they will be invalid against a purchaser unless registered; and if registered, all the facts regarding them will be known and capable of examination by all interested persons, so that no one need be ignorant of their existence, or with moderate care, of their real nature, before he attempts to bid for the estate.

55. If a zemindar should create a large number of inadequate tenures fraudulently, the value of his estate will fall, and he will suffer in proportion to his frauds. If the frauds have been extensive, the estate will soon become the property of Government by a transfer which, happen when it will, can rarely be anything but advantageous to the prosperity and social advancement of every fair tenant and every honest ryot on the estate.

56. There is yet, as I am disposed to believe, one more advantage connected with this plan, which, if I do not deceive myself, is an advantage of no small importance. If it should hereafter be determined to legislate in like manner for subordinate tenants after the sale of a superior undertenancy, such as a putnee talook and the like, this plan is capable of being applied to them with comparative ease and simplicity. I have expressed my grave doubts whether the plan proposed by the Bill be practicable as regards tenures immediately under the zemindar; but I shall not be accused of over-hasty assertion, if I declare my opinion that there can be no doubt as to the impossibility of applying the plan of the Bill to the cases of subordinate tenures (whose name is legion) under superior undertenancies. The inquiries needful for so applying it could never surely be carried on by Government agency; and to throw them into the hands of private zemindars is never likely to be proposed as a safe and practicable measure of legislation.

57. With these observations, I would now submit the papers for the consideration of the Legislative Council.

Malda, 2 September 1856. (signed) *Fred. Jas. Halliday.*

FURTHER PAPERS relative to the Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency.

(No. 1.)

From the Secretary to Government, North Western Provinces, to the Clerk of the Council.

Sir,

Revenue Department.

I AM directed to forward the accompanying copy of a letter from the Sudder Board of Revenue, North Western Provinces, No. 385, dated the 18th March last, together with copies of the Minutes, therewith submitted, by both members of the Board, regarding the Bill which has been brought before the Council, "to improve the law relating to sales of land for arrears of revenue in the Bengal Presidency."

2nd. The Lieutenant Governor observes that the objections in these Minutes to Clauses 1 to 6, Section V. of the Bill, appear grounded on a misapprehension of the true scope and effect of these clauses, which do not exclude recovery of any outstanding arrears in these provinces by the sale process, but leave the course to be pursued in the province of Benares, and in districts not permanently settled, to the exclusion of Cuttack, the same in all respects as they are at present under Section V., Act I., of 1845.

3rd. With reference, also, to the concluding paragraph of Mr. Jackson's minute, the Lieutenant Governor observes, that the suggestion therein made appears to have been already met by the provisions of Clause 3, Section XXXV. of the Bill.

4th. The Lieutenant Governor fully concurs, however, with the Board in thinking that Sections X. to XII. would, as far as they might be made operative, be calculated seriously to derange and injure the revenue administration in these provinces.

5th. Upon the whole the Lieutenant Governor desires me to express his decided opinion that the new law should not be made to extend to the districts under this Government.

6th. It would, in some of its provisions, have a bad effect in them; and in others, as in those

those intended for the protection of under-tenures paying rent, it is not applicable to their circumstances.

7th. Sections IX., XLIV., XLV., and XLVI. might, in principle, be with propriety enacted for the North Western Provinces. But experience has not shown them to be practically much required.

I have, &c.
(signed) *C. B. Thornhill*,
Secretary to Government of N. W. Provinces.

Head Quarters, Nynee Tall,
27 May 1856.

From Secretary, Sudder Board of Revenue, to the Secretary to Government, North Western Provinces, dated the 18th March 1856.

Sir,

I am directed to request that you will lay before his Honour the Lieutenant Governor the accompanying minutes by both members of the Board regarding the Bill to improve the law relating to sales of land for arrears of revenue in the Bengal Presidency.

Revenue.

Present:—E. A. Reade, Esq., Senior Member, and C. C. Jackson, Esq. Junior Member.

I have, &c.
(signed) *H. W. Hammond*,
Secretary.

Note by *E. A. Reade*, Esq., Member, Sudder Board of Revenue, on Bill to amend the Law for Sale of Land for Arrears of Revenue.

Section V. of this Draft Act provides, under the third description of arrears, that the sale process shall extend only to arrears of the current year, or of the year immediately preceding. It is further evident from Section XLIII. that the restriction applies to arrears due on account of estates, and to other demands of Government. It is most necessary to protest against this important alteration of the preceding law as respects these provinces, including the province of Benares.

In both, the Government, in the pursuit of a just and beneficial policy, not unfrequently suspends a portion of its demand on account of calamities of season, and further permits the recovery of the instalments stipulated to be postponed, if the nature of the subsequent season in any year be such as to warrant the Collector's abstaining to press the realisation of the addition to the current demand.

Further, large sums of tuccavee are advanced for the purpose of constructing works for agricultural extension and improvement, and the just principle is observed of recovering the amount by instalments, and of deferring the demand of the first instalment till sufficient time has been allowed for the completion of the work and its beneficial operations.

If this provision becomes a part of the statute, the Government will be unable to resort to the only process by which it has a tolerable certainty of recovering demands, payment of which, notwithstanding its liberality and indulgence, is often withheld, and to withhold which this provision would stimulate landowners.

Then, again, it is not unusual to sequestrate, or to sell, estates deteriorated by bad management and dissensions, Government being the purchaser, with the object of restoring the estate by judicious direct management, and by making a complete and accurate record of rights as the preliminary to re-instatement of the excluded proprietors, under engagements to pay up all, or any portion of the original arrear. This must be a work of time, and dependent, also, in some respects, on the nature of seasons; but if the sale process is barred after the lapse of two years, the Government is deprived of its only effectual remedy in case of non-fulfilment of conditions. If a limit must be fixed, it should not be less than 10 or 12 years.

The provisions of Sections X. to XII. are inapplicable to the principle on which settlements have been made, and settlement compacts recorded, in the province of Benares as well as the other North-Western Provinces. Ordinarily the shares of Malgoozaree estates pay their quota through their representatives, the lumberdars, and if every one of the innumerable members of coparcenary communities, contrary to the compact of settlement, shall be held to have the privilege of claiming a separate account in the tehseeldaree, dispensing with the intermediate agency of the lumberdars, the necessity will arise of trebling the tehseel establishment.

It is also unnecessary; for, where partition, not involving the dismemberment of the mehal, is provided for by the settlement compact of future management (such partition being dependent on unanimous consent, or consent of a majority, or individual option, according to the tenor of the agreement) partitions of this description are made, and severalty of account results therefrom. The application of Sections X. to XII. should be excepted, though the sections following are unobjectionable.

It appears to be necessary to add to the exceptions of Section XXXV. as respects the province of Benares.

Appendix, No. 7.

In that province there are many rent-free parcels not exceeding 50 beegas, the titles to which have been declared valid by judicial investigation and decisions in the Civil Court, or in the Settlement Office, under Section VI., Regulation IX., 1825; and, as these investigations are now progressing to completion in all cases, it is desirable to provide protection for such as have been or shall be finally exempted from interference by awards of the Settlement Office and Civil Courts in appeal.

Further, in these provinces there are many numerous parcels of rent-free land not exceeding 10 beegas, released at the discretion of settlement officers from settlement to settlement, and some of large areas exempted with the sanction of Government on the same terms. These also might well be added to the exceptions of Section XXXV.

There are no talookdaree tenures in the province of Benares which resemble those of the Lower Provinces, and exceptions should therefore be made of that province in Sections XXXVI. to XLI.

But, both in the province of Benares and these provinces, there are many proprietary parcel-holders, on whose tenures jummas have been fixed at settlement, which are paid through the Malgoozar of the estate within the limits of which they are situated, or at the tehseeldaries direct, and these also should be declared under protection, if no arrear of revenue be due thereon at the latest day of payment.

It is necessary, to remove doubts and to guard against fraud, that there should be a provision in Section XLVII., empowering the Government, if necessitated to purchase property at a bid below the arrears incurred on the estate, to proceed against other property of the defaulter, if any, and to have recourse to the same measure if the amount bid in any case, cannot wholly be recovered from defaulting bidders. Bids have been made, and deposits lodged on the day of sale by friends and agents of the defaulters, leaving, after all exertions, a deficiency of the general amount, for which the sale process was resorted to, and doubts have been entertained whether, if Government becomes the purchaser at the resale, it has a right to proceed against other property. It is necessary that this right should be declared.

(signed) *E. A. Reade,*
Senior Member.

NOTE by *C. C. Jackson,* Esq., Member, Sudder Board of Revenue, on Bill to Amend the Law for Sale of Land for Arrears of Revenue.

SECTION V. directs that "no estate, &c., shall be sold for the recovery of arrears or demands of the descriptions mentioned below, otherwise than after a notification." I conclude that it is intended that sale shall be restricted to the recovery of arrears of the descriptions mentioned below, though the literal sense of the sentence would be, that the notification was only requisite for the recovery of arrears of the description explained below; and that, for other descriptions of arrears, the notification was not a necessary preliminary to sale. I entirely concur with my colleague, that the restricting recovery by sale to arrears of the current and of the preceding year, will be attended with much inconvenience in these provinces, certainly with occasional loss of revenue, as it will lead to the relinquishment of revenue demands, which have been postponed either in consequence of bad seasons, or of bad management by the zemindars, or of the recusancy of a portion of the shareholders; these untoward incidents, which are frequent in the management of estates, are remedied by the timely application of other processes of recovery, which, however, would fail of success, if the power of eventual recovery, as a last resource, by sale, were relinquished.

As regards tuccavee, the objection is still stronger, as the inability to recover it by sale process, if due for more than two years, will effectually put a stop to the benefits resulting from judicious advances on that account.

The provision in Section IX. is an improvement of the existing sale law.

The necessity for keeping a separate account for every shareholder in common tenancy or in severalty, who wishes to pay direct, will add much to the labours of the tuhseeldaree department, unless the privilege of paying separately is restricted to the lumberdars, who receive a commission for realising the revenue from subordinate shareholders; or to those who have obtained a separation of their shares under Regulation IX., 1811. I think it would not be advisable to allow the privilege to any shares in common tenancy, indicated only by their fractional denomination, as this ordinarily only denotes that portion of the common profits due to the holder of the share after all expenditure, including the payment of the Government revenue; in fact, the liabilities of shares in common tenancy are not sufficiently specified, and the attempt to adjust the accounts in every case of default, after taking into consideration the lands held seer, would entail endless labours on the tuhseel officers; it is now occasionally done, but the sale of separate fractional shares for arrears due according to the separate account to be kept for each, would render every case of this kind very complicated, and, I fear, offer great facilities and inducements for fraud; as the common tenancy can always be changed into a putteedaree tenure, or holding in severalty; the extending the privilege of paying separately to holders in common tenancy is not necessary.

I should prefer restricting the recovery of revenue due on shares of integral estates to the process of transfer to solvent shareholders; the admission of a stranger into a portion of a coparcenary

coparcenary estate is generally attended with ruin to the rest of the original community, who, if they are able, are always disposed to pay up the arrear of a defaulting coparcener, even with the prospects of his share being attended with eventual loss, rather than see it become the property of a stranger. If sale is resorted to, it is better to sell the whole, but there are, so far as my experience extends, very few cases in the North Western Provinces, in which recovery of revenue cannot be ensured by transfers or farms, or by kham management. Frequent resort to sales is a sure indication of heavy assessment, or of bad management by the revenue establishment, many of the persons on which are constantly on the look out for profiting by the difficulties they have themselves caused in the realization of the revenue; and the sale law, whether in its old or the amended form, offers the greatest facilities for establishing a permanent title in property, and relieves the collector and his establishment of the trouble of adjusting disputes amongst coparceners, or of restoring an estate by judicious kham management.

The proposed law appears to me inferior to the old one, which it rescinds, in the matter of perspicuity; it is not so well adapted for these provinces, and it authorises dangerous facilities for the sale of fractional portions of mehals held in common tenancy, the sale of which under decrees of Court already cause much confusion, and endless litigation. In the case of decrees there is no longer any doubt of the demand being due from the shareholder whose rights are sold, but not so in the case of a revenue demand, as the default of a shareholder may have been caused in whole or in part by the undue exactions from the cultivators, of his coparceners, or by the difficulties of realising his dues they have placed in the way of the defaulting shareholder.

The most important provision in the new Act is that of Section XV., allowing proprietors or coparceners to deposit Government securities to the amount of the revenue of the entire estate, in fact for proprietors of entire estates to pay their revenue in advance, by keeping Government securities at the Treasury sufficient to meet demands. What are the circumstances which have necessitated such extraordinary precautions we are not informed, and I can only come to the conclusion that the difficulties placed in the way of the payment of the revenue after it became due, have frequently led to the sale of solvent estates: or that, in the absence of the proprietor, no secure place offers for depositing the revenue on his estate to be made available when due, except the Government Treasury. In the case of a coparcener depositing the revenue of an entire estate, it may be supposed that it is intended to guard against the wilful default of the other shareholders, but in such case the appropriation of the deposit, which must be annually repeated to guard against the fraudulent designs of the wilful defaulters, would in the end be attended with ruin to the coparcener making the deposit, unless he had some means of recovering from the wilful defaulters any balance realised from his deposit in excess of his own portion of the revenue. This part of the Act appears to me an abortive attempt to give security to landed property by a partial redemption of the taxes to which it is liable, but it is, in reality, nothing more than forestalling the Government demands at a considerable sacrifice to the party who avails himself of the privilege; whether it would be politic to allow redemption of land tax at 10 or 20 years' purchase is a matter for distinct and separate consideration.

Section XXXVI. applies apparently to the sub-tenures in Bengal called putnee talooks, not to the talookdary of the North Western Provinces comprising several villages or distinct estates, for which the talookdar engages separately or collectively, or receives a compensation for his rights in the shape of a per-centage on the assessment. It allows an important privilege of exempting those under-tenures which existed at the date of settlement from cancelment by sale of the parent estate, if they have been duly registered, after the collector has satisfied himself by inquiry that they have been truly represented by the applicant for registry; and Section XXXVII. allows registry to newly created tenures of this description, after the collector has satisfied himself by survey and other inquiries that the Government revenue will not suffer from their protection against sale process. The protection would be more complete, both for the proprietor of the estate and for the putnee talookdar, if the latter were obliged to show that the sale of the estate was not attributable to his own default, by production of receipt for payment of the rent to which his talook was liable, and by allowing him to deposit that amount in the Government Treasury in the event of its being refused on tender to the proprietor of the estate.

(signed) *C. C. Jackson,*
Junior Member.

(No. 2.)

PETITION of the Indigo Planters' Association and Enclosures.

To the Honourable the Legislative Council of *India.*

The humble Petition of the undersigned Members of the Central Committee of the Indigo Planters' Association, on behalf of themselves and the said Association,

Showeth,

THAT the said Committee have had under consideration the Bill now before your Honourable Council, entitled "A Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency," and have been in correspondence with Mofussil mem-

Appendix, No.

bers with a view to ascertain their opinions respecting it, and which Bill as your petitioners learn on a comparison thereof with the existing law, has been brought in, chiefly with a view to narrow the penal operation of the Revenue Sale Law and better to secure shares in zemindaries and valuable under-tenures to their proprietors against forfeiture under the said law.

That, as respects these, the essential objects of the said Bill, your petitioners regard it with the greatest satisfaction and gratitude, as fraught with benefit to all classes: not only capitalists and zemindars, but, in the opinion of your petitioners, the cultivating classes also.

Your petitioners beg to remark that, besides the under-tenures created immediately by zemindars, and for which protection is provided by the said Bill, there are others of great value which are of the same nature; such, for example, as dur-putnees, dur-izarahs, &c. &c., and it would be a great improvement in the said Bill if the same protection were extended to these also, and your petitioners pray that they may be included in the said Bill.

Your petitioners observe that a very elaborate and complicated procedure is provided by the Bill for the attainment of its objects. Many of the details of this procedure appear to your petitioners open to objections, and, in the view which your petitioners take of them, they tend to impair the value of the proposed protection.

Your petitioners therefore earnestly desire a re-consideration of the details of the said Bill. They annex to this petition a Report on the said Bill, with extracts of correspondence, and submit the same in the hope that they may be found to contain some useful suggestions.

That, subject to such alterations in the details of procedure, as may, on consideration, appear better conducive to the objects of the Bill,—

Your petitioners pray your Honourable Council early to pass the said Bill into a law, with an extension of its benefits to all such other under-tenures, besides those already provided for, as fall within the principle of the said Bill.

And your petitioners shall ever pray.

(Thirteen Signatures.)

REPORT of the Secretary of the Indigo Planters' Association to the Central Committee, on Bill brought into Council by the Honourable Mr. *J. P. Grant*, entitled "A Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency."

THIS Bill has been for a very considerable time before the Legislative Council and under discussion, and should in the usual course have been reported upon by me much earlier, but few materials for forming a report have been supplied to me, and they have come slowly. I have endeavoured to supply the want of written communications by personal inquiries of members, and in the result I still remain not free from difficulty. Both on the written and personal communications, it appears to me the objects of the Bill are very generally approved and much desired; but, on the other hand, the details, or that mode or system of procedure on which the attainment of the objects depends, are much distrusted and by some regarded as unfit for the purpose.

In the course also of my inquiries, I have had reason to think that the Bill is not equally acceptable to those whose chief interests are as zemindars; and this has led me to consider whether, on any, and what grounds the zemindars are entitled to oppose the measure.

Though not necessary for the information of members, it is necessary for the orderly treatment of the Bill, that I should premise a short statement of what is the present operation of the Revenue Sale Law, and how it is proposed to be altered.

By the Revenue Sale Law of the Lower Provinces the permanently settled revenue is assessed on zemindaries: a default of payment makes the zemindary peremptorily liable to sale, and a sale sweeps away all but a few especially excepted under-tenures. A zemindary is often held by several persons in common tenancy, and sometimes there are sharers in it whose share consists of distinct integral parts, but the revenue law takes no notice of these divisions of interest. This Bill proposes to recognise as separate interests shares of a zemindary, whether held by several in common tenancy or consisting of distinct and integral parts of the zemindary, and to allow a separate account to be opened in the collector's books of revenue to be paid by each sharer; the advantage to the sharer will be that, in case of default of any sharer, not the whole zemindary will be put up for sale, but only the share of the defaulter. And with respect to under-tenures created by the zemindar, it proposes to protect them against the consequences of a sale of the zemindary: the effect will be that the purchaser of the zemindary will take it, not, as now, freed from, but subject to the under-tenures.

Abstractedly considered these proposals are highly beneficial to sharers in zemindaries and the under-tenure holders. They will be relieved of a great risk, saved much trouble in securing their property, and the tendency of the measure in both cases is to enhance the value of that property.

The two cases of the shares of zemindaries and under-tenures rest on distinct grounds, and must be considered separately. As respects the former, the measure lies solely between the Government and the zemindary sharers. The Government simply proposes to modify the security which it now has for the realization of its land revenue in favour of this class of proprietors. It does, however, reserve to itself, in case of need, the power which it has at

at present over the whole zemindary, so as to be secure in every event against a loss of revenue. Obviously it is a measure of concession, with perfect liberty to those to whom it is proffered not to avail themselves of it. The advantages are too obvious to need minute description. By dividing the revenue and distributing the burden in the same proportions as the right of property and interest, it facilitates payment. If one sharer falls into arrear, the consequence is confined to that one. It thus brings within the most narrow limits practicable the penal operation of the sale law; and this is an advantage to the entire agricultural community—zemindars, holders of under-tenures, and ryots; for the latter are great, if not the greatest, sufferers by a sale of the zemindary under the present revenue sale laws.

The case of the under-tenures is less simple. The parties concerned are the Government, the under-tenure holder, and the zemindar. There is no connexion between the Government and the under-tenure holder; the only interest which the Government has is in the revenue; but its policy on the plea of revenue has been deeply injurious to the under-tenure holder. Its principle ought to be that, so long as the zemindary is of sufficient value to enable it by a sale to realize its revenue, it is indifferent what under-tenures have been created by the zemindar. Now it is the rents which constitute the value of the zemindary. That value would be impaired by under-tenures on which only pepper-corn or nominal rents are reserved; and this appears to be the only danger against which the Government has to guard. Accordingly the Bill, at the same time that it proposes to relieve under-tenures from the present law, has precautions against admitting to protection those under-tenures on which insufficient rents are reserved. On the part of Government, therefore, the measure is simply a modification of policy in favour of this important class of proprietors, and the sole question which remains is whether it can be objected to by the zemindars.

Now, when I speak of objections, I mean objections founded on some principles of right or equity, and if such there be in this case, they will be found in the contract rights of zemindars. The contract rights of the zemindar may easily be illustrated in the case of the putneedar (who for this purpose may be taken as a representative of under-tenure holders). The putneedar is a purchaser for a price or valuable consideration of a portion of the zemindary lands in perpetuity, with one condition attached, namely, payment to the zemindar of a rent the equivalent (or supposed to be) of the revenue payable for the lands comprised in the putnee. It is this condition which constitutes the tenure, connects the putneedar with the zemindar, and the putnee lands with the zemindary; and, except for the obligation which it contains, the putneedar would have an absolute and indefeasible estate, and would be entirely independent of the zemindar. The putnee rent, therefore, is the only interest which the zemindar has in the putnee lands, and therefore non-payment of that rent is the only ground on which the zemindar can claim any power over the putnee tenure, and it is equally clear that, if the putneedar makes no default, he is fully entitled by his contract to be as secure against the zemindar as the latter is against the Government so long as he pays the Government revenue.

Now compare these principles with the present state of the law. The law at present is, that, if the zemindar makes default in payment of the revenue, his zemindary shall be sold free from the putnee; and the putneedar is sacrificed, not because he has made default himself, but because the zemindar did not pay his revenue. What is proposed is simply that the putneedar shall not in future be sacrificed, and that the purchaser of zemindary, at a revenue sale shall take the zemindary subject to the putnee (and all other under-tenures), except when the putneedar himself is a defaulter, in which case the putneedar forfeits the benefits of the new law. In this proposal I confess I cannot find the smallest flaw in point of equity, and it is perfectly consistent with all the contract rights between the zemindar and putneedar. The only excuse which could be made for any longer continuing the present state of the law, would be the necessity of it for the realization of the revenue. But Government by this Bill denies the necessity.

Few zemindaries comparatively are brought to sale in the present day for arrears of revenue; and of these, except in impoverished parts of the country, a small proportion from the inadequacy of the rents to meet the Government revenue, the rest are put in arrear for fraud, and not unfrequently for the advantage offered by the revenue sale law. They are sold by the Collector, and bought by the defaulting zemindar benamee. The inducement to this fraud is, indeed, great. For example, a zemindary is put up for sale for an arrear of revenue, say of 5,000 rupees, and would be worth half a lack of rupees, if the purchaser were to take it subject to the under-tenures, but taking it free of those tenures (as he does), he will give double that sum for it. This enhancement of price, not needed to satisfy the revenue, swells the surplus after deducting from the proceeds of the sale the amount of revenue due, and is paid over to the zemindar, or if the zemindar himself is the purchaser benamee, he gets the profit by creating new under-tenures. The sacrifice of the putnee tenure, therefore, is no advantage to the Government, but is a clear gain to the zemindar, and it is notorious that zemindaries are wilfully put in arrear by the zemindars for the sake of this and similar advantages, which can only be obtained through the medium of a sale for revenue. But if the case is free from this fraud, and the zemindar unintentionally falls in arrear, the injustice is not the less to the putneedar, nor the profit less to the zemindar: the under-tenure is annulled, the value of the zemindary is enhanced, and the enhanced value goes to the zemindar. He thus gets twice paid for the same thing; first for a putnee on its creation, and next at the auction of the putnee lands, perhaps much enhanced in value by improvements made by the putneedar.

I have taken the case of the putnee holder, but the same reasoning applies to every other valuable tenure, and the evil only differs in degree.

Appendix, No. 7.

In extenuation of the existing state of the law, it has been said the putneedar purchases his putnee subject to the risk and has estimated it. It may equally be said he purchased with the chance of an improvement of the law; and of all men the zemindar cannot be permitted to object to the removal of the risk, by a better law; for that risk can never become a loss if the zemindar performs his duty. I refer to the obligation which he is under towards the putneedar to pay the revenue.

These remarks will be sufficient, I trust, for the limited purpose for which they are offered, namely, to show that the zemindar has no right to object to the proposed protection to under-tenures.

Having explained the objects of the Bill, and defended its principles, I will proceed to examine the details and the manner in which it is proposed to effect those objects. The provisions respecting sharers of zemindaries are contained in the 10th, 11th, 12th, 13th, and 14th sections. By these, "recorded sharers" alone are entitled to the intended protection, and it has been suggested that it should be extended to those who are sharers in fact, but not recorded. But it has been fairly replied that those sharers who are not recorded may get themselves recorded, and so become in a position to avail themselves of the new law.

The mode prescribed for sharers is to make an "application" to the Collector. For the application of a sharer of a joint estate in common tenancy no particularity is prescribed by the Bill: indeed it is obvious, from the nature of his interest, what must be the form, and that the form would be very simple. But respecting the application to be made by a sharer whose share consists of specific or separate portions of land, the Bill requires that it should specify the land by metes and bounds, and the amount of sudder jumma paid [contributed] by the applicant. This latter form is subject to the same remarks as hereafter will be made on a similar requirement in the case of the under-tenures, and to those remarks I beg to refer.

The Bill having prescribed the "application," next provides for objections to it, and recognises the following:—

(1.) That the applicant has no right to the share.

(2.) That it is less than he claims.

(3.) That it is of a different nature from that claimed by him.

And upon these objections, when made, the Collector is to institute a summary inquiry "into the fact of possession." And in the case of an applicant whose share consists of a separate portion of land, the further objection may be made that he has not stated his jumma correctly, and on that objection the Collector is to inquire whether the alleged jumma has been recognised by the other sharers, and according to the result of his inquiry, to admit or reject the application.

It has been remarked that recorded sharers have already established their title, and that they ought not to be put to the risk of a second inquiry, which will, in many cases, operate as an invitation and inducement to dispute and litigation on a title which never was questioned; and, following up these views, it has been suggested that the applicant who proves by a reference to the Collector's books that he is a recorded sharer, should *ipso facto* be entitled to have the separate account of his share opened.

It is to be hoped that this suggestion will be adopted; but if not, it is important to note what is the inquiry which the Collector is to make as the Bill now stands. The inquiry is to be "into the fact of possession." Such an inquiry would be a departure from the application. The application refers to grounds of title; possession may or may not go with the title; the question, therefore, of the fact of title or truth of the application may be wholly different from the question of possession. If, indeed, unrecorded proprietors were to have the benefit of the Bill, there would be some reason for putting it on the ground of the fact of possession; but I can imagine none why this fact should be inquired into, in the case of persons already recorded as having a title. Moreover what shall constitute "possession" is not explained; there is no word in the whole vocabulary of law which admits of a greater variety of application. Possession may be constructive or direct and actual; by oneself, one's agent, or servant; or constituted by facts, which show an intention to possess and merely no adverse claim to the possession by any other person. It has been common, I am informed, for European proprietors to have shares of zemindaries recorded in the names of their managers or servants. Who, in that case, the manager or the proprietor, is in possession? If the latter, is he to lose the benefit of the Bill by reason of his not being recorded, though in possession? One tenant in common may alone receive the rents, and pay their shares to the other tenants in common; or, a manager appointed by one may be in possession, not for one, but for all. Who, in these cases, is in possession? A mortgagee of a share may be in the receipt of the rents, while the mortgagor is the recorded sharer: is the recorded sharer not to have the benefit of this Bill, or is the possession of the mortgagee to be construed as his possession? This is but a small sample of the cases of no uncommon kind in which the result of an application must be extremely doubtful, if the right of the recorded sharer is to depend on the question of possession.

The Bill also, as framed, appears to me to raise a very doubtful question, or rather leaves it very uncertain what is the question to be tried, in the case of a sharer of specific portions of land, where the objection is to the amount of jumma stated by him. The Bill requires the applicant to state "the amount of jumma heretofore paid by him;" and then it provides that—"If the objection be that the jumma alleged by the applicant is not the jumma which has

has been recognised as such by the other sharers," the Collector is to "make a summary inquiry into the fact." What fact? That the jumma paid is the real jumma, or the fact of payment as alleged by the applicant, or the fact of recognition? And if of recognition, recognition of what? Whether of the payment in fact by the applicant, or of the amount as correct? And what will establish recognition? Will the acquiescence of one sharer preclude the others from objecting? If one sharer says, "True, the applicant has never paid more than the amount he states, and I and my co-sharers have paid such and such other sums, making up the full amount; but we have done so only from necessity, he having paid too little." Is that plea to avail in proof of non-recognition? I offer these purely as practical difficulties, which will open a wide door to dispute and litigation, and will render the success of an application in a great many cases very doubtful.

The sections relating to the under-tenures are the 35th, 36th, 37th, and 38th.

The under-tenures are classed under four heads:—

1. Istemraharee and mokuraree tenures, held at a fixed rent more than 12 years before the permanent settlement.

To these the new Bill appears to be a disadvantage. By the existing law they are absolutely protected (Act I. 1845, Section XXVI., Clause 1); but their future protection is to depend on, first, their being registered under this Bill; and, secondly, after registration the rents reserved on them being duly paid up at any time when the zemindary is liable to be put up for sale. If, as I am informed, the tenures of this kind were all ascertained and recorded at the time of the resumption proceedings, it is hard to impose on them the necessity of a new registration, which can be obtained only by means which will open a wide field for dispute and litigation, all the power and influence of the zemindar being arrayed against the applicant; and the tenure will be equally jeopardised, after registration, by the second condition, through the temptation which it will constantly hold out to deny the fact of payment.

2. Tenures existing at the time of settlement, against which the zemindar has failed, or may fail, to prove his right to enhance the rents.

To these also the new Bill appears to be a disadvantage. They are protected by the existing law; but their future security is to depend on registration under this Bill, and their rent being paid up at the time when the zemindary becomes liable to sale. I have already stated, and therefore need not repeat here, the objections to which these conditions are open.

3. Tenures of whatever description, and farms for terms of years which have been created since the time of settlement.

For these tenures this Bill first provides protection on two conditions; first, their being registered under this Bill; and, secondly, their rent being paid up at the time when the zemindary becomes liable to sale. The observations already made on this second condition, in connexion with the two first classes of tenures, are here applicable; and I may now add, that, dangerous as this condition is in itself, the danger is aggravated by the want of all provision in the Bill for judicially ascertaining the fact of default of payment, and for any notification of it before the sale. If these defects in the Bill are supplied, the under-tenure holder might reasonably claim not to be more harshly treated for his default than the zemindar is by the Government. The zemindar has a latest day, beyond the proper legal period, and therefore, in fact, an extension of time for payment before his zemindary can be notified for sale; so, by analogy, the under-tenure holder should have the power of curing his default, which, as in the zemindar's case, may sometimes be a default, not of his own, but of his servants.

There is also another qualification on the right of under-tenures of this third class to be admitted to registration. The Collector is, on receipt of the petition, to cause whatever measurement, survey, and local inquiry he may deem necessary for the security of the Government revenue. This provision is a cause of apprehension to members of great experience; they say a measurement, survey, and local inquiry can be carried on only by an army of native ameens and their assistants, in whose train follow the well-known and dreaded corruptions; and following up the prospect thus opened, they apprehend the effect, though less extensive, will be similar to that of the resumption proceedings in unsettling titles and disturbing enjoyment, and from the lamentable fruits of which, it is said, property in some parts of the country is only just recovering. It surely will be wise to take heed on this warning. The members from whom it proceeds are not insensible to the highly beneficial character of the essential objects of the Bill, and would not willingly renounce them, and it may be hoped those objects may be secured by means free from those objections. Persons entertaining such apprehensions will, of course, not apply for the proposed protection; but the consequences may nevertheless reach them. To meet in a degree these apprehensions, it has been suggested, that the Collector shall have an unfettered discretion to act in each case according to its particular circumstances, in directing or withholding the inquiry or survey and measurement.

It has been remarked that the Bill will protect only the original tenures:—"As regards new tenures, putnees will only be benefited by this new Bill. They can be registered and made secure, in the event of a sale of the parent estate for Government arrears. But durputnees, and all other lower tenures, cannot be registered, because the proprietor did not create those under-tenures. By the 7th rule of Section XXXVI., it is pretty plain that only

Appendix, No. 7.

those tenures granted by the zemindar or proprietor of the parent estate can be registered."—[Mr. *E. Roberts.*]

This is a defect, and an unconsequential one. If the rent reserved on the original under-tenure is a fair proportion of the sudder jumma, and is paid up—for both of which the Bill provides—the lower tenures carved out of the original under-tenure are of no importance to the revenue, and their safety shall be left dependent on that of the under-tenure, standing or falling with it; but, in respect of their own interests, the dur-tenure holders should have the opportunity of preventing a forfeiture of the parent tenure.

After this enumeration of under-tenures which are to be placed under protection, come, in Sections XXXVI. and XXXVII., the means by which the proposed protection is to be obtained. It is ultimately by registration of the under-tenure, and this is to be obtained by petition to the Collector, the particulars of which petition are minutely prescribed by the Bill. Notice of this petition is to be given to all parties concerned, and they are to have the opportunity of making objections; and then the case is to be heard on evidence. This procedure is regarded by different members with various degrees of apprehension, as a probable source of frauds, forgeries, and perjuries, the usual instrumentality of mofussil litigation.

In reference to the application to be made by sharers of zemindaries, I have alluded to the difficulty of complying with the required form. The difficulty will be still greater of following up the required petition. Mere minuteness of detail could hardly have been required in the petition if it had been devised to satisfy an English lawyer advising for an unwilling purchaser on a title. The petition is to comprise particulars classed under no fewer than nine heads: (1,) the pergunnah or pergunnahs in which the tenure [land] is situated—(2,) the denomination of the tenure—(3,) the name or names of the villages whereof the land is composed—(4,) the area and boundaries in complete detail—(5,) the amount of rent, cesses, and duties payable—(6,) the date of the deed constituting the tenure, or date when the tenure was created—(7,) the name of the proprietor who created it and name of—(8,) original, and (9,) present holder, and relation between those two, and manner in which the latter acquired it.

The first and third, and second and fifth, are perhaps unnecessarily separated. The first, second, and third standing, the fourth might be dispensed with. To establish the sixth, the deed or writing, I should suppose, must be produced and proved, which might alone be sufficient. The fourth requirement is regarded as in a great many cases impracticable, and the case is not provided for in which the deed is lost; probably not a rare occurrence in the case of the older tenures.

It is true the requirement is under one qualification, namely, these particulars are to be given "as far as they are ascertainable:" the rule therefore is open to exceptions; but what are the circumstances which may excuse compliance with the rule? It is true also that, if no objection is made, the Collector is only to make "due inquiry," and to be "satisfied." There is therefore, in *ex parte* cases, great latitude and a dispensing power in the Collector; but this also will give opportunity and scope for the well-known arts of the amlah. Moreover at any time within a year, "any party dissatisfied" with the award "may institute a civil suit to set it aside:"—which, whatever be the extent of the privilege—whether it is to be exercised only where the award has been made after a summary investigation, or exercised generally—detracts from the value of the registration.

In the annexed extracts from correspondence will be found several other remarks and suggestions on the Bill from members of great mofussil experience.

The question remains, can the important objects of the Bill be attained with checks and precautions and on a simple plan, consistently with the perfect security of the revenue which is provided (or intended to be) by this Bill? The latter part of this question raises another. If those parts of the plan of the Bill are abandoned, which are directed to the ascertainment whether fair rents have been reserved on the under-tenures, what security can the Government have in their place for the safety of its revenue? The following plan has been suggested. That the under-tenures should be registered in the office of the Collector on proof simply of the deed or writing by which they are created, an abstract of which should constitute the record; and that all tenures so registered should be protected. The protection in the first instance would be that the zemindary would be put up for sale subject to the under-tenures. If the bid for the zemindary exceeds the arrears of revenue, no question arises to affect the under-tenures. If, on the other hand, the price offered falls short of the arrears of revenue, a few days should be given for any under-tenure holder to come in and pay the arrears, he being permitted to stand in the place of a mortgagee, or, at his option, a purchaser. There may be no under-tenure holder with means to avail himself of this privilege; in which case, by analogy to the Bill as it now stands, any under-tenure holder should have the opportunity of establishing the *bonâ fide* character of his rent and tenure. As an ultimate resource in the interest of the revenue, the zemindary might be liable to sale free, as now, from the under-tenures: but, in that case, the price realised being partly made up of the value of the under-tenures, should be regarded as clothed with a trust to compensate the under-tenure holders for their loss, and a liberal measure of damages should be legislatively established. The compensation should cover the price paid for the under-tenure and its improved value. If the surplus proceeds of the sale were retained until claims of this kind were satisfied, there would be an end of the common fraud of zemindars making default for the sake of the gain to be derived from a sacrifice of the under-tenures.

It has been suggested that there may be parts of the country where the plan proposed in the

the Bill could be extensively applied without the consequences apprehended by some members. And, in this view, that plan, with a few alterations, might be retained, and, some such plan as above suggested, be superadded to it. The Bill would thus become universally acceptable.

5, Bankshall-street, 10 June 1856. *W. Theobald*, Secretary.

Extracts from Correspondence in Office of Indigo Planters' Association.

Merits of the Bill.—"The gain to the landed proprietors in respect to this measure alone is immense, and in a district like Tirhoot, where possession in common tenancy is carried out to such an enormous extent, and where, consequently, security against bad faith is so seriously needed, this law will be held a great boon."—[Mr. *C. Strachan.*]

Difficulty attending the Procedure as to Share of Zemindaries.—"The labour imposed on the several authorities to carry through the requisite summary inquiries to enable them to open separate accounts, will be so considerably increased, that it is to be feared frivolous and vexatious objections will be too readily admitted and allowed weight, and many applications will be hastily rejected.

"It is therefore necessary that some definite rules in respect to the nature of the objections which are cognizable, be laid down.

"It seems also to me, as an advisable measure, that, in connexion with the collectorate, a separate establishment be erected solely for the purpose of carrying through applications for registration, for they will count by thousands, and under the considerations specified in Sections XXXVI. and XXXVII., the inquiries which will have to be made will be so extensive that serious delay will be unavoidable, where the work to be done is left to one burthened with other responsible duties."—[Mr. *C. Strachan.*]

Time allowed for Objections insufficient.—"The second point I would notice is the limited time allowed under Sections X., XI., and XXXVI., within which only objections can be entered and attended to. The reasons are so obvious, that it is needless to enter into any lengthy exposition to show why thirty days or six weeks (the utmost period allowed) are not sufficient for the purpose, and I would submit for the serious consideration of the Central Committee the necessity of suggesting an extension of time. It appears to me that a three months' notice is not too long, and that less than that would be positively injurious."—[Mr. *C. Strachan.*]

The Bill stops short of the Protection desired by some Members.—"What is prayed for is absolute protection to the under-tenants, co-sharers of estates, who, at the time of sale, have fairly paid the full of their registered amounts. A co-shareholder or under-tenant may not have the means of purchasing the whole estate by paying up the entire revenue; his joint shareholder knowing such, and wishing to obtain the whole estate, may fail to pay his share, and subsequently obtain his ends by purchasing the whole estate benamee."—[Mr. *Terry.*]

"Those new provisions of the proposed law, which go to enable co-partners in an estate to obtain a separate liability for their quota of Government revenue, and mortgagees to bar extinction of their lien by default, and to permit the deposit of Company's paper as security for the due payment, under all circumstances, of the revenue, are unexceptionable, and not likely to meet with other opposition than that of needy copartners who desire to continue a system of joint liability, and of covetous co-partners who, under the present law, can, by a fraudulent default and purchase, oust the other shareholders of the estate."

First Registration of Istemraharee and Mocurraree Tenures unnecessary.—"The changes noted in your letter, I can see no objection to allow them to stand as they are; such tenures are all safe as the law now stands, for they have for the most part been duly ascertained when the resumption law was put in force, for pottahs and documents had to be produced, and investigations were taken before duly competent authorities on their genuineness, so that the registration has in a great measure been carried out."—[Mr. *D. Andrew.*]

Impossible for the Istemrahreedars to comply with the Conditions.—"I do not see that it is possible for the ryots who are holders of Istemrahree or Mocurraree tenures to obtain registration, as one of the conditions provided by the new Act is that the area of the land comprised in the tenure, with its boundaries in complete detail, must be furnished on making application to the Collector. This is an injunction which many will have difficulty in complying with, and though in theory it may appear simple, it is practically next to impossible. Under the old sale law, these tenures were good, and I do not see any necessity for rendering registration compulsory under the new Act. The Government survey at present going on does not define the boundaries and give the area of every jumma in a village, only the boundaries of the village itself, and the area of the resumption muhal and lakhiraj lands that it may contain."—[Mr. *A. Stuart.*]

"In putnee talooks the boon conferred by Mr. Grant's Bill is so great, that holders of this description of tenures should gladly welcome the day when they shall see their property placed on a sound and safe footing, and removed from the risk of being injured at the caprice or negligence of a zemindar; but there is one clause of the Bill which, if

Appendix No. 7.

allowed to pass, completely annihilates the benefits contemplated. I mean, &c." "The writer then refers to the condition that no arrear of rent is to be due on the last day of payment of the Government revenue."—[Mr. *A. Stuart.*]

Difficulties of obtaining Registration.—"Section XXXVI. This section throws all the difficulties of registration on the under-tenant, who is seldom rich enough to cope with the zemindar; and in the present state of the mofussil courts, it must fail, unless much simplified."—[Mr. *Terry.*]

"Section XXXVII. leaves registration at the mercy of any Collector, even when no other opposition is offered, unless he considers the rent paid by the holder to be a fair proportion of the assessed revenue. What is a fair proportion? Collectors may differ much upon that point. Moreover, collectors never trouble themselves to investigate personally mofussil claims, but such investigations are usually left to badly paid ameens, or some of the Collector's most favoured amlahs, who always notoriously decide in favour of the highest payer."—[Mr. *Terry.*]

Opinion of an Opponent of the Bill.—"Fortunately for zemindars, however, the dividing of such tenures from the parent estates will not, on trial, be found so easy as the promoters of the measure have supposed. Mr. J. P. Grant has not prepared himself by a study of the quinquennial register, so as to understand the nature of the rent rolls of an estate; it will soon be found to cause immense trouble and expense to all parties concerned; will ruin many, and will create no end of confusion to the Government revenue.

"It is not possible for any one, without the experience of many years, to conceive the state of confusion into which the boundaries of the different portions of an estate have worked themselves up together. To divide such portions, then, the one from the other, so as to safely render them independent of each other and of the parent estate, and at the same time secure the Government revenue, would require a very careful and expensive survey of the whole estate, a process in a large estate requiring many years. A Collector's establishment will never be able to make any needful inquiry so as to produce a result at all worthy of trust. To leave the division of estates in their hands without a regular organised survey will be worse than nonsense. Who is to pay for that survey? Surely not the zemindar, whose very throat, so to speak, it will have to cut; and no putneedar, istemrahreedar, or mocurrareedar, will even be able to pay it. As for native ameens, of the nature alluded to by Mr. J. P. Grant in his speech on the proposed law, it will be far better to decide all disputed points by the throws of dice, or by tossing up a rupee, or any other rule of chance, by which we may be assured far less injustice will be perpetrated. It is absolutely necessary an estate should be surveyed before it is divided. In this point alone I think I may safely defy the collective wisdom of the Legislative Council. Those who do not know what the division of an estate is will then find out, to their cost; and even putneedars, istemrahreedars, &c., will not find all smooth, as they at present think. Let them, however, do as they like. If this law is at all carried out, the Government revenue will get into such confusion that nothing will put it straight again. A result will be sure to be arrived at as much opposed to the expectations of the promoters of the law as was that to the far-famed resumptions."—[Mr. *Cave.*]

One Member, referring to minor Difficulties, says—"I think nothing can be better than Mr. Grant's amendments, but difficulties may arise in the matter of registration, for a deed cannot be registered under two rupees, and one rupee to the kerani, who throws a thousand obstacles in its performance if he is refused his fee, which is illegally demanded; and this is one of the curses of the country, that every amlah of each office must have his perquisite, unless you attend yourself, which cannot be effected; considering the distance one is located from the station."—[Mr. *R. Savi.*]

One Member suggests as auxiliary to the registration of putnee tenures, that the tenure, or the names of the putneedars, should be marked on the new revenue map, now under preparation.—[Mr. *R. Savi.*]

"I would also pray, now that the Thakbust Ameens have nearly completed their work, and the specification of lands, boundaries, and extent, is defined, that each putneedar's name be inserted with the village or pergunnah he may hold, in the map about being drawn out by the Company's surveyor; and this plan would materially assist the Collector in opening separate accounts under Section XI., in accordance with the Bill."—[Mr. *R. Savi.*]

Enhanced Rents generally reserved on Putnees.—"I would beg to draw attention to the fact that zemindars, in leasing putnee and such tenures, do it on considerably enhanced rents from those paid by them to the Government, leaving out the poonbar or purchase-money for the same; and the realization of the Government revenue would be insured for a certainty and without any trouble, if a clause in the new Act was inserted for a putneedar to have the option of paying directly into the Collector's treasury his monthly instalments of rents on his zemindar's account, and a receipt granted by the Collector for the same. As the law at present is, the Collector is prohibited from receiving putnee rents. Most zemindaries yield at least 75 per cent. in excess of Government revenue; the Collector could, therefore, easily carry the amount due for Government revenue to credit, and hand the balance to the zemindar to do what he thought fit. This would insure not only the Government due, but preclude the possibility of any collusion of the zemindar in withholding the revenue paid to him, and bringing the talook for sale for arrears and purchasing it benamee, thus defrauding the putneedar not only of his tenure, but the large amount of poonbar

poonbar paid. Transactions of this kind have been done, and to the ruin of parties, who have only remedy by a civil suit, and may, after seven years of trouble and expense, find, even if successful, that no property can be attached, all being previously made benamee."—[Mr. *D. Andrew.*] Appendix, No. 7.

Tenures already registered should be admitted to Protection without fresh Registration.—"Putnee talooks that have been made on good faith, have been already registered as by law directed. We should therefore have a clause in the new Act upholding those registered putnees, otherwise confusion and heavy extra expenses must be again incurred for fresh stamps and all other charges, which I do not suppose was contemplated when the proposed Act was framed."—[Mr. *D. Andrew.*]

Difficulty of obtaining Registration.—"Section XXXV. It would be very difficult for ryots or holders to prove what is required in the 1st and 2d Clauses. Clause 3 gives a substantial and just protection. Clause 4 is altogether unjust, and would cause no end of litigation, which the object of the Bill is, I imagine, to prevent. For instance, lands for building on may be given at a low rent, and for considerations beyond the mere rent too numerous to be enumerated. And what is to be considered the rent of good arable land, where it ranges from 2 annas per beegah to 12 rupees?"—[Mr. *Terry.*]

"Section XXXVII. leaves registration at the mercy of every Collector, even when no other opposition is offered, unless he considered the rent paid by the holder to be a fair proportion of the assessed revenue. What is to be considered a fair proportion? Collectors may differ much upon that point. Then who is to decide? Moreover Collectors rarely trouble themselves to investigate personally mofussil claims; but such investigations are usually left to badly-paid ameens, or some of the Collector's most favoured amlahs, who notoriously decide in favour of the highest payer."—[Mr. *Terry.*]

(True extracts.)

10 June 1856. *W. Theobald*, Secretary.

(No. 3.)

PETITION of Rajah *Sutt Shurn Ghosaul*, dated 19th September 1856.

To the Honourable Members of the Legislative Council of *India*.

The humble Petition of Sutt Shurn Ghosaul, of Bhookoyloss, Zillah 24 Pergunnahs, a Zemindar in the Presidency of Bengal,

Most respectfully sheweth,

THAT your petitioner, as a zemindar, takes the liberty to submit a few observations and suggestions on the Draft Act, intituled, "A Bill to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency," for the consideration of the Honourable Council.

2. That your petitioner most cordially admits the equity and justice of the security which the Bill is intended to afford to persons whose interests are affected by the sale of an estate for arrears of public revenue; but most respectfully begs to object to the protection held out by the Bill to the holders of under-tenures created since the time of settlement, on the following grounds.

First. That, according to the sound and wholesome principles laid down in Regulation I. of 1793, and upheld by subsequent Regulations and Acts, the purchaser of a permanently settled estate sold for its own arrears, succeeds to the rights and privileges enjoyed and exercised by the original engager at the time of settlement. He therefore acquires the estate free from any subsequent incumbrances imposed upon it by the defaulter or his predecessors, being representatives or assignees of the proprietor, with whom settlement was concluded. But although the main part of Section XXXV. of the Bill prescribes similar provisions based upon the same invariable principles, yet its third exceptional clause exempts "tenures of all sorts and farms for terms of years," which may have originated since settlement, from being null and void, if they are duly registered under Section XXXVII., and if there was no arrear due on them on the latest day of payment. This exception is therefore contrary to the long-established principle inculcated and upheld by various Regulations and Acts passed by the Supreme Government.

Secondly. That if these tenures are protected from the effects of sale, it will be a source of manifold fraudulent and collusive transactions. A proprietor having disposed of his estate in ostensible or real under-tenures, registered under Section XXXVII., at an aggregate jummah equal to annual Government revenue, will intentionally suffer the estate to fall in arrear. In one case he defrauds the Government of its due instalment of revenue, reserving to himself in the names of other persons all the rights and privileges he enjoyed before his default, and at the same time he fills his exchequer with a large sum which he receives in the nature of fine or premium, together with the instalment of revenue in arrear. Thus an opportunity is given to the present proprietors to make an immense fortune by creating fixed assessments of under-tenures in their estates, which the Bill pronounces unalterable by any future proprietor.

Appendix, No. 7.

Thirdly. That such restricted sales will tend much to endanger the realisation of public revenue. When an estate is sold subject to these incumbrances, purchasers will not be forthcoming to compete as bidders at the public sales. They will have very little or no inducement to embark their capital in a speculation which, far from affording them any profits above the revenue due to Government will render them liable to collection charges from their private purses to collect that revenue. Men will scarcely direct their ambition towards the acquirement of zemindarees, and Government will be obliged to hold khas all such estates; and the zemindaree system will, in the course of a few years, be gradually demolished; and there is no doubt that that system is the best security for the punctual realisation of the public revenue. But under Section XLVII. of the Bill, Government also purchases the estates, subject to the provisions of the Bill under review. It cannot, without infringing the terms of the perpetual settlement, annul the registered under-tenures with which the sold estates will be burthened. Consequently even a tenure yielding one anna per annum will be brought under the immediate management of Government, and the entire parent estate will yield to it nothing beyond the fixed revenue which the Government now obtains through the zemindars, without collection charges. Your petitioner begs to propose therefore that the tenures in question be declared voidable by the sale purchasers. The Bill, then, with its other essential improvements contained in it, will be a great boon to the country.

3. Your petitioner, on a careful survey of the existing sale law and the new Bill, takes leave to remark, that there is no provision made to enable purchasers to take peaceful possession of estates sold in revenue sales. A notification and a certificate under Section XXVII. of the Bill, are not sufficient when a purchaser meets with opposition either from the defaulters or the talookdars whose talooks are not affected by the sale. Under such circumstances, finding it inconvenient to appeal to the dilatory chances of a regular suit, they are compelled to involve themselves in affrays, in order to acquire possession of what they have fairly bought. If Section XXVIII. of the old sale law, Regulation XI. of 1822, which enjoins the appointment of a Commissioner to give possession, be restored, with some alterations suited to the times, litigation under Act IV. of 1840, and breaches of the peace will be greatly diminished. Should the Honourable Council direct its attention to this proposal, your petitioner may be permitted to state that, in his opinion, the country will be greatly benefited.

4. That there is another point which your petitioner does not deem proper to pass unnoticed here. The Bill is silent regarding the rights of a purchaser of a share of an estate sold under Section XIII. If such purchasers are entitled to the rights described in Sections XXXV. and XLII., your petitioner begs to suggest the insertion of the words "of an estate or share of an estate" between the words "purchasers" and "sold," in Section XXXV., in the place of "of an entire estate," and the same words in Section XLII., in the place of "of an estate," to avoid misconstruction of the law on this point.

5. Your petitioner in conclusion trusts that he has not fallen into any error in understanding the provisions of the intended law.

And your petitioner, as in duty bound, shall ever pray.

Sutt Shurn Ghosaul.

Bhookoylass, 19 September 1856.

(No. 4.)

From the Secretary to the Government of Bengal, to the Clerk of the Legislative Council, No. 671, dated Fort William, 19 September 1856.

Sir,

Revenue.

In continuation of the junior secretary's letter,* No. 367, dated the 15th ultimo, I am directed to forward herewith a copy of a Minute, dated the 2d instant, by the Lieutenant-governor, on the subject of the Bill "to improve the law relating to sales of land for arrears of revenue in the Bengal Presidency," together with copies of the papers, as per accompanying list.

I have, &c.
(signed) *W. Grey,*
Secretary to the Government of Bengal.

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* From the Junior Secretary to the Government of Bengal, to the Clerk of the Legislative Council, dated Chuppra, 15 August 1856.

Sir,

I am directed by the Lieutenant-governor of Bengal to express his regret that he has been prevented, hitherto, by the many details pressing upon him during his tour, from submitting to the Select Committee of the Legislative Council his sentiments on the Sale Law Amendment Bill now under consideration.

The Lieutenant-governor is most desirous of submitting his opinion on the important measure in question, together with those of the revenue officers subject to the Bengal Government, which are now before him; and the object of this letter is to apologize for and explain the delay that has unavoidably occurred, and to assure the committee that the opinions of the Lieutenant-governor on the Bill, with those of his subordinates, will now be forwarded at the earliest possible date.

I have, &c.
(signed) *C. T. Buckland,*
Junior Secretary to the Government of Bengal.

Appendix, No. 7.

LIST OF PAPERS.

		Page.
1.	Minute by the Lieutenant-Governor of Bengal	353
2.	Minutes by the Members of the Board of Revenue	361
3.	From Officiating Secretary to Board of Revenue	367
4.	From Mr. H. Stainforth, late Commissioner of Bhaugulpore	367
	From Mr. E. F. Lautour, Collector of Tirhoot	370
	From Mr. W. Tucker, Officiating Collector of Monghyr	372
	From Mr. E. Russell, Ditto, Bhaugulpore	373
5.	From Mr. J. H. Young, Officiating Commissioner of Burdwan	374
	From Mr. H. M. Reid, Officiating Collector of Burdwan	377
6.	From Mr. C. Steer, Officiating Commissioner of Chittagong	380
	From Mr. J. S. Spankie, Officiating Collector of Chittagong	383
	From Mr. F. B. Simson, Officiating Deputy Collector of Bullooah	384
7.	From Mr. E. A. Samuells, Commissioner of Cuttack	388
	From Mr. H. V. Schalch, Officiating Collector of Balasore	393
	From Mr. R. N. Shore, Collector of Cuttack	395
8.	From Mr. A. Grote, Officiating Commissioner of Nuddea	396
	From Mr. E. H. Lushington, Officiating Collector of Nuddea	399
	From Mr. F. A. Lushington, Ditto of 24-Pergunnahs	400
	From Baboo Sibchunder Deb, Deputy Collector of Ditto	404
9.	From Mr. R. F. Hodgson, Collector of Behar	405
10.	From Mr. F. A. E. Dalrymple, Collector of Dinagepore	410
11.	From Mr. E. C. Craster, Officiating Deputy Collector of Maldah	411

MINUTE by the Lieutenant-Governor of *Bengal*.

Sale Law Improvement Bill. Letters from Board of Revenue, with Minutes and other Enclosures.

THE papers transmitted by the Board on the subject of the Sale Law Improvement Bill, including the minutes of the members, and the abstracts of Mofussil opinions, as well as the original letters, containing the opinions of the officers specially noticed by the Board, will now be transmitted to the clerk of the Legislative Council.

2. I have read these papers and the printed papers sent down from the Legislative Council with the care and attention called for by the great importance of the subject of which they treat.

3. In sending up the opinions of the revenue officers under this Government, I will add a few words in explanation of my own sentiments, and I will do this as briefly as possible, for the papers are already very voluminous.

4. I would, in the first place, request particular attention to the remarks of the Board on section III. of the Bill, as to the effect of cutting off, in such districts as Sylhet, all modes of collecting the revenue, except by sale under this Act. At present the revenue in Zillah Sylhet is collected primarily and mainly under the provisions of Section IV., Regulation I., 1801, and there are upwards of 70,000 recorded estates on the collector's roll, all minutely subdivided. It has been doubtful, ever since the passing of the present Sale Law (Act I. of 1845), whether this mode of collection be legal or not. But there can, I submit, be no doubt that it ought to be made legal if it be not so.

5. The Board propose that the section above quoted should be now distinctly re-enacted, with this alteration however, that express sanction of the Board shall not be necessary in every instance, but that the Board be empowered "to invest such collectors as they consider proper, with the power of distraining the personal property of revenue defaulters before bringing the estates in balance to sale." I entirely agree with the Board, and desire to submit their recommendation for the favourable consideration of the Legislative Council.

6. The first important alteration of the present law which occurs in the new Bill is to be found in Sections X., XI., XII., XIII., and XIV. By the operation of these sections a very great boon will be conferred on shareholders of zemindarees, with every one of whom the collector will be empowered, after certain inquiries, to open separate accounts; bringing to sale, for the realisation of arrears, only those shares which may be actually in balance, and, if those shares prove unsaleable, giving to the co-sharers an option in the first instance of purchasing them by paying the whole arrear due from them before actually proceeding to sell the whole estate for the arrear; which power is necessarily reserved in the last resort for the security of the Government revenue.

7. This amendment upon the existing law was originally proposed by the most noble the late Governor of Bengal. But it was a part of his Lordship's plan that the benefit should not be extended to any share, the revenue of which might not exceed 50 rupees. To this it was objected in the Legislative Council that the object is to confirm the just rights of the sharer by securing his property when there is no default on his part; and that a share paying 40 rupees may be of as much concern to the owner as are estates paying 40 lacs to the Raja of Burdwan.

Appendix, No. 7.

8. I would say, with deference, that I doubt if this objection be sound. The object of the law seems to me not "to secure the just rights of the sharer" absolutely, and without reference to the security of Government. For if that were so, it would be unjust in any case to sell out the sharer who had paid his quota. Yet this the proposed law does not scruple to do, even though the sharer may have paid up his full share of the revenue, whenever the Government revenue on the whole estate, that is on other shares of the estate, cannot otherwise be realised. I apprehend that the sharer in a joint undivided estate charged with the payment of a certain fixed revenue to Government, cannot properly be said to have any rights except what the law has given him; and among those rights, ever since the permanent settlement, has never been a right to have a separate account as to his share, or to have his interests in any way distinguished from the interests of all other sharers in the estate. What the Government is now disposed to allow (clearly not as a right, but as a boon) is avowedly to be limited by all such conditions as may seem necessary for the security of the Government, and if it be for the security of the Government interests to limit this boon to shares of a certain value, it is surely allowable to do so, nor does it appear to me any reason to the contrary to say that a sharer has in justice a right to be secured from the sale of his property on payment of his quota, because, as I view it, he has in reality no such right and never had it; nor is it proposed, even by those who use this argument, to give him any such absolute protection.

9. I would submit therefore that it is quite open to consideration, and may be proposed for consideration without any breach of justice and right, whether or no it be for the interests of Government to grant the boon generally and universally, or whether on the contrary, it be not advisable to limit it to shares of a certain value as proposed by Lord Dalhousie. And I must say for my own part that I look on Lord Dalhousie's proposition, more or less modified, as in the highest degree expedient on this occasion.

10. There are a great many districts under the Government of Bengal, including all the districts of the Behar province, in which the subdivision of shares is carried to a great extent. I walked into a small village a few days ago in the Patna district, which I was told on the spot was divided among, or held jointly by 70 sharers; and at Chuppra I was visited by certain zemindars of old family, whose zemindaree, never large, is now held in 75 shares, of which each separate share is owned by three or four different persons. These were spoken of as quite ordinary cases; and it seems obvious that the number of the sharers will go on increasing under the Hindoo law up to the limit of starvation, especially if encouraged and fostered by unlimited separate accounts at the collectorate. The question cannot but occur to me; is it wise and politic to encourage this? Or even if it were wise and politic, how are any conceivable establishments to keep such an enormous mass of small separate accounts? In Sylhet there are already 70,000 different estates; and, as a specimen of the extent of subdivision, Mr. Glover, the collector, tells us of one estate which has already 150 recorded sharers and 800 unrecorded, who, if they think it worth while to pay the fees, may all get themselves recorded as soon as this Bill passes.

11. Now I am driven to believe that, before rushing at once into such a system of account as this Bill will bring upon us, it would be safer at all events to begin with some reasonable limit. If 50 rupees, as proposed by Lord Dalhousie, be considered too high (I confess I do not think it so), let a lower standard be taken. But in any case let the Act be tried first, as it were, on manageable terms; if it works easily, it can afterwards be at any time extended gradually as may seem fit. As at present drawn, it appears to me that the proposed law will, in the words of several of the revenue officers consulted, "swamp the collectors' offices."

12. It is certain that the present law discourages subdivision to a certain extent, and has assuredly a tendency to break up over-divided estates. I suppose that the Legislative Council are not likely to differ from me in the opinion that it is undesirable to extend a pauper proprietary, and will be willing, like myself, to avoid everything that may have a tendency unduly to encourage the "rabbit warren" system of land ownership.

13. Whether the plan of a limit be adopted or not, I would submit that it will be advisable to omit from Section XII. the direction to the collector to "institute summary inquiry into the fact of possession."

14. On this subject I desire to adopt the following observations by Mr. Theobald, which seem to me very worthy of notice. I would add that, under the system now enforced by the Board, no proprietor's name is now recorded by the collector until he has satisfied himself as to the fact of his possession.

"And upon these objections, when made, the collector is to institute a summary inquiry into the fact of possession.

"It has been remarked that recorded sharers have already established their title, and that they ought not to be put to the risk of a second inquiry, which will in many cases operate as an invitation and inducement to dispute and litigation on a title which never was questioned before; and following up these views it has been suggested that the applicant who proves by a reference to the collector's books that he is a recorded sharer, should *ipso facto* be entitled to have the separate account of his share opened.

"It is to be hoped that this suggestion will be adopted; but, if not, it is important to note what is the inquiry which the collector is to make as the Bill now stands. The inquiry is to be into the fact of possession. Such an inquiry would be a departure from the application.

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The application refers to grounds of title; possession may or may not go with the title; the question, therefore, of the fact of title or truth of the application may be wholly different from the question of possession. If, indeed, unrecorded proprietors were to have the benefit of the Bill, there would be some reason for putting it on the ground of the fact of possession; but I can imagine none why this fact should be inquired into in the case of persons already recorded as having a title. Moreover, what shall constitute 'possession,' is not explained; there is no word in the whole vocabulary of the law which admits of a greater variety of application. Possession may be constructive, or direct and actual; by one's self, one's agent or servant, or constituted by facts which show an intention to possess, and merely no adverse claim to the possession by any other person. It has been common, I am informed, for European proprietors to have shares of zemindarees recorded in the names of their managers or servants. Who, in that case, the manager or the proprietor, is in possession? If the latter, is he to lose the benefit of the Bill by reason of his not being recorded, though in possession? One tenant in common may alone receive the rents and pay their shares to other tenants in common, or a manager appointed by one may be in possession, not for one, but for all. Who, in these cases, is in possession? A mortgagee of a share may be in the receipt of the rents, while the mortgagor is the recorded sharer. Is the recorded sharer not to have the benefit of this Bill, or is the possession of the mortgagee to be construed as his possession? This is but a small sample of the cases of no uncommon kind in which the result of an application must be extremely doubtful, if the right of the recorded sharer is to depend on the question of possession."

15. The next important alteration proposed by this Bill is that contained in section XV., which allows a zemindar to deposit money or Government securities with the collector, so that the amount of the interest in the securities may be used in liquidation of balances as they arise. I look upon this measure as one which may prove of considerable value and usefulness to absentee zemindars unable to find trustworthy agents, a very general condition of absentee zemindars in this country. I am uncertain, however, whether it be a real affair of the Government to transact agency of this kind for absentees. The provision may (like the institution of the Government agency now about to be abolished) have a tendency to raise the value of Government securities; but I doubt after all if it will be made much use of. If it should be largely made use of, it would seem as reasonable in this case as in the case of the Government agency, to empower the collector to charge an agency commission for drawing and applying interest on securities, the private property of individuals. On the whole, and speaking with much deference, I am not greatly in favour of this provision. The Government can now permit a zemindar to deposit cash or paper when it may think fit in peculiar cases, and did so in the case of the late Dwarkanath Tagore. I doubt if it be expedient to force the Government to do so in all cases.

16. I come now to the provisions regarding under-tenures, which are in every respect the most important parts of the Bill, and those demanding the most careful consideration. And first, of "ante-permanent settlement tenures," the subjects of the first and second clauses of Section XXXV. of the Bill.

17. As I view the case of these ante-settlement tenures, I am unable to divest myself of the opinion that the proposed change of the law will affect them very disadvantageously. I need hardly say that the present Sale Law (Act I. of 1845) gave to the holders of these tenures no new rights, when that Act declared that an auction purchaser of a zemindaree had no power to avoid or annul.

First, "Istemarree or Mokurruree tenures which were held at a fixed rent more than 12 years before the permanent settlement," and

Secondly, "Tenures existing at the time of settlement which have not been and may not be proved liable to increase of assessment on the grounds stated in Section LI., Regulation VIII., of 1793."

It declared only what had been the law ever since 1793. The rights of tenants of the two classes above-named were given at the same time with the rights conferred upon zemindars, and are coeval with the permanent settlement. They cannot, surely, be now infringed without injustice; and I would submit, that it cannot but be a very serious infringement of those rights to enact at this time of day, 60 years and more after the date of the law which constitutes their charter, that the status then given to them and declared to be as permanent as the permanent settlement, shall nevertheless now cease and determine altogether, unless the possessors of those rights shall, within three years, come in and register them before the collector, exposing themselves by that very process to an inevitable sequence of litigation, with all its difficulties and uncertainties such as they were most unlikely ever to have been in danger of under the existing law, except in the rare event of a sale of the zemindarees to which they belong.

18. If it were proposed to enact that, unless the zemindars of the permanent settlement should now come forward and register before the collector a number of particulars regarding their zemindarees, certain to provoke and produce a long chain of expensive and uncertain litigation not otherwise likely to arise; and that, failing such registration within three years, their estates should be deprived of the benefits of the permanent settlement, there would undoubtedly be an outcry against the proposition. Yet, unless I am under some great error in my view of the question, such a proposition would differ in principle very little, if at all, from that of the present Bill, as regards ante-settlement tenures. The rights annexed to these tenures are as old as those annexed to the zemindarees, and they were granted by

Appendix, No. 7.

the same authority, in the same manner, and under the same sanctions. If then it would be unjust now to make registration a condition of the continuance of the permanent settlement as regards zemindarees, and of this no one can doubt, it must surely be equally unjust to make registration a condition of the continuance of the permanent rights guaranteed to the ante-settlement tenures by the law of the permanent settlement.

19. The law of 1793, after declaring the power of cancelling and annulling under-tenures to be exercised by an auction purchaser of a zemindaree, says expressly, "Nothing contained in this Regulation shall be construed to authorise the assessment of any increase upon the lands of such dependent talookdars as were exempted from any increase of assessment at the forming of the decennial (permanent settlement, in virtue of the prohibition entered in Clause First, Section LI. Regulation VIII. 1793. The revenue payable by such dependent talookdars is declared fixed for ever."* How can any novel rule be now made a condition of this legally declared permanency? Yet this appears to me to be what is intended by the present Bill.

*Regulation XLIV., 1793, Sections VI. and VII.

20. Nor is this all, for the present Bill proposes to annex to these tenures a new penalty for arrears of rent, such as they were never liable to before, and such as, to my apprehension, they seem to have been guaranteed against by former laws. According to former laws an ante-settlement tenure might be sold for an arrear of rent, † but it was sold with all its privileges intact; and while the purchaser succeeded to all the rights of the defaulter, the latter received (less the amount in arrear) the full benefit of the purchase-money.

† Clause 7, Section XV., Regulation VII., 1799.

21. But, under the law as now proposed, if an arrear, however small, should happen to be due, or can be made to appear as due, on the latest day fixed for the zemindar's payment to Government, every right and privilege attaching to the tenure is to be at once swept away, the tenure is to be no longer excepted from the operation of the ordinary power of an auction purchaser, and it may be avoided and annulled, and its holder ejected at the will of the new zemindar, just as if the holder were a tenant at will of yesterday, and as if the laws of 1793 and 1799 had never been enacted for his benefit.

22. It was said in favour of the registration provision, during one of the debates on the Bill, that to enable a tenant to register must be advantageous to him, "for every holder of an under-tenure was liable to answer to the regular suit of every successive purchaser of the parent estate, because every successive purchaser of the parent estate enters with all the rights of the person with whom the settlement was originally made, and by the force of those rights can put the holder of the oldest under-tenures to the proof."

23. To this I would desire to submit, by way of answer in the first place, that to enable a tenant to register is one thing, and to force him to register on pain of losing his rights on the occurrence of a zemindaree sale, is another. The latter is what the present Bill appears to do, and not merely the former.

24. In the second place, I would desire to observe, that successive actions against a tenant who has once succeeded in proving his title on a first action, seem very unlikely to take place; and, if they do take place, can harm only the plaintiff, and not the tenant with a decree in his pocket to produce against all comers.

25. Further, I would bring to notice that revenue sales are extremely rare, and therefore actions by auction purchasers to oust ante-settlement tenants rarer still. An ante-settlement tenant knows this and is content. But he knows, too, that not every one who has a right is able to prove it when brought into Court for that purpose. If such a misfortune as a sale of the zemindaree should occur, and be followed by an action to try his title, the ante-settlement tenant will do his best to defend himself, and will take his chance of success. But he will surely thank nobody for a law which (like this Bill) will drive him into court, sale or no sale, occasion or no occasion, will put him to a proof which, as the law now stands, he might perhaps never have been called on to produce; and which, whatever the ultimate result to the tenant, will create a litigation, and all the expense and harassment of a litigation, such as, but for the new law, might probably never have come to pass at all.

26. Lastly, I would remark that this Bill will, very probably, cause an innumerable quantity of false claims to establish a title under this class of tenure, to be supported by the usual amount of perjury and forgery, to the great detriment of the zemindar during the pendency of the claim, and occupying much of the time of the officers of Government in fruitless labour.

27. It is very probable that I may have mistaken the effect and meaning of the proposed alteration of the law, and that my objections may be therefore imaginary. But if I should be correct in my interpretation, I cannot but be excused for desiring that the provisions above noticed may receive further consideration before they are finally passed into law.

28. This much as to ante-settlement tenures. I will now speak of tenures created subsequent to the settlement, the provisions regarding which, in the third Clause of Section XXXV., and certain following sections, are perhaps the most remarkable in the whole Bill.

29. The object of the Bill has not been to save from the interference of auction purchasers all post-settlement under-tenures, but only such as are held liable to the payment of rents, sufficient to afford a fair proportion of the revenue assessed on the parent estate. Accordingly

ingly it provides that tenures of any description, farms, talooks, putnees, howalahs, theekas, ijarehs, jotes, or by whatever other denomination in use in different districts, may all, after certain inquiries to be made by the collector as to the proportion of their rents to the zemindaree jumma, be registered; and, when registered, shall be for ever safe from the effects of a zemindaree sale.

30. It is, no doubt, a great and serious grievance that no man in these provinces can hold or take a tenancy of land under a zemindar without risk of its being annulled by the sale of the zemindaree itself. This risk is certainly much less than it used to be before the passing of Act I. of 1845, but it still exists; and while this is the case, there must be considerable standing difficulty in the way of agricultural improvement. Although, therefore, in the case of tenures now existing the risk was probably more or less considered when the bargain was made by the tenant, and therefore there may be some room for doubt as to the abstract justice of conferring, at the expense of the zemindar, what is in effect a large pecuniary value on these tenures, beyond what was ever contracted or paid for by the tenant, yet, in consideration of the general evil involved in the present insecurity of under-tenures, there seems to be at the present time a general consent of opinion that, in some way or other, the condition of post-settlement under-tenants ought, for the sake of the public weal, to be made more stable and secure; and to do this as far as possible is the purpose of all who are interested in the present Bill.

31. I have, however, after much anxious consideration, arrived at the conviction that the method of attaining the object in view proposed by this Bill is open to very serious and, I incline to think, insuperable objections; and this I find to be the general opinion of the most intelligent and experienced officers who have been consulted.

32. It is well known that, in most parts of Bengal and Behar, whole districts are held in one form or another of under-tenure, the vast majority being post-settlement tenures. Within three years, if this Bill passes, applications will be made to register all these, and a great many more besides, that is to say, fictitious tenures, claims to which are certain to be made up for the occasion. As I read the Bill too, there is nothing to prevent any fixed-tenancy ryots, holding directly under the zemindar, from applying for registration; and, if so, the number of applications may be swelled by thousands. Almost every revenue officer who has considered the subject has assumed as incontrovertible, that in a great majority of instances, for any one tenant that may apply, the whole zemindaree to which it belongs must be measured, and its assets ascertained and compared, before the conditions of Section XXXVII. can be complied with. It has been endeavoured to prove to me, by a very able and experienced native friend, favourable to the present Bill, that this will not be necessary except in a small proportion of cases, which he was disposed to assume arbitrarily at 5 per cent. of the whole number of applications. I have not been able to agree in this opinion. But even supposing we are to undertake the operation of measuring and ascertaining the assets of as many zemindarees as may be concerned in 5 per cent. of the very numerous applications which will pour in, what a gigantic task to throw ourselves upon, utterly unprepared, as we are, for any such scale of operation!

33. Or let it even be supposed, which is the most favourable but surely most improbable supposition, that not one single zemindaree will have to be measured and valued in consequence of these applications: is it not quite certain that, at the least, a very large proportion of all the under-tenures for which application may be made will have to be measured and valued; and must not even this be, to any officer who knows practically what such operations involve, and what sort of instruments he has to employ upon them, a thing to be contemplated with the most serious apprehension?

34. Accordingly, we find the revenue officers for the most part speaking of the proposition as one of extreme difficulty and hazard. Mr. Ricketts, member of the Board, says "the ascertainment of the sufficiency to afford a fair proportion would be in many cases next to impracticable;" and again, "in large estates such an inquiry would be interminable." Mr. Dunbar, member of the Board, writes of Section XXXVII.: "It seems to me impracticable to carry out its provisions as they stand in the Bill. No collector could, by means of a summary investigation, satisfy himself that a new tenure has been created in good faith so far as the interests of Government are concerned, and that the rent payable by the holder is not less than is fully sufficient to afford a fair proportion of the revenue assessed on the parent estate. Nothing short of a detailed process similar to that employed in cases of Butwarrah, could give the collector the necessary assurance." Lastly, Mr. Dampier, member of the Board, says of Sections XXXVI. and XXXVII.: "These are the most important parts of the law, and I very much doubt if any summary inquiry could enable a collector to carry through the objects proposed by them." And further on, after approving of Mr. Ricketts' proposition that the registration of under-tenures should not ordinarily protect against the Government, he adds, "if otherwise, the inquiries would be impracticable and interminable."

35. These are the opinions of the members of the Board. Of the Commissioners, Messrs. Davidson, Steer, Young, Samuells, Grote, and Stainforth (now a member of the Board) are all against this part of the Bill; some of them expressing themselves in strong terms against it, while most of the collectors quoted by the Board object to this part of the Bill; besides several very capable and experienced deputy collectors, who look on the proposed provisions as in the highest degree difficult, if not, as one of them expresses it, "nearly impracticable."

Appendix, No. 7.

36. For myself, if the Bill should pass in its present shape, and if, as may surely be anticipated, a large number of under-tenants and self-styled under-tenants come forward for registration, I am unable to imagine how the plan will be carried into effect, except after a prodigious delay, and then, after all, with infinite hazard to the Government revenue.

37. For it is a part and, I apprehend, an inevitable part of the scheme, that "under-tenures, for the registration of which application shall be made within the prescribed time, shall, in case of the sale of the parent estate for arrears of revenue be protected pending the summary investigation of the collector" (Section XXXVIII.). But, where the applications are numerous, there is no saying how this may interfere with the collection of the Government revenue, or what confusion it may bring about. Even those revenue officers who do not think the plan impracticable, are mostly of opinion that it will take years to effect the necessary inquiries which are to be made by the collector. During all these years whole zemindarees, made up chiefly or entirely of "protected" under-tenures, many of them, of course, unreal and got up for the occasion to worry the zemindar, will be unsaleable for arrears, or, if sold, must be sold at far less than their real prices; for who would give the full price or who could tell the real value of a zemindaree, every foot of which was under a protracted investigation as to its under-tenures, including all the claims and counter claims, and boundary disputes and suits, and appeals and special appeals and frauds, and chicaneries of every description, inevitably consequent upon such an investigation, the cost of which must be incalculable, and the result far beyond the guessing powers of the acutest of human kind?

38. And let it be considered also what a prodigious and utterly unmanageable amount of hopeless litigation will, by the proceedings of the next three years, be thrown into our already inadequate and over-burthened civil courts.

39. I pass over for the present the immense litigation before the collectors, and the tens of thousands of "summary investigations" which everybody knows have an inveterate tendency to grow as long and tedious and complicated as the most "regular" investigations. I will pass over also the vast numbers of appeals from the so-called "summary" investigations of the collectors to the "summary" tribunal of the Commissioner, and thence, unquestionably, in very numerous cases, to the Board of Revenue in Calcutta. I pass over all this, though as all the under-tenants and self-styled under-tenants in the Lower Provinces must apply for investigation or lose their chance for ever, and as we have been told (*see* Sale Law Debate of 22d December 1855) that two-thirds of all the lands in Bengal are held in under-tenures, we may conceive what will be the flood of work poured upon the revenue officers by the operation of this Bill. But I am very desirous of calling attention to the necessarily large proportion of these many thousands of cases which, after passing through all the stages of summary litigation before the revenue courts, will eventually come, first as regular suits, and then in various forms of appeal, before the civil courts of the country, from the moonsiffs up to the sudder. It seems to me certain that the influx of litigation thus about to be caused will utterly choke and stifle the civil courts, and so produce inevitable delays and arrears, and all the enormous expense and other mischiefs therefrom invariably arising; and if this anticipation be correct, there will surely be an amount of hazard incurred by this part of the Bill far over-balancing all the good at which it aims, and this especially if it should appear that the essential end in view may be attained without hazard of any such dubious consequences.

40. Now I cannot but think that a slight modification of a plan suggested many years ago, and recently revived and adopted by Lord Dalhousie when Governor of Bengal, may be found, though perhaps not wholly free from objection, yet sufficient to ensure all or nearly all the essential objects of the present scheme without involving us in any of its greatest difficulties.

41. That plan was thus described by the honourable mover of the present Bill on the 22d December 1855: "That all under-tenures in an estate without exception or inquiry should be allowed to hold as good against an auction purchaser as they were against the former proprietor, as long as the parent estate should be saleable at a price that would cover the arrears of revenue due from it; but that, as soon as the parent estate should fail to be saleable at such a price, it should be forfeited to Government, and the whole of the post-settlement tenures should be annulled; whereupon Government should proceed to form a new settlement of the land."

42. Setting aside the unessential objection which in the debate quoted was taken to the plan of "forfeiture," an objection at once obviated by changing forfeiture to Government into purchase by Government, only two substantial objections could, it appears from the debate in question, be found to the plan proposed—one, that it would not ensure complete protection to honest under-tenants holding at fair rates; the other, that it would tend to cause the creation of fictitious tenures, and thereby diminish the value of estates. It may perhaps be found that the first objection is capable of being removed by an additional provision which will certainly improve the plan. The other objection may also, I think, be partially, but very sensibly obviated; and the residue of objection that will then remain will perhaps, when carefully examined, appear comparatively slight and inconsiderable, or, at all events, not comparable in weight and importance with the benefits of the plan on the one hand, or, on the other, with the much more formidable objections which, I cannot but think, beset the scheme of the present Bill.

43. It

43. It will be convenient in examining these two objections to invert their order, and treat, in the first place, of the second objection. This second objection was thus stated:— "If this measure (that is the measure proposed by Lord Dalhousie) were introduced, there was no doubt that it would open the way to fraud. There was no doubt that many zemindars would create benamee and other talooks in their estates at inadequate rents, or would pretend to have created such talooks. Their estates might be purchased by persons in ignorance of the fraud, who would ultimately discover that they had bought a losing concern, or a bag of lawsuits; and the consequence of frequent bad bargains of this sort would be that the auction value of all zemindarees, even of those in which no such frauds had been really committed, would be diminished. He had no doubt that such fictitious tenures would be created in many cases, and he believed that a general reduction of the value of zemindaree property would be the consequence."

44. Now I would submit that it might go a great way towards removing this objection to enact, regarding tenures created after the passing of the Act, that they should not in any case be valid after an auction sale unless registered. The registry would enable all interested persons to acquire perfect information as to the creation of new under-tenures, so that no auction purchases could hereafter take place "in ignorance of the fraud," but all would know exactly what they were going into; and then if any one should purchase a bag of lawsuits, it could only be because he was partial to lawsuits, and who then could say him nay?

45. And the further effect of this amendment might surely be, that any diminution of value of zemindarees that might be caused by the fraud of the zemindars would take place only as to the zemindarees in which the frauds had occurred, and would not necessarily or probably extend to others; and there would certainly be no need that we should trouble ourselves to mitigate to the fraudulent zemindar the obvious consequence of his own fraud, namely, the reduced price he would receive for his zemindaree when brought to auction sale.

46. But if any one should pursue this farther, and should say that these frauds would soon throw the zemindarees in which they had been committed into the hands of Government, I should reply unhesitatingly that this would be a positive good.

47. It has been matter of question whether the permanent fixing of the Government land revenue, which took place in the Lower Provinces under the administration of Lord Cornwallis, was or was not disadvantageous to the country; and plausible arguments have been advanced on both sides. But whatever be the sound judgment as to the question of permanently fixing the Government demand in the land, there has never been any room for doubt that the manner in which the permanent settlement was actually carried into effect was in the highest degree erroneous and objectionable. The intention of the permanent settlement was to recognise and confirm existing rights in the land, and to prevent encroachment on those rights for the future. The effect of the settlement was, however, to erect into landowners men who were mere tax collectors, and to give them almost unlimited power over all the old village proprietors; thus exposing to hazard a vast mass of long existing rights, and creating new and unknown rights of property where they had never been before. The consequences of this (which was quite distinct from the permanent fixing of the Government dues, and need by no means have accompanied that measure) have been deeply injurious to the great body of real proprietors whose rights were sacrificed on the occasion; and the bad consequences of the measure may be traced at the present day in many of the evils which penetrate into and vitiate so much of the constitution of our rural societies. The only chance of breaking any part of this system down (and every breach in it is a blessing to thousands) is through the purchase of zemindarees by Government at auction sales. Opportunities for such purchases occur indeed but rarely; but when they do present themselves, I would submit that they should never be neglected. Every zemindaree so purchased is a population redeemed and regenerated; and well would it be for Bengal and Behar if there were any prospect of such purchases on a far larger scale.

48. This much as regards the second objection to the scheme of the Government of Bengal. As to the first, it may, as I would submit for consideration, be fairly met and sufficiently obviated by providing, as it would I suppose be perfectly safe to provide, that the Government, after purchase of a zemindaree by auction sale, should be debarred from cancelling or enhancing the rent of any tenure which might be proved on Mofussil investigation to be honestly and adequately assessed. This would surely "give complete security to under-tenants holding under honest titles at fair rents," and would entirely prevent the possibility of the occurrence of the supposed case of the industrious and the idle talookdars put as an example in the speech of the honourable mover of the Bill already quoted, wherein the industrious talookdar was devoted to ruin under the Bengal scheme for the sole fault of his idle brother. I would submit that, with the amendment now suggested, which could produce no possible hazard to the Government revenue, industry would be as certain of its reward as in the celebrated pictures of Hogarth; and if so, the whole of this first objection would seem to be satisfactorily removed.

49. There is however, a question regarding post-settlement under-tenures which I have not seen adverted to in any of the debates or correspondence regarding this Bill, but which seems to me very worthy of consideration, namely, whether there are not some under-tenures which, far from encouraging agricultural improvement, are by their nature so ruinous

Appendix, No. 7.

and destructive to the public weal as to render it highly desirable to discourage them by all means in our power, and even to get rid of them as far as possible, instead of doing anything to encourage and perpetuate them. I mean those tenures which are extremely common in Bengal and Behar, and more particularly in Bengal, which convey a right of collecting a half or a fourth or any other share of the rents of a mehal or a division of a mehal or a village. There are numerous cases in which one "Khoodkasht ryot has to pay his little rent in shares to three or four or more talookdars, or other under-tenants of the zemindar; every sharer trying to get the most he can, and to over-reach his co-sharer, and the ryot being ground to powder between them all." This is notoriously one of the curses of the country, carrying with it the most bitter and ruinous consequences. In its present shape this Bill will tend to perpetuate the evils of this cruel system; but I would hope that it may, on further deliberation, be found practicable to take a different course.

50. In advocating the plan (with some amendments) of the Bengal Government, I am fortified by the strongly consenting opinion of Lord Dalhousie, and of some of the best informed and most experienced of the officers who have been consulted on the subject, besides that of at least one well-known non-official person who has given much attention to the matter, and is highly qualified to speak with authority regarding it.

51. To conclude, then, without affecting any accuracy of legislative expression, but merely as a means of more clearly explaining my sentiments, I would desire, on the subject of under-tenures, to legislate somewhat as follows:—

"The purchaser at a sale held under this Act shall acquire the estate, subject to all leases, assignments, or other incumbrances existing on the estate at the time of sale, with the following exceptions; that is to say, the said purchaser shall be entitled to avoid and annul all leases, assignments, and other incumbrances created subsequent to the passing of this Act, which may not have been duly registered within one month from the date of the deed constituting the incumbrance, and at least three months before the date of the sale; and the said purchaser shall also be entitled to annul and avoid all tenures created since the permanent settlement, whether before or after the passing of this Act, and whether registered or unregistered, the terms of which may entitle each of the holders thereof to collect a share of the rent of each ryot or other subordinate tenant within the tenure in question.

"When an estate is put up for sale under this Act for the recovery of arrears of revenue due thereon, if there be no bid, or if the highest bid be insufficient to cover the said arrears and those subsequently accruing up to the date of sale, the collector may purchase the estate on account of the Government, and the Government by such purchase shall acquire the estate free from all incumbrances which may have been imposed upon it subsequent to the time of settlement, and shall be entitled to avoid and annul all under-tenures, and to eject all under-tenants, with the following exceptions:—

"First. Istemraree or mokurruree tenures, which were held at a fixed rent more than twelve years before the permanent settlement.

"Secondly. Tenures existing at the time of the permanent settlement which have not been or may not be proved liable to increase of assessment, on the grounds stated in Section LI., Regulation VIII., of 1793.

"Thirdly. Any tenure created since the permanent settlement, the holder of which may be willing to enter into engagements to pay for the term of the tenure such a fixed rent as the Government may assess upon it, not exceeding in any case two-thirds of the total amount of the ascertained ryottee or mofussil assets comprised in the tenure.

"Provided that no tenure created since the passing of this Act shall be entitled to exemption from annulment under the preceding clause, unless the same were duly registered within one month from the date of the deed constituting the tenure, and at least three months before the date of the sale.

"Provided also that no tenure created since the permanent settlement shall be entitled to exemption from annulment under the third clause of this section, if it be a tenure the nature of which may entitle each of the holders thereof to collect a share of the rent of each ryot or other subordinate tenant within the tenure in question.

"Fourthly. Lands held at rents not less than the rent of good arable land in their neighbourhood whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying grounds have been made, or wherein mines have been sunk."

52. The law framed on this principle will, as I humbly incline to believe, subserve all the essential purposes of the Bill now under consideration, without, as it seems to me, incurring any of its most serious difficulties.

53. It will preserve all under-tenures intact in the event of ordinary sales for arrears of revenue, except in the rare case of a purchase by Government in default of other sufficient bidders; and even in that event, it will assign a limit to the power acquired by Government, which will ensure the stability of all tenures held at fair rents, without in any degree hazarding the Government interests. It will cause no new measurements or mofussil inquiries, because, when an estate is bought by Government, a mofussil inquiry must necessarily take place; and this inquiry, which would at all events be made, will disclose all the facts required for the security of the tenant as well as for the security of Government. It will

will occasion no increase of litigation, but, on the contrary, immensely diminish it. For on the one hand, it will cut off all that large class of lawsuits which now occur after a sale between the auction purchaser and parties claiming rights of permanent under-tenancy, and, on the other, it will send tenants to court against the Government or Government against tenants only in those rare and scarcely supposable cases in which the Government, after a purchase and a measurement, may be unwilling to comply with the provisions of the law in favour of under-tenants holding or willing to hold on rents proved by Mofussil investiga tion to be fair and adequate.

54. The plan proposed will, as I humbly conceive, give to all *bonâ fide* tenants as complete security and stability as they are capable of receiving, nor can I foresee any strong objection to it, but that it will allow a zemindar to create fictitious under-tenures for his own benefit. If, however, these tenures be created at adequate rents, there is no reason that I am aware of why they should not be upheld as well as any other fairly rented tenures. If they be created at inadequate rents, they will be invalid against a purchaser unless registered; and if registered, all the facts regarding them will be known and capable of examination by all interested persons, so that no one need be ignorant of their existence, or, with moderate ca re, of their real nature, before he attempts to bid for the estate.

55. If a zemindar should create a large number of inadequate tenures fraudulently, the value of his estate will fall, and he will suffer in proportion to his frauds. If the frauds have been extensive, the estate will soon become the property of Government by a transfer, which, happen when it will, can rarely be anything but advantageous to the prosperity and social advancement of every fair tenant and every honest ryot on the estate.

56. There is yet, as I am disposed to believe, one more advantage connected with this plan, which, if I do not deceive myself, is an advantage of no small importance. If it should hereafter be determined to legislate in like manner for subordinate tenants after the sale of a superior under-tenancy, such as a putnee-talook and the like, this plan is capable of being applied to them with comparative ease and simplicity. I have expressed my grave doubts whether the plan proposed by the Bill be practicable as regards tenures immediately under the zemindar; but I shall not be accused of over-hasty assertion, if I declare my opinion that there can be no doubt as to the impossibility of applying the plan of the Bill to the cases of subordinate tenures (whose name is legion) under superior under-tenancies. The inquiries needful for so applying it could never surely be carried on by Government agency, and to throw them into the hands of private zemindars is never likely to be proposed as a safe and practicable measure of legislation.

57. With these observations, I would now submit the papers for the consideration of the Legislative Council.

(signed) *F. J. Halliday.*

Malda, 2 September 1856.

Mr. Ricketts' Minute on the Sale Law Improvement Bill.

Section XII.—The orders of the collector under this section are made appealable to the higher revenue authorities in regular course, and are also made subject to reversal or alteration by the civil courts; I would not have any appeal beyond the collector. The inquiries under the section are as to the possession of a party, and as to the amount of jumma payable, should either be contested by another sharer. One decision in the revenue courts will be quite sufficient. I should be inclined to allow no appeal to the collector from the decision of his deputy, but it may be well for the present to admit the interference of the collector to the extent to which he can exercise it in other departments of his office.

Section XV.—I can see no objections to the provisions of this section. It certainly provides for redemption of the land-tax, and in the manner proposed I see no reason why the tax should not be redeemed. It is not probable that many will take advantage of the rule, and if it were probable, still I would have the rule. It is not intended to decrease the resources of posterity, while the redemption will have the effect in promoting improvement of a complete exemption from all liability to the State, the resources of posterity will be in no way affected by the transaction. The existence of the debt, and the necessity for paying the interest thereof, are facts. The transaction will be equivalent to redemption of the land-tax for a money payment at 25 years' purchase, and the immediate application of the money to the liquidation of so much of the debt; supposing the debt to be extinguished by redemption, or in other words, supposing all the public securities in existence to be deposited under the Act, I do not see how posterity could suffer; there would be less land revenue to receive, but there would be no interest to pay. I do not see that the condition of the country would be improved in many respects. Imagine Bengal with no collectors' offices, no last days of payment, with all their griefs and anxieties, no settlements with "unfortunate" over-assessments, no turning out escorts for treasure at unreasonable times, all the cost of collectors' and deputy collectors' establishments, guards, &c. &c. saved and laid out in improving the courts and the police. I can see no object in the land tax, except to meet State expenditure. Unless it be denied that the landed interest would prosper more without the tax than with its payment of debt by redemption of tax would be advantageous.

Appendix, No. 7.

Section XXXV., Clause 2.—It will be necessary on the part of Government to watch closely applications for registry of tenures under clauses 1 and 2; otherwise, by means of fictitious cases, the Government revenue might be very injuriously affected.

The wives, brothers, and cousins of the zemindars will be put forward to claim the registry of talooks as not being liable to enhancement; the zemindar will consent to registry, or, in order to prevent suspicion of fraud, will defend the case sufficiently to give a fair colour to the transaction; and the registry of many talooks at inadequate jummas having been effected, the estate will be allowed to fall into balance, and will ultimately come into the hands of the Government with all the talooks secured by registry. It is provided that, at any time within 60 years, fraudulent registry may be set aside on fraud being proved at the suit of Government in the civil court; but the difficulty of such proofs after years have passed will be excessive, and such litigation is to be avoided if possible. I would have two classes of such cases; one merely between the parties, and not affecting the right of Government to increased assessment in case of Khas management—the other class to be special, the interest of Government in opposition to the registry to be considered, and the collector's order in favour of registry to be subject to the confirmation of the Commissioner. I would add the two clauses underwritten to section XXXVI.

"Provided always that if it be intended that registry of a tenure of the first or second class shall protect the tenure against a re-settlement, on the part of the Government, in the event of the estate at any time coming into the possession of Government by purchase, under section XLVII. of this Act, such intentions shall be distinctly set forth in the application, which shall be styled applications for special registry; and in such cases registry shall not be allowed without the sanction of the Commissioner on the report of the collector if that officer decide in favour of registry; or on the appeal of one of the parties if the order of the collector be against registry."

"Any party dissatisfied with the award of the Commissioner may, within one year from the date of the award, institute a suit in the civil court for the reversal of the same, and the Government shall be made a party to such suit."

Section XXXVII.—As concerns the Government, this is the most important section of the Act. It is in some respects in accordance with the principles I have before advocated, but I think there would be practically great difficulty in carrying it into effect as it stands. On a party applying for the registry of a new under-tenure created at any time since the settlement, the collector "is to satisfy himself, that the rent to be paid by the proprietor of the under-tenure is fully sufficient to afford a fair proportion of the revenue assessed on the parent estate." The ascertainment of this sufficiency to afford a fair proportion would be in many cases next to impracticable.

According to the wording of the draft the collector would have to ascertain that the rent of the tenure was fair—fair with reference to the revenue assessed on the whole estate, that is proportionate, not disproportioned to the burthen to be borne by the remaining lands of the estate.

Of course this can only be determined after ascertainment of the rent of the tenure, and the rent of the remainder of the zemindaree. In order to comparison both must be determined. In large estates such an inquiry would be interminable. Take, for instance, Burdwan; an under-tenure held under the Rajah of Burdwan could not be registered under the Act, until the rental of the whole of the Burdwan Raj had been ascertained.

I would abandon all endeavour to ascertain what would be the proportionate, the fair rental compared with the whole rental of the estate, and confine inquiries to ascertaining that the rental fixed on the tenure to be registered is suitable. If the lands are in the hands of ryots, under ordinary circumstances the rent should be about 50 per cent. on the ryottee rental. If the land is to be held immediately by the lessee without the intervention of any ryots, the rent should be about 30 per cent. of the gross proceeds. When circumstances are peculiar, special inquiry and special terms of registry will be needful.

By these means the interests of the State may be sufficiently protected in the event of the estate coming into the hands of the Government, and the tedious and expensive process of comparison will be avoided.

But, unless the parties desire that the registry should be good against Government as well as any other auction purchaser, I cannot see the necessity of inquiry. Indeed, in practice, I feel assured it would make the law a dead letter, and deprive those who have urged the enactment of this law of the very thing which they have all along been seeking.

Under the Act, as drafted, no under-tenure could be created and registered without the approval of a revenue officer of the Government. A zemindar may desire to raise money by letting a village for a term of years at a light rental, receiving a sum of money down for the lease; a zemindar may desire to borrow money and to make over a village to the lender for 20 years, the debt to be paid from the usufruct; a zemindar may desire to make over a village to a younger brother to be held by him free of all payments for his life; a zemindar may desire to give to a party a block of jungle on a lease for 80 years to be held rent free for the first 20, and then to pay a light assessment; a zemindar may desire to lease a swamp for 50 years, receiving no rent on condition that the farmer lays out a certain sum on embankments; or, as in the case of Mr. Mackenzie, which first led to the agitation of this question, a zemindar may desire to lease a quantity of poor land for the planting of date trees for a long term of years at a very low rate. No such tenures could be registered under the law; but it is, I conceive, in every point of view desirable that such transactions should be protected, and it was for the purpose

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of procuring protection for such transactions that the agitation of this question was commenced.

The Government could not by any possibility suffer from such transactions, if the registry is merely to be good against auction purchasers other than the Government; and the country at large must benefit from them, for they are indispensable to confidence, without which capital will not be expended; and if it is desired that such transactions should stand in case of purchase by Government, there would be no difficulty in devising conditions of registry combining all necessary security for the Government, with all necessary security for the lessee.

The most noble the Governor-general, in his minute of the 21st October 1852, writes, "The case in which the Government becomes the purchaser of an estate in the absence of any other bidders is so distinct from the case in which a purchaser is found in the market, that I am surprised to find there are objections to the provision that the Government, when so purchasing, shall have the power of invalidating some of the under-tenures which ordinary purchasers are not to have." I desire to maintain this distinction; but provided the terms of registry are made suitable to the condition and circumstances of the tenure to be registered, I can hardly imagine a case in which it could be necessary for the Government to object to registry.

If a zemindar having given a village to be held at a pepper-corn rent after receiving a price for such lease, defaults, I see no reason why the purchaser at a sale should have any more right to annul that lease than a private purchaser would have had. If it be registered, the purchaser knows what there is left to buy, and he will bid accordingly. To annul such leases when the purchaser is not the Government is wantonly to injure the owners of such tenures, and through them to injure the country. To annul such tenures when Government may be the purchaser is, provided the tenures were registered, unjust to no one, for all parties made the bargain by which the tenures were created with full knowledge that such would be the case; and, though injurious to the country, not so injurious as would be the permanent diminution of resources, if such tenures were as a rule to stand.

But when demanded (which I believe would be very rarely the case, for nearly all would be content with security against the effect of ordinary sales) I would have inquiry made such as I have proposed above, and allow registry with protection against purchase by Government in perpetuity, or for a limited number of years, according to the circumstances of each case.

In the minute I have before quoted, the Governor-general remarked: "I conceive that a perpetual lease for any agricultural purpose can hardly be desirable." In Mr. Mackenzie's case in all probability it would suffice to give protection against auction purchasers other than the Government. If he did desire protection against a Government purchase, may be, he would be entirely satisfied with a guarantee for 50 years, and I think such a limited guarantee would be suited to the case. The land he would take, though poor, is capable of being made exceedingly profitable. I would allow guarantee sufficient to ensure to him full return on the capital expended; but I see no reason why the Government should deprive itself of the power of benefiting from the improved condition of the country when such return has been completed. I would not therefore give a guarantee in perpetuity.

In a word, I would have no inquiry as to assets and fair proportionate rental when registry is to be good against other purchasers than the Government only; I would have buyers and sellers, owners, and farmers, zemindars and tehsildars, without any hinderance, make such bargains as they considered most conducive to their interests; but I would insist on registry, with particulars sufficient to show the exact extent to which the proceeds of the estate had been alienated, so that purchasers should know what there was left to buy. When registry has to stand against the Government, then I would have inquiry made as to the extent to which the interests of the Government would be affected by the registry, and forbid it or permit it to be made with guarantee for 20 years, or 50 years, or 99, or in perpetuity, with reference to the circumstances of each case.

The draft makes the collector's orders under sections XXXVI. and XXXVII. open to appeal to the superior revenue authorities in usual course, and subject to suit in court, if instituted within one year of the collector's decision. When registry is to affect the interests of the Government, that is, to guarantee the stability of the tenure, notwithstanding purchase by Government, I would have the registry confirmed by the Commissioner. Without this the collector's order would be practically final. In the cases in which the Government might suffer most, no one would appeal or resort to the civil court. I would not in any case allow appeal to the Board of Revenue.

I would substitute the following for clauses 2 and 3, section XXXVII. of the Draft:—

"There shall be two sorts of registry of tenures of the 3d class, ordinary and special; ordinary when a tenure shall be secured against auction purchasers other than the Government; special whereby a tenure shall be secured against Government also."

"If the application be for ordinary registry, the provisions of clause 2, section XXXVI. shall be held applicable."

"If the application be for special registry, in addition to the process prescribed in clause 2, the collector shall institute inquiries with a view to the security of the public revenue. He shall ascertain the extent and capabilities of the tenure to be registered, and satisfy himself that the rent assessed in the tenure is not inadequte, or such as would

Appendix, No. 7.

deprive the Government of its just dues in the event of the zemindaree interest lapsing to the Government under section XLVII. of this Act. Having made all necessary inquiries, the collector shall reject the application for special registry, or sanction special registry with guarantee against re-settlement for 25 years, or for 50 years, or for 99 years, or in perpetuity, as he may consider suitable, and shall submit his proceedings for the sanction of the Commissioner whose order on the collector's report or on appeal, should either party appeal, shall be final."

Section XXXIX.—I would have no appeal to the Commissioner in cases in which the Government has no interest at stake. Under clause 2, section XXXVI. any party dissatisfied with the collector's award may institute a suit in the civil court within a year. As the draft stands, one party might appeal to the Commissioner and the other might take the case into court. It cannot I think be desirable to have two or three decisions in the revenue courts, and afterwards two or three decisions in the civil courts. Practically, many of these cases will be disposed of by deputy collectors, and I would not allow of any appeal by right to the collector, much less from the collector to the Commissioner.

In cases of registry in which the Government has an interest, and which consequently partake of the character of administrative cases, I have provided for appeal to the Commissioner, but I would not allow a further appeal to the Board even in these cases. The interests of the Government may I think be trusted to the Commissioners; other parties have the civil courts open to them.

Section XL.—The wording of this section is extremely obscure.

Section XXXV., Clause 4.—I conclude the intention is that rent shall be levied, after notice, under Regulation V. of 1812, equal to the rent of good arable land. If such is the intention, it should be more clearly expressed; but rent of "good arable land" is too indefinite. Good arable land in Assam pays four annas per beegah, in some villages of Bengal good arable land pays 24 rupees per beegah. I would add the words "in the village provided that in no case shall increased rent levied under this section exceed three rupees and eight annas per beegah of 14,400 feet."

(signed) *H. Ricketts.*

Mr. Dunbar's Minute on the Sale Law Improvement Bill.

There is much in the proposed law to recommend it, and legislation on some of the new subjects introduced is very desirable, indeed I might perhaps more properly say, indispensable, but on these points in particular I doubt the practicability of carrying it out as it stands. The nature of these doubts will be gathered from my remarks on those sections which appear to me to require amendment.

Section IX.—This section provides that any party in a suit pending before a court of justice for possession of the estate or any part thereof, may deposit the amount of the arrear of the revenue before sunset of the latest day of payment, and may thereupon be ordered by the said court to be put into temporary possession, under security; I think the law should declare him entitled to recover the amount of the deposit, with or without interest as the court may direct, not from the proprietor of the estate, as laid down in the Bill, but from the estate itself, which should be restored to the defaulting proprietor after repayment in full, according to accounts passed and approved by the Court.

Sections X., XI., and XII.—Section XI. provides that a recorded sharer of a joint estate, whose share consists of a specific portion of the land of the estate may apply for leave to pay his share of the Government revenue separately; and section XII. provides that, in such a case, summary inquiry shall be made should objections be raised as to the amount of jumma payable by such portion, the point of inquiry being whether the jumma is or is not that which has been (previously) recognised by the other sharers. In such a case the estate is joint, but the tenancy separate. It may frequently happen that a party will be found in possession, and that the specific lands have for some time paid a fixed and recognised jumma; but it may also be clear beyond question that such jumma bears no fair proportion to that which is left to be discharged by the remainder of the estate. The propriety of legalising such payments upon such grounds appears to me extremely questionable. To receive payment according to a man's interest in a joint estate, as provided for in section X., is fair and reasonable; but I think it is going too far to direct the acceptance of a jumma, on a specific portion of a joint estate, often arbitrarily fixed without any reference whatever to the assets of that portion and of the rest of the estate.

Parties in the position supposed in section XI. should be left to disconnect themselves from their co-sharers by the usual Butwarrah process. I should strike out section XI. altogether, and remodel section XII. so as to provide only for cases under section X.

Sections XV. and XVI.—I heartily approve of this new provision. It will be a great encouragement to English capitalists to invest money in the purchase of land in this country.

Section XVII.—I concur in the propriety of the protection given to estates under the management of the court of wards; but I am disposed to doubt whether the privilege proposed

posed to be conferred on minors of whose property the court of wards has not assumed the management under the provisions of Regulation VI. of 1822, is necessary. Assumption of management of the property of minors is the rule, and exemption should be given only under circumstances which render interference unnecessary and unadvisable; one of these should be due security for the payment of the Government revenue. To allow the revenue of the minor's estate to remain outstanding, during the whole period of his minority, might frequently be to do him an irreparable injury. Estates of which the court of wards do not take charge under Regulation VI. of 1822, are usually insignificant and of little profit, and the balances accruing during a minority, might sometimes be much more than the property would fetch.

Section XXIII, line 20.—Supposing the price bid by a defaulting bidder to have been more than the arrear for which the estate was sold, it seems scarcely fair, in addition to the forfeit of his deposit, to make him answerable for the whole difference between his bid, and the price eventually obtained. I think it would be sufficient to make him responsible for any part of the arrear which might yet remain due after a conclusive sale. Forfeiture of a 25 per cent. deposit, and this contingent further responsibility are quite enough to keep off collusive or reckless bidders. Default would probably be the consequence of inability arising from no dishonesty of purpose. In such a case, if Government secures its own demand, I do not see why it should go beyond that to enable the defaulting proprietor to compel the defaulting bidder to make him a present.

Section XXIX.—There is one condition of restoration to possession in this section which appears scarcely just. A party may obtain a decree annulling a sale, but he is not to be put in possession "until any amount of surplus purchase-money that may have been paid away by order of a civil court be repaid by him with interest at the highest current rate of Government securities," as by a subsequent section (XXXIII.) it is provided that no person shall be entitled to contest the legality of a sale, after having received any portion of the purchase-money: the repayment here provided for must of course refer to payments made to other parties. I do not see on what principle they should be charge able to a party who in no way benefited by them, or why they should be allowed to affect his right under a decree which must be grounded on considerations of an entirely different character.

Section XXXIII. Proviso.—I think it is desirable that the acts or omissions pointed out in this proviso should be more distinctly specified. Left as it now stands, I fear it may give rise to unpleasant and very inconvenient difficulties.

Section XXXV. Exception fourth, line 55.—The fixed rent here spoken of should be declared to be of good arable land "in that locality."

Section XXXVI.—The purpose of these rules is extremely good, but I much doubt their sufficiency; they apply to old talookdaree tenures, many of which are of great value. It will be an easy enough matter for the person desiring to register to give all the particulars required to be set forth in the application; but I confess I have no hope that the grave questions which these applications must inevitably give rise to can be disposed of satisfactorily by summary investigation and award. If the proprietor objects to the area of land said to be comprised in the tenure, to the boundaries, to the rent and cesses, and the duties incident to it, unless these points are all clearly and distinctly laid down in the deed by which the tenure was originally constituted, or clearly omitted in some other document, it is quite impossible for any officer to give an award with any just confidence that he is right.

As registration is to give full protection to such tenures in cases of sales of entire estates for arrears of revenue, I am clearly of opinion that it should be made dependent on the result of an investigation of a more careful and extended character, or on the establishment of the claim in the civil court.

Section XXXVII.—This section calls for the most careful and deliberate consideration. It seems to me impracticable to carry out its provisions as they stand in the Bill; no collector could, by means of a summary investigation, satisfy himself that a new tenure has been created in good faith, so far as the interests of the Government revenue are concerned, and that the rent payable by the holder is not less than is fully sufficient to afford a fair proportion of the revenue assessed upon the parent estate. Nothing short of a detailed process, similar to that employed in cases of butwarrah, could give the collector the necessary assurance. The remarks of Mr. Ricketts upon this section appear to me very much to the point. I beg to make special reference to them, and to state that they have my general concurrence.

Section XXXIX.—I would allow appeal to the Commissioner, but to the Board only on special grounds.

Section XLIII.—If a proprietor is *bonâ fide* sold out, and subsequently acquires the means of buying the estate, as in the case of patrimonial property he may naturally wish to do, it seems hard that he should not come in on precisely the same terms as anyone else. If the person from whom he purchases has acquired the estate without encumbrances, I do not see how it could be made subject to them again.

25 April 1856. (signed) *J. Dunbar.*

Appendix, No. 7.

Mr. Dampier's Minute on the Sale Law Improvement Bill.

The intent of the proposed law is very good, and I have known so much injustice done and distress occasioned by the system of selling entire ijmallee estates for the arrears due by single shareholders, and the not affording protection to those who were willing and ready to act in good faith as to their proportion of the Government revenue, as well as by the avoidance of nearly all newly created under-tenures in estates sold for arrears of revenue, that I am glad to see a law proposed which may, I think, with a few alterations in detail, remedy the evils and insecurity so generally complained of.

My colleagues have remarked on the law in detail, and although I generally concur with them, I should wish to add a few remarks.

Sections X., XI., and XII.—I do not anticipate any great difficulties in carrying out the provisions of these sections, nor do I think that the interests of the Government are at all likely to suffer from their enforcement. There is always so much jealousy amongst ijmallee shareholders, so many discordant interests are to be consulted, and almost always some of the shareholders are found to be adverse to the separation of the others from the joint property, that the collector might always be certain to have objections on claims preferred which would enable him to check or detect any attempted frauds on co-sharers or the Government. I do not look forward to any of the evils from section XI. which I see Mr. Dunbar thinks may arise from such part of the law. In the districts where the survey has been completed those records will materially aid the collector in coming to a decision; and although, as Mr. Dunbar states, the jumma on the specific portion may be arbitrarily fixed, so long as it has a fair proportion with regard to its extent and proceeds to the jumma of the entire estate, no injury can be done by admitting the possessor to a separate account. The collector has, I presume, the power of rejecting such a claim. The collector's inquiries are confined to the possession of the alleged portion of the estate by the applicant; I would therefore have his order open to revision by the civil court, as in dakhil kharij cases.

Sections XV. and XVI. have my fullest concurrence, and I hope extensive use may be made of their provisions.

Section XVII.—I think it might be advisable to adhere to the provisions of Section IV., Regulation VI. of 1822. Under the proposed enactment an accumulation of arrears might accrue to the ruin of the minor on his coming of age.

Section XXIII.—I would not allow the defaulting proprietor more than one option of recovering his estate by the payment of his arrear in case of the default of the purchaser or purchasers.

Section XXXI.—By whom is the interest to be paid? I suppose by the Government, as the sale can only be annulled for non-observance of the provisions of the Act by section XXIV., or, in cases of peculiar hardship under section XXV.

Section XXXV.—I concur with Mr. Ricketts, the wording should be "good arable land within the village, or in the vicinity of the village."

Sections XXXVI. and XXXVII.—These are the most important parts of the law; and I very much doubt if any summary inquiry could enable a collector to carry through the objects proposed by them; and I agree generally with Mr. Ricketts that it would be advisable to make such registration protective against all auction purchasers, excepting the Government; and I would have the collector, previous to the sale of any estate, have the books of the registry in a place where all would inspect them of each estate, so that intending purchasers might ascertain the number and rentals of the protected properties. If the registers are not to be protective against the Government, I think that the necessary inquiries based on Mr. Ricketts' calculations might be conducted without much difficulty, according to Regulations VII. of 1822 and IX. of 1825. If otherwise, the inquiries would interminable and impracticable, though section XLVII. limits the cases in which the Government may purchase.

Section XXXIX.—If Mr. Ricketts' modifications are adopted, appeals to the Board of Revenue should only be admitted on special grounds, which is the practice now in settlements.

Section XLIII.—The provisions of this section are, I think, necessary to prevent collusion and fraud.

See Section III., Act I., of 1845.

I wish to add one more remark: Is it the intent of section III., which says that estates in arrear in default of payment shall be sold by auction to the highest bidder, to bar any other mode of realizing arrears in the permanently settled districts, and thus rescind by inference, though not in direct words, Section IV., Regulation I. of 1801? as, if so, the revenue in Sylhet will fall into balances. The collector reports, that by means of that section alone he is able to realize it in the small tenures of that zillah.

1 May 1856. (signed) *W. Dampier.*

Appendix, No. 7.

From the Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of *Bengal*, No. 243, dated *Fort William*, the 25th June 1856.

Land Revenue.
J. Dunbar, esq., W. Dampier, esq., and H. Stainforth, esq.
No. 229, dated 13th instant.
No. 235, dated 20th instant.

Sir,

In continuation of my letters noted in the margin, upon the subject of the proposed new law regarding the sale of estates for arrears of revenue, I am directed to submit the following additional remarks for the consideration of the Lieutenant-governor.

2. The subject has been touched upon in the minutes of Messrs. Dunbar and Dampier; but as Mr. Stainforth entirely agrees in opinion with the other members of the Board, and as he has had much experience in the district to which these remarks principally apply, the Board think it right to bring the subject again and prominently to the notice of his honour.

3. The immense number of the estates on the rent-roll of the district of Sylhet, and the very small jumma they generally bear, has rendered it necessary for the local authorities to collect the revenue, partly by distraint and sale of personal property of defaulters, under the provisions of Section IV., Regulation I. of 1801; and the annexed statement will serve to show the extent to which recourse has been had to the Regulation in question. This practice was continued in 1845, after the passing of Act I. of that year under the sanction of the then Board, and the majority of the present Board consider it to be legal, and such is also the opinion of the late legal remembrancer, Mr. C. Trevor. Mr. Dunbar has doubts upon the point of legality consequent upon the passing of Act I. of 1845.

4. The Board, however, are unanimous in considering that such a provision is indispensably necessary, in a district like Sylhet, to the due collection of the Government Revenue, and they are of opinion that it should be distinctly re-enacted in the new law. They do not, however, consider it necessary that the express sanction of the Board of Revenue should be applied for in every instance with a full report of the circumstances under which recourse to distraint is considered necessary, as Section IV., Regulation I. of 1801 contemplates; but they think a general power should be given to the Board of Revenue to invest such collectors as they considered proper, with the power of distraining the personal property of revenue defaulters before bringing the estates in balance to sale.

I have, &c.
(signed) *E. T. Trevor*,
Officiating Secretary.

Number of Estates in respect of which the Collector acted on the special Authority of Board.	Sudder Jumma of Estates in foregoing Column.	Average Number of Estates per Annum in respect of which Collector acted, &c. &c.	Sudder Jumma of Estates in foregoing Column.	Average Number of Estates in each Kist (3 in Sylhet) in respect of which, &c. &c.	Sudder Jumma of Estates in foregoing Column.
1,49,575	1,96,680	14,957	19,668	4,985	6,556

From the Commissioner of Revenue for the 12th or *Bhaugulpore* Division, to the Secretary to the Board of Revenue Lower Provinces, *Fort William*, No. ——, dated 4 June 1856.

Sir,

I beg to acknowledge your Miscellaneous Circular, No. 2, dated the 26th of February last, and to submit, annexed, for the consideration of the Board, the reports on the Bill of a new Sale Law received from the collectors in this division.

2. The two chief alterations of the law proposed in the Bill consist in the protection it offers to sharers who pay their quotas of the revenue, and the confirmation of the under-tenures mentioned in class 3 of the exceptions in section XXXV.

3. The former of these measures seems to me calculated to afford some very desirable relief to co-sharers with perfect safety to the revenue of the State. Moreover it will be beneficial to the ryots, as clearing up, in cases on which it takes effect, all doubt regarding the person entitled to receive rent for them, and as tending to check the evil of under-tenures which spring up in some districts as irrepressibly as weeds on the land.

4. Section X. is well calculated to afford relief to sharers in whole estates; but the great majority of proprietors, where sub-division has taken place, are sharers in mouzas or component parts of estates; and as the jumma of mouzas has not been apportioned, it will be impossible to assign shares of jumma in such cases proportioned to the jumma on the whole estate.

Appendix, No. 7.

5. The consequence will of course be opposition to the vast majority of applications for separate accounts in shares in component parts of estates; provided that the fact of such applications having been made becomes known to co-sharers, and there is time for opposition; and the result must be that most of the applicants will be referred to the Civil Court.

6. A law for the apportioning the jumma of mouzas seems a necessary preliminary to carry out fully the objects of section X. and very desirable. No objection to such a measure would be consistent with our present laws, for such apportionment can be claimed under the Butwarrah law.

7. If sections X., XI., XII., and XIII. are to be enacted as they are in the Bill, there seems reason to anticipate that proprietors will frequently sell small shares of land with large shares of jumma, and thus compel co-sharers either to allow property larger and more valuable than that which the fraudulent sharer has reserved, to be sold for arrears of revenue, or to pay those arrears, and he make good in future the jumma unfairly apportioned.

8. It is quite possible, in spite of the precautions prescribed in section X, that co-sharers may be ignorant of applications for separations of accounts, or they may be away from home, or struck with sore sickness, or prevented by some cause equally potent from appearing within the time allowed.

9. Some check might be given to the separation of accounts without the knowledge of co-sharers by doubling the time allowed for objection; but this remedy might be very injurious to the honest applicant, and I can devise no better check than that of allowing closure of any accoant which may appear to have been opened unfairly at any time within one year from the date on which it was opened.

10. The second great alteration proposed by the Bill is that of recognizing and confirming under-tenures which the present law declares annulled by sale for arrears of revenue.

11. The two interests chiefly to be regarded by the Legislature in the amendment of the the Sale Law are, I apprehend, indisputably that of the great mass of the people, and that of the State which is necessary to control and protect it. To these all other interests seem of secondary importance, and should apparently be so treated.

12. It does not, however, appear to me that the importation of the third class of exceptions in section XXXV. into the Sale Law is consistent with due observance of this principle. It will render purchasers of shares of estates, the least exceptionable tenures as regards the State and the cultivators of the soil, less frequent; and it will make room for numerous gradations of idle middlemen, placing over the actual cultivators of the soil superiors, whose divided resources diminishing with their increasing numbers (vide Maltus), will allow them to afford no assistance when crops are poor, and must be equally apt to fail in furnishing the funds necessary to make the Malgoozar to discharge the public revenue; so that, as regards the ryots and the State, encouragement of these tenures seems to be much to be deprecated.

13. Again, the network of under-tenures, with which the Bill promises to cover the land, seems a texture of injustice to co-sharers, who will be compelled either to allow their own shares to be hammered away at sales, or to purchase others in which their wasteful co-partners have created sub-tenures, leaving them no profit adequate to the price they have been forced, under the alternative above mentioned, to pay.

14. Under-tenants, too, are very apt to combine in order to exclude those who purchase their rights, and this has a strong tendency to prevent realization of the Malgoozar's dues, and to throw estates, where section XLVII., restricting the power in section XXXVI., Regulation XI. of 1822, tacitly admits they ought not to be unnecessarily thrown, that is, on the hands of Government.

15. Under these considerations I am adverse to the confirmation which class 3 of the exceptions in section XXXV. would give to under-tenures. I approve highly of the encouragement the Bill holds out to the purchase of shares of estates; but for this very reason, among the others which I have stated, I deprecate strongly the propagation of under-tenures, which are at present unknown in some districts, as jeopardizing the stability of the revenue, as discouraging economy in co-sharers, as producing complication, fraud, and litigation, as dangerous to the zemindar, and as sinking the ryot to the lowest ebb of helpless and hopeless poverty.

16. It seems to me quite impracticable to carry out the directions at page 26 of the Bill. Ameens cannot be trusted in such matters, and if the collector can do the work therein cut out for him, he must either be a very complying officer, or be endowed with supernatural knowledge and power.

17. With these remarks on the two principal points of the Bill, which I am well aware do little justice to the important subject, I proceed to offer a few remarks on other matters in the Bill.

18. Section V. says that no interest in an estate is to be sold for recovery of demand not being land revenue, but which are similarly recoverable, saving after the notification therein described;

described; and if an under-tenure amounts to an interest in an estate, the terms of the section are deficient in precision, seeing that by Section XXV., Regulation VII., 1799, we can, under certain circumstances therein set forth, recover rent as revenue, and enforce its realisation by sale after the notice entered in Regulation VIII., 1835, which is other than that prescribed in section V.

19. The expression "due time" in section VIII. of the Bill and existing Act, is very vague. It cannot, of course, be intended that money placed to the general account of a Malgoozar, after the latest date fixed for payment, shall be transferred to his credit in the account of his estate; but it seems doubtful whether a sum credited in his general account before the said latest date, is not necessarily transferable on an application made subsequently to such date and at any time before the sale. This ambiguity might now be removed.

20. The power given in section IX. to mortgagees to prevent sales of estates seems to me objectionable. A is mortgagee under a deed of conditional sale from B. The latter, to pay off A, wishes his estate sold off by the collector to the best advantage, so that he may have something over for himself. The Bill allows A to prevent this, and perhaps enables him to foreclose his mortgage, and thus obtain the estate on what may be very inadequate consideration.

21. I do not perceive why the highest offer mentioned in section XIV. must be equal to the amount due up to the date of sale, when the liability of the purchaser will, under section XXXII., run from a different date, up to which only, under section XLIV., the defaulter has claim to rent.

22. It seems doubtful whether payment of revenue cannot be, according to the tenor of section XV., after the latest dates fixed for payment.

23. Some addition seems necessary to the closing provision of section XXIII., seeing that it may be impossible, from some cause or other, to receive the tender of payment by the defaulter at the time it is made; apparently he should not be allowed a longer time than that given to auction purchasers for completing payment of his balance, especially as some estates are made saleable only twice a year, and some even only once.

24. It occurs to me that section XXV. should be altered so as to allow the Commissioner to recommend reversal of a sale, even though a petition be not presented within the time specified in section XXIV. A proprietor may be in the clutches of his adversary, or the jaws of death, and thus incapacitated for filing a petition within time. Relief in such cases should be rendered possible.

25. If we are to sell "rights and interests" in estates under this Bill, as I suppose we are, in realisation of balances which have accrued in estates other than those in which the said rights and interests lie, alteration seems necessary in this section.

26. I do not understand how the execution of a decree mentioned in section XXIX. can be obtained without restoration to possession. The terms seem to me synonymous and convertible.

27. A slight alteration at the commencement of section XXXIII. of the Bill seems necessary, because, as noticed in paragraph 17 of this letter, we can, in realisation of demands recoverable as revenue, sell under a different Act.

28. I am very doubtful of the propriety of leaving the words noted on the margin in the specification of the first and second classes of exceptions in section XXXV. of the Bill. Section VI., Regulation VIII. of 1793 shows dependent talookdars who were at the time of the decennial settlement deemed proprietors. Their tenures, like many others, are transferable, and many of them very valuable; at present they can only be brought to sale under a summary decree for rent due at the end of the year (Clause 7, Section XV., Regulation VII., 1799). The Bill converts these talookdars, if they are in arrear at the time the estate in which they are situated is sold, into mere leaseholders, and deprives them and others of what they would obtain if their tenures were sold after paying the rent due on them, which may be in arrear from causes beyond their control; and this alteration of the law not only affects them very seriously, but may be deeply injurious to creditors also. The farmer of the Bill has blown hot on the interests of creditors in section IX., and cold on them in this section.

"And whereon no arrear of rent was due on the latest day of payment of revenue as fixed under sections III. and IV. of this Act.

29. In addition to what I have recorded in respect to sub-tenures generally, I beg to remark, in respect to those now existing, which are included in Class 3 of the exceptions in Section XXXV., that the terms under which these tenures were conveyed may have ostensibly conferred perpetual rights, but the parties knew well that the rights in question were really avoidable by sale for arrears of revenue, and the price paid was proportionately small. The Bill under consideration proposes to give to the tenant the difference of the price paid and the price which would have been paid, to the loss of his landlord.

30. To make the measure fair to the zemindars, it seems to me that the tenures in question should at all events remain liable to be voided by sale for arrears of revenue, unless the under-tenants intermediately secure themselves by purchasing their continuance.

Appendix, No. 7.

31. The rent of good arable land varies from 24 rupees a begah, for the tobacco and potato land at Hajeepore, to four annas a begah in some parts of the Sontal pergunnah; so that it seems necessary to say where the "good arable land," with the rent of which the rent of the land in the fourth class of exceptions in Section XXXV. may be equalised, is to be held situated.

32. I would add to section XXVIII. the words "or by the decision of the superior revenue authorities;" and I would alter section XXXIX. by making the awards of collectors open to revision by those authorities, with or without appeal.

33. I would remark on section XLIII., that Section XXXIV., Regulation XIX., of 1814, urgently requires amendment. The leading principle of the present sale law and Bill is that the revenue shall be paid by a fixed date; but any owner of a specific mehal under butwarrah is at liberty to pay after this date, as, until it expires, it is impossible to ascertain the share of balance which he ought to tender; and because in practice it is impossible to carry out the provision of the section.

I have, &c.
(signed) *H. Stainforth,*
Late Commissioner, Bhaugulpore Division.

From the Collector of Tirhoot, to the Commissioner of Revenue Bhaugulpore (No. 104), dated Tirhoot, 28 April 1856.

Sir,

I HAVE the honour to acknowledge the receipt of the Board's letter (No. 2), dated the 26th of February, with your order passed thereon, dated the 1st of April; and with reference thereto, beg to report my sentiments on the new sale law, together with those of Mr. Deputy Collector Davies.

2. The sections which most affect this district are X., XI., XXXVI., and XXXVII. On receipt of your order I thought it necessary to intimate to the most influential and respectable zemindars, that I should be happy to entertain any sentiments which they might think necessary to urge in modification or otherwise of any of the sections embodied in this Act; but to my astonishment these gentlemen are silent, and up to the present moment I have not been favoured with any reply to my requisition.

3. The information obtained from the Record Office with reference to the various settlements of 1797, 1824, and 1830, lead me to anticipate great difficulty in carrying out the provisions of the Act, should the smaller proprietors of estates oppose. I will take for instance, the settlement of Talook Luckhunpoor. In 1797 this estate consisted of one usli and nine dakhli villages; the sudder jumma was fixed at *Rs.* 860. 12. 6. A portion of this estate was sold for arrears of revenue, under the provisions of Regulation I. of 1793, section X. The estate was afterwards divided into two portions, with separate numbers and jummas on the rent roll but the area of the estate was not apportioned out to the purchasers at auction, the lands remained in joint occupancy. Now, in the event of all the proprietors coming forward and demanding that a separate account be opened, there will be no difficulty in complying with their request, but Talook Luckhunpoor may be the property of 50 or 60 maliks, some proprietors by right of inheritance, some by right of purchase; one malik may hold an anna share, another a pie share, another a gundah share, another a cowree share, another a krant share, another a dunt share, another a musunt share, and another a raen share. Opposition to the application there must be, not from one of the proprietary body, but from half a dozen of them, particularly as section XI. rules that the application must contain a specification of the land and its boundaries. The shares in properties in this district are sub-divided to such an extent that we seldom think of registering the share of a proprietor in the mutation register; we refer the individual to the civil courts, merely inserting his name in the mutation register, without specification of shares.

4. Again, the rent of a mehal comprising many villages has been settled in the lump. The rent roll is mehalwar and not mouzawar. A proprietor may hold a two-anna share in two villages out of ten villages comprising the mehal; or perhaps he may hold one village entire out of ten villages. On his application to open a separate account, there can be no difficulty in carrying out the provisions of the Bill, provided all the other proprietors are agreeable to the arrangement; but the suits instituted under the provisions of Regulation VIII. of 1800 preclude my anticipating any such happy combination of circumstances as would permit my carrying out the provisions of the Bill without constantly referring parties to the civil court. The parties must there seek their redress in the civil courts, and the mehal remains *in statu quo ante.*

5. The landed proprietors of this district are very wealthy. The advances made yearly by the indigo planters and Government on two products alone, indigo and opium, are, at the lowest computation, forty lacs of rupees. The tobacco crop on the ground on a beegah of land, sells for 40, sometimes 50 rupees the beegah. The value of land of course rises in proportion, but large zemindars do not exist in this district with one exception; for out of 5,804 mehals on the rent-roll of this district, one mehal only is the property of the Maharajah of Durbhenga. The necessity of registering the names of proprietors on the mutation register

register without specification of shares, the necessity of referring proprietors to the civil courts to determine their rights and interests in landed estates, proves to my mind most completely that sections X. and XI. will remain a dead letter in this district. The boon intended to be conferred on the proprietary body will be the cause of frightful litigation in the civil court.

6. The majority of the landed proprietors are Hindoos, and those of the upper classes, Rajpoots and Brahmins, are notoriously litigious; it remains to be seen whether their love of litigation and natural disposition of combativeness will succumb to self-interest. The suits instituted under Regulations VIII. of 1800, and XIX. of 1814, have solved this problem in favour of their love of litigation. The law on paper looks very pretty indeed; it is an admirable Bill, and meets with my entire approval; but to carry out its provisions with success is quite another affair. The success of the measure is with the proprietary body; their shares in estates being divided into anna, pie, gundah, pun, krant, dunt, musunt, and raen shares, must preclude my anticipating its successful working; on the contrary, that it will cause an enormous amount of litigation in the civil courts, is to me matter of no doubt whatever. Doubtless many proprietors (where the proprietary body in the mehal do not exceed eight or ten individuals) will take advantage of the provisions of this Bill, but my knowledge of the native character precludes my entertaining any sanguine hopes of its working with celerity and smoothness, not because the provisions of the Act are faulty, but because the native of India is naturally of a litigious disposition, and he is perfectly miserable if he sees his neighbour's condition more prosperous than his own. In a small village community of proprietors this feeling of enmity, one towards another, is intense; to that community the new sale law will be a curse, and not a blessing. Mr. Davies has expressed his sentiments as follows:—

"I have the honour to acknowledge the receipt this day of the Board's Circular, No. 2, dated the 26th February, in which a report is required from collectors on the Bill for improvement of the law relating to sales of land for arrears of revenue. The term is so general that it is difficult to know on what particular point a report is called for. Local peculiarities in regard to landed property which might be affected by the alteration the law is about to undergo there are none; the right of ownership in regard to superior and subordinate tenures are the same here as those prevailing elsewhere in this province.

"The relief offered by separating responsibility is very great indeed, and this measure is hailed with the utmost satisfaction by all the proprietary body. The approval of the principle is universal, and it is a matter of some surprise that, being so obvious and also one by which the Government benefits in an equal degree with the landholder, its recognition should have been so long deferred.

"On the details of the measure by means of which this result is secured it is difficult, without being allowed further time for study and thought, to offer any opinion with consideration.

"But on the first perusal of the Bill, there is a provision in Sections X. and XI., in regard to the period allowed, within which objections are permitted to be made, which struck me as being objectionable on account of its very limited duration. The circumstances under which a party possessing an undoubted right may be prevented from appearing within six weeks are innumerable, and will readily occur to every one; an extension of the time therefore to afford greater facilities for appearance is, in my humble opinion, absolutely necessary. One of the gravest objections to the provisions of the existing butwarah law, is the restriction in the time allowed for bringing forward adverse claims, an objection which has been repeatedly and forcibly brought to my notice by reason of the great number of butwarah cases I have to dispose of in this district. Hence my anxiety to see a similar fault avoided in this law.

"I have another objection to urge. It refers to the unlimited extent to which separate responsibility is permitted. I admit that the principle cannot be gainsaid; every sharer, however small his possession, is entitled to be secured in his just rights. But the question is, how will such a law affect landed property ultimately, from the encouragement it gives to fractional division? I have had cases before me in which applications have been made for the partition of land paying 11 annas revenue, and less. The expense and difficulties which occur in carrying through a butwarah case deter small shareholders, in many instances, from applying for the separation of their interests in a joint estate; but under the present law the separation of shares held in common tenancy will be easy and inexpensive, and the applications which will pour in will not count by hundreds or thousands but by tens of thousands, and in this district more especially, where the proprietary body is known to be very large.

"The most important, as also the most difficult question involved in this Bill, is the one which relates to the security given to under-tenures; from obviously selfish and interested motives the landholders are, as a matter of course, opposed to any legislation on this subject. The question, however, has to be considered not with reference to class interests, but on the broad principles of equity and justice, and with due regard to the security of the public revenue; but on this point the opinion of any one like myself, whose experience is confined to minor revenue matters, cannot be of any weight or consequence. I shall, therefore, be held excused for not offering any suggestions, and indeed the little I have written

Appendix, No. 7.

written on the subject of this Bill has been written with diffidence and hesitation, and more out of respect to the wish you expressed that I should consider and report upon the proposed enactment than from any desire of my own to give an exposition of my opinions."

I have, &c.
(signed) *E. F. Lautour*, Collector.

From the Officiating Collector of Monghyr, to the Commissioner of Revenue for the 12th Division, Bhaugulpore, No. 60, dated Monghyr, the 22d April 1856.

Sir,

In obedience to the instructions of the Board of Revenue, No. 2, dated 26th February 1856, I have the honour to submit a report on the proposed new sale law.

2. I presume that this report is only called for on such parts of the proposed law as may differ from Act I. of 1845. Sections X. to XVII. of this law enact a system of summary division of estates, and Sections XXXV. to XLI. detail at length a system of registration of under-tenures corresponding with the general provisions of Section XXVI. Act I. of 1845. With the exception of these two very important parts, the proposed law is generally similar to Act I. of 1845, with slight differences, such as the omission in Section XXVIII. of the words, "provided such arrears have accrued since the possession of the defaulting proprietor" (Section, XX. Act I. of 1845).*

3. The proposed system of summary butwarrahs appears to me scarcely necessary. The security which is designed for part owners could be conferred by some slight changes in the present butwarrah law, with less danger to the revenue. If the grounds of this opinion be wrong, the Board will, I trust, remember that my experience as a collector does not extend beyond one month. Under the present law a shareholder can always prevent the sale of the estate by paying up the balance due from another owner before sunset, and can recover the amount from the defaulter under Section IX., Act I. of 1845. And were the butwarrah law changed by the rescission of Circular Orders, No. 235, 24th July 1841, and No. 25, 20th January 1841, and a regular division of any shareholder's property from the main estate or the separate mehal rendered legal, such shareholder paying all expenses himself, then by instituting a regular suit, any shareholder may protect himself.

4. A summary butwarrah, such as is planned in the law under consideration, is very dangerous to the revenue, and opens the door to litigation endless. If every owner of a cowrie of an estate, the whole estate being perhaps a jagheer of five or six beegahs, is entitled to open a separate account with Government for the payment of one pie annually, and entitled to have the sixteenth part of a beegah measured off the said estate, there will be great increase of labour in the collections, and great opportunities of fraud. There are many small estates of this kind (with many owners) in this district. It may be said that this petty ownership does and must exist, and the law merely protects the owners. But registering a right is a very different thing from mere protection, and by the rules of political economy the extreme subdivision of the land is a certain cause of weakness in the state, a fact which is so certainly known as to have given rise to the law of primogeniture; consequently the extreme facility which the proposed law will give to this subdivision is impolitic, and it is possible that the occasional suffering of a part owner whose estate is sold for another's arrear may be and is productive of good to the state.

5. Sections XXXV. to XLI. of the proposed new law contain detailed instructions for a system of registration of under-tenures, such registration having been allowed in general terms in Section XXVI., Act I. of 1845. That this rule is unnecessary, at least in this district, is proved by the simple fact that no under-tenant has ever availed himself of the provision; and as under-tenants appear to me sufficiently protected by Section XXVI., Act I. of 1845, and Section X., Regulation V. of 1812, I think that this registration, if carried into effect to any extent, would materially increase the difficulty of realising arrears of revenue from estates, and would open the door to much fraud.

6. I have mentioned above my belief that a trifling alteration of the Division of Estates law would render any summary division unnecessary, an alteration which the Board of Revenue could effect without the interference of the Government. By filing petitions for such summary divisions just before the quarter day (which would prevent the sale of their shares), endless confusion and serious loss of time and revenue might be caused by fraudulent parties. For these various reasons the proposed sale law is in my humble opinion unnecessary, and, wherein it differs from Act I. of 1845, impolitic.

I have, &c.
(signed) *W. Tucker*, Officiating Collector.

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* So in original.

From the Officiating Collector of Bhaugulpore, to the Commissioner of Revenue, Bhaugulpore Division, No. 102, dated Bhaugulpore, 19th April 1856.

Sir,

I HAVE the honour to acknowledge the receipt of the Board's letter, No. 2, dated 26th February 1856, calling on me for a report regarding the draft of a new sale law, and in compliance with the Board's orders, beg to submit a few brief comments regarding it.

2. The objects set forth in the preamble are most undoubtedly of the highest consequence, and the security to landed property given by an Act such as the one proposed, if carried out fully, will give a stimulus to the expenditure of capital on land which did not before exist.

3. The difficulty in carrying out the provisions of the Act in this district lies in the increase of work which it would throw on all departments of the collector's establishment, (this could however be obviated by increasing the establishment) to carry out the provisions of the Act, without a considerable increase in both the accountants towjee and other partments, would be, I believe, impossible.

4. On the towjee of this district there are borne 3,632 mehals, as noted below.

DESCRIPTION of MEHALS.	Number of Mehals paying a Jumma exceeding 100 rupees.	Number of Mehals paying a Jumma less than 100 rupees.	TOTAL.
Nizamut.			
1. Mehal permanently settled - - - - - -	563	702	1,265
2. Invalid Jagheer Mehal permanently settled - -	2	1,722	1,724
3. Mehal temporarily or summarily settled or let in farm - - - - - - - - - -	0	0	643
	565	2,424	3,632

According to the provisions of the Act, there is no limit as to what shares are to be permitted to open out separate accounts. In many estates the number of shareholders is very large and the amount of sudder jumma paid by each consequently small; I presume by the scale of fees entered at the end of the draft Act it was not intended that very small shareholders should be permitted to take advantage of the Act, and I would beg to suggest that no separate account should be permitted for any share not paying a sudder jumma of at least fifty rupees per annum to Government; and I believe that were this limit to be fixed, the number of applications for being allowed to pay for their shares separately would be very large; and I do not think it advisable to permit the indulgence of a separate account any parties whose share does not pay such a sum annually.

5. The security given to farmers by Section XXXVII. of the draft Act is of great importance, and it appears to me that the precautions noted therein for the prevention of the registration of farms fraudulently granted at low jummas (provided that can be carried out) are sufficient; I cannot but think however that to carry out the provisions of this section in a manner to fulfil the intentions of the Act will be very difficult, especially at first when a great many applications may be expected.

6. The report or measurement of an ameen which cannot be tested by an officer of the department, is not ground on which a collector can with any confidence decide as to how far the jumma put on the same is fair as regarding the sudder jumma of the estate, and in most cases of collusive farms there is no likelihood of any objection from any party, as the zemindar and mostajir would be both in league on the matter; and should local investigations not be held by an officer of the collectorate, it is probable that the Act may be taken advantage of in many instances to secure through the concurrence of ameens the registration of farms assessed at fraudulently low jumma.

7. The only security against this is in my opinion a local investigation, and I believe it to be of the highest importance to the public that this be insisted on; if assistance be given to the collector by covenanted or uncovenanted assistants sufficient to enable him to institute real inquiries into the matters regarding which he is required to satisfy himself by this section, the registration of farms will be a boon to the public, but I do not think that without such sufficient inquiry it will be productive of good. I would propose that no farms paying a jumma of less than 100 rupees be considered capable of being registered.

Appendix, No. 7.

8. It appears to me that the number of dakhil kharij suits instituted will be greatly increased by the promulgation of this Act.

9. I see no valid objection to the proposed Act, with the exception of the increased work which will be thrown on the collector's establishment, which is already too small for the work expected of it; should it become law, I trust that from the fees which are realised from applications under it, extra aid may be permitted to be entertained. At present the accountant's department in particular is much over-worked, and for every share that is separated from the parent mehal the number of chellans and entries in the zemindary account will increase, and the difficulty of making up the accounts during the last days of payment will be still more felt than it is at present. The Act is framed with a view to protect the interest of those who pay the Government revenue, but to enable it to do so efficiently it will be necessary to provide the collector with means sufficient to carry out its provisions.

10. I have but a very short time since entered the revenue line, and have still a great part of my time occupied by magisterial duties; the call for a report on this Act is urgent, and I regret not to have time to spare from my other duties to give the matter more thought, and more time to the writing of this report. I beg to forward this letter, trusting that the great press of business which occupies my time will serve as my excuse for its brevity and for any imperfections which it contains.

I have, &c.
(signed) *E. Russell*,
Officiating Collector.

From the Officiating Commissioner, Burdwan Division, to the Board of Revenue, Calcutta, No. 270, dated Burdwan, the 29th March 1856.

Revenue.

Gentlemen,

I HAVE the honour to acknowledge the receipt, on the 10th of this month, of your Circular, No. 2, dated the 26th February, requesting me to call for a report from each of the collectors of this division on the Bill for the improvement of the law relating to sales of land for arrears of revenue, and to submit the same to your Board.

Bankoora, Burdwan, Hooghly, Midnapore. The return from Beerbhoom has not yet been received, but will follow.

2. In accordance with this request, I forward the returns mentioned in the margin in original, and beg to state my own opinion on the Bill as called for also by your Board.

3. The draft law proposes the following alterations in the existing law:

First. The extension of the ordinary law of sale to the province of Cuttack, which has hitherto been exempted from its operation.

Secondly. The securing the rights of a mortgagee who pays up the balance due from an estate.

Thirdly. The securing the rights of a solvent shareholder against the default of his co-sharers.

Fourthly. The securing the rights of a solvent proprietor against the neglect or fraud of his agent.

Fifthly. The securing the right of under-tenants.

4. On the first point the opinion of the Commissioner of Cuttack will probably have decisive weight. I am aware of no valid objection to the proposed extension.

5. The second point secures the right of mortgagees very effectually, and, in my opinion, very fairly and properly. By the present law, although a mortgagee may pay up the balance due on an estate, that gives him no additional lien upon the property; he can only recover the sum so paid as a common debt in the regular mode through the civil courts. The draft law, however, provides, at the end of Section IX., that if the mortgagee can prove before a court of justice that the deposit made by him was necessary in order to protect any lien he had upon the estate, the amount so paid by him, "shall be added to the amount of the original lien." This amendment seems to me, as I have said above, a very just and proper one, and a great improvement upon the old law.

6. The third alteration protects the solvent shareholder from the default of his partners. There can be little question, I imagine, as to the propriety of this amendment if it be possible to carry it out; but the difficulty is, as to how it should be done. The draft Act proposes that every sharer in an estate, whether a sharer in a joint estate held in common tenancy or the holder of the specific portion of the land of an entire estate, should be able to protect his share from sale by paying up his own portion of the balance, and that in such cases the Collector, after certain inquiries, must open a separate account in his books for the solvent shareholder (Section X.), and must credit separately to his share all payments made by him on account of it.

7. It strikes me that this mode of proceeding will hardly answer the purpose contemplated; that is to say, that it will be found in practice so complicated and cumbrous, that it will probably break down.

8. There

8. There are hundreds (literally hundreds) of estates in this district alone, which pay less than one rupee per annum, and some of these have "recorded sharers," any one of whom may, under the new law, claim to have a separate account opened for him in the collector's office. What a mass of complicated accounts this will necessarily give rise to.

9. One of these "recorded sharers," for instance, comes to the collector on the latest day of payment, tenders the amount of his share, and gives in a written application asking to have a separate account opened in his name. The collector receives the money at once, and on the next day issues the notice required by Section X., and not until some time after can he decide upon the propriety or otherwise of allowing a separate account to be opened in his books. He may have hundreds of such applications, and the last of them may not be decided on for some weeks, or even months. In the meantime the collections and accounts in the office are thrown into confusion, and I am not sure that the Government revenue may not, perhaps, suffer in consequence.

10. Take a case for instance: A, B, C, D, are recorded proprietors of Mouza E. A, B, and C, deposit their separate shares and crave a separate account, but D deposits twenty rupees, saying that half, not only a fourth, of the estate is in his possession. After some time the collector "institutes a summary inquiry into the fact of possession," and decides, under Section XII., that D is in possession of a two-fifth share of the estate, and A, B, and C, of one-fifth share each. Now here will be a difficult matter to settle, for every one knows how very complicated butwarrah cases are at all times; but this is not only a butwarrah case, but an Act IV. of 1840 case also; and under the proposed law such cases may occur over and over again.

11. It seems to me, on the whole, that the draft Act mixes up, unnecessarily, a butwarrah law with a sale law, and that it would be preferable to separate the two—to pass the sale law without any butwarrah provisions, and to make a separate enactment for the latter purpose.

12. But if it be determined to have the two together, I would certainly recommend that a limit should be laid down, and that the benefit of separate payments should not be allowed to any shareholder who does not pay at least (say) 50 rupees per annum.

13. It is said that the share of a poor man paying 40 rupees per annum may be of as much concern to him as the estate of the Maharajah of Burdwan paying 40 lakhs, and that therefore it is not just to lay down any limit. It may not be easy to gainsay this, but still if we find in practice that this cannot be carried out, as I think, we must set aside the plea of universal justice for that of general utility. If there is no limit, the shareholders paying anna and even pice jumma are entitled to a separate account equally with these who pay lakhs; but this would, to my mind, give rise to so much complication and confusion in the accounts, as to jeopardise the entire scheme.

14. There should also, I think, be some limit as to the time within which applications for separation of shares should be required to be made. For instance, all such requests should be made in writing (say) one month before the last day of payment of revenue.

15. There is another point which I may notice connected with this part of the subject, namely, whether in case a sale takes place of a share which has been separated, and no bid be offered equal to the amount of arrear, a second period of ten days should be allowed to the defaulter to pay up his original balance. I would strongly urge that it should not; this indulgence would break in upon the essential principle of the sale law—a principle which has been found to work so admirably—and I should be very sorry to see it thus set aside. Such a clause would be, to my mind, a step backwards in legislation.

16. With regard to securing the rights of a solvent proprietor against the fraud or neglect of his agent, by allowing the former to deposit with the collector cash or Company's paper for the purpose of being applied to the payment of arrears, I imagine, there can hardly be two opinions. This will be a very great boon to all proprietors of land, and will be looked on as a benefit of no ordinary kind. The advantages are so self-evident that it seems strange it should never have struck any one before.

17. There should, however, it seems to me, be a discretion allowed to the collector to reject such applications, if he thinks fit. Without this we shall have landholders depositing Government securities with the collector merely to get rid of the trouble of drawing the interest themselves; others may place it in the collector's treasury for security's sake, and not for the purposes contemplated by the law.

18. I now come to the most important part of the draft Act, namely, the subject of under-tenures.

19. Under the present law all recent under-tenures fall on the sale of the parent estate. The natural consequence is, that but few capitalists will lay out their money on land to which they can get no sufficient title. Capital is universally admitted to be the great want of India, and therefore it may be not unfairly said that the present sale law has the effect of contracting, instead of developing the resources of the country; of depressing, instead of raising the value of land, and of discouraging, by every means in its power, the introduction of men of European skill, and enterprise and capital, into the interior of India.

Appendix, No. 7.

20. Many years ago the present Lieutenant-Governor of Bengal proposed a plan by means of which, as it seems to me, all these drawbacks would have been avoided. He suggested that under-tenures should not be in any way affected by a sale, that they should stand as good with the purchaser as with the old proprietor who created them, and that the sale in fact should be made subject to all the incumbrances which may have been imposed upon it before or after the time of settlement by any former proprietor. If, from the over-creation of such tenures, the value of the parent estate should have fallen below the amount of the Government revenue, so that the latter would be jeopardised, it was further proposed, at that time, that the estate should revert to Government, who would be empowered to make a new settlement of the land.

21. This always seemed to me a very complete remedy for the great acknowledged evil of the present law, one which would get rid of all the reasonable complaints of honest under-tenants, and at the same time secure, in the most complete manner, the revenues of the Government; but the draft Act proposes something quite different, and we are now told that the proposal to which I have alluded above does not give complete security to under-tenants, that it is a "half measure at best."

22. The new proposal is, that all under-tenures should be registered, and that when the holder of a new under-tenure (that is, of one created subsequent to the settlement) applies for registration, the collector should immediately cause the talook to be measured and surveyed at the expense of the talookdar. Then, if the collector is satisfied that the rent of the talook is fully sufficient to afford its share of the jumma of the estate, the tenure will be registered in complete detail, and this registry will secure it, in all time coming, whatever may become of the estate.

23. With much deference to the great name and to the acknowledged ability of the proposer of this amendment, I must say that I doubt very much whether it is calculated to benefit the person whom it professes to advantage (namely, the under-tenant) as much as is supposed; and it seems to me eminently calculated to jeopardise the Government revenue.

24. First, as to the under-tenant. By the original proposal his lease would stand good, notwithstanding a sale, and it would only be in case the value of the entire estate sunk below the amount of the sudder jumma that it could ever be hereafter questioned.

25. My belief is that this is a contingency which would but rarely occur, except in the cases which it was intended to meet, namely, cases of fraud; and in such cases, who would wish to uphold the interests of the fraudulent under-tenants?

26. It is notorious that the value of permanently settled land has risen very greatly during the last half century. If it had not done so, should we have two-thirds of the land in Bengal held under talookdaree tenure as at present? The original zemindar would not let his land except on a profit which the talookdar has to pay, and this profit shows the increased value of the land.

27. Wherever, therefore, there are under-tenures, especially when they are held by men of capital, we may be pretty sure that the parent estate is not likely to fall into the hands of Government from depreciation.

28. In the very uncommon case of a *bonâ fide* depreciation of permanently settled property by (say) diluvion, or the decay of old markets, or any other accidents, the under-tenure would be liable to a re-settlement, and it is said that advantage might be taken of this by the Government, and that the collector would fix the revenue of every beegah of land according to its existing value; so that a meritorious under-tenant would be fined by an enhancement of his jumma for having improved the value of his tenure at his own expense. But if this is the only objection, and it seems to me, I must say, very much of a visionary one, it might be partly remedied by declaring that in any new settlement so made, the new jumma of the entire mehal should not be raised above the permanently settled jumma. Thus, if the jumma of the whole estate was 100 rupees, and that of the under-tenure 50 rupees, the collector, if he thought fit at the re-settlement to put a jumma of 90 rupees on the under-tenure, would be unable to put more than 10 rupees on the rest of the property. It may be asked how would this benefit the meritorious under-tenant? It would, at any rate, guarantee him against any exorbitant demand.

29. The amended proposal is declaredly intended to benefit the under-tenant himself, but I very much question whether that person would not prefer the original proposal to the new one. There would be no expense of compulsory registration, no trouble, no measuring, no surveying, no ameens, no mooktears, no inquiring into crops, assets, and so on, in order to "satisfy" the collector that the rent of the talook was sufficient to afford its share of the jumma of the estate. All would be clear before him, and he could lay out what capital he pleased on his property from the day after the amended law was passed, and never trouble his head about the zemindar or his affairs, and never be obliged, as is too often the case now, I am inclined to think, to advance money to the zemindar in order to prevent him from carrying out a threat of default. He would also, if the estate were brought to the hammer, have the option, which I believe in nine cases out of ten he would seize, of purchasing the whole property himself; or if he did not choose to do this, he might, I believe, very

very placidly trust himself to be fairly dealt with by the collector, or, if not by him, by the commissioner, and failing him also, the Board and the Government.

30. And now as to the interests of Government under this new law. It strikes me that it leaves the Government too much in the hands of the collector. An under-tenant applies for registry. The collector causes the tenure to be measured and surveyed, and if he is satisfied that the rent paid by the under-tenant is fully sufficient to afford its share of the jumma of the estate, the tenure is at once registered, and this registry secures it for ever at the rent then fixed.

31. But do collectors never make mistakes in settlements? Are they never deceived by the ameens and subordinates to whom they must trust for a great portion of the information upon which their settlement must be founded? Are commissioners never wrong in their judgment in such matters? Has experience told us that the revenue authorities are immaculate? that they never commit an error or a fault in a settlement?

32. It may be worth the while of many under-tenants to spend large sums of money in furnishing false information during the progress of such surveys, but the collector's order once given, the under-tenant is safe "in all time coming;" there is no *locus penitentiæ* for the Government, the collector's order has been passed and cannot be amended.

33. On the whole, I am of opinion that the original amendment proposed would be found in practice to work better than the new one, that it would be more satisfactory to under-tenants, and that it would be a much safer principle for the Government to go upon themselves.

I have, &c.
(signed) *J. H. Young*,
Officiating Commissioner.

From the Officiating Collector of *Burdwan*, to the Commissioner of Revenue, Burdwan Division, No. 47, dated the 24th March 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 40, dated the 10th instant, with its enclosure from the Board of Revenue, No. 2, dated the 26th ultimo, on the subject of the proposed Bill for the improvement of the law relating to sales of land for arrears of revenue, and with advertence thereto I beg to offer the following remarks:—

2. The fundamental alterations proposed by the Draft Act to be introduced, may be condensed under the following five headings:

I. The doing away with the necessity of obtaining the previous sanction of the Board of Revenue to sales of estates for arrears of revenue in the province of Cuttack.

II. The securing to the mortgagee of an estate, in the event of his preventing the estate being sold by himself paying up the Government arrear, the same benefit *quoâd* the sum so deposited as he possessed in regard to his original lien on the estate.

III. The allowing landholders to deposit Company's paper with the collector, so as to prevent their estates being sold owing to accidental circumstances or owing to the fraud or neglect of their agents.

IV. The securing from sale the shares of non-defaulting co-proprietors in estates, whether the shares in question may be held in joint tenancy, or whether the area held by each sharer may be distinct.

V. The registration of *bonâ fide* under-tenures; both those which existed at the time of the decennial settlement, as well as those which have since been, or may hereafter be created, and the thereby upholding the proprietors of them in possession of their lands at the same rates as heretofore, whenever the parent mehal, of which they form integral portions, may be sold for arrears of revenue, or for other demands which are directed to be realised in the same manner as arrears of revenue.

3. It is to the last two most important of the five proposed fundamental alterations in the law that it is my intention chiefly to confine my remarks. I am not aware of any objection to the three other proposed alterations; but, on the contrary, I consider the concession which it is in contemplation to grant to mortgagees, and the allowing landholders to deposit Company's paper, to be eminently just and useful measures.

4. It occurs to me to remark, in connexion with the proposed change in the method of conducting sales of estates in Cuttack, that some alteration in the wording of Section V. of the Draft Act is called for in regard to estates which are not situated within that province. I allude to the second class of estates which it is proposed under the new law shall not be sold unless the provision of Section V. of the Act shall have been duly followed out in respect to them. I think it should be more clearly defined what is meant by permanently

Appendix, No. 7.

settled estates. The Board of Revenue ruled in their circular, dated the 18th May 1842, No. 13, that estates could not be sold under the general provisions of the sale law until their settlements had been confirmed by competent authority. The mode of procedure which has been adopted in consequence of this ruling has been to dispense with the fifteen days' special notice of sale in all cases where the settlements having been regularly completed with the proprietors under the provisions of Regulation VII. of 1822, had been confirmed by competent authority, even although those settlements were temporary ones only. On the other hand, estates settled in perpetuity by the settlement officer or collector, but the settlement of which had not been confirmed by competent authority, could not be sold without the fifteen days' special notice being in the first instance issued. I do not think it can have been the intention of the framer of the new Act to put the temporarily settled estates of the districts of Bengal in a more favourable position than that which they before occupied, in a better position indeed than that which it is intended the Cuttack estates of the same calibre shall henceforward occupy; and it seems to me therefore that the wording of the section ought to be so altered as to continue the Bengal temporarily settled estates which have been confirmed by competent authority on the same footing which they formerly stood on and on which it is now proposed to place the Cuttack ones. In the same manner the section ought, it appears to me, to define that permanently settled estates in Bengal districts are not to be sold without the special notice, unless their settlement has been confirmed by competent authority.

5. Next, in regard to the proposition of staying the sales of the shares of non-defaulting co-proprietors of an estate, whether the shares in question are held in joint tenancy (ejmalee), or whether they are held separately (tafreek or chinnit). It appears to me that, in the former case, that is to say, where the whole estate is held in joint tenancy, the mode of procedure recommended by Mr. Grant may with much advantage be resorted to, and that, in the second description of cases, that is to say, where the land held by each of the co-proprietors is held by them separately, the same method of dealing with the separate shares of the estate may be successfully carried out, although the operation will undoubtedly be one of great labour and intricacy. I agree in the propriety of allowing a non-defaulting co-sharer in either of the above descriptions of cases to save his share from sale, and also of Mr. Grant's proposal to bestow that boon on all classes of estates, however small their extent and jumma; and I am also of opinion that the allowing co-sharers to open separate accounts with the collector for the sums due on their respective shares is a proper measure, although it will certainly cause much additional trouble to the collectorate omlahs in some districts.

6. The manner, however, in which the Bill proposes that the defaulting proprietor's share shall be dealt with when put up to sale, and the course which is to be adopted in selling the whole estate when the balance due on the share is not covered by the amount bid for it, appear to me to be open to objection.

7. I do not see why it should be considered necessary in the former case for the amount of the bid to be sufficient to cover the amount of the balance. If the balance due by the sharer was rupees fifty, why should not the collector be allowed to sell, supposing there was a *bonâ fide* bid of rupees five, or say of one rupee even, Government being left to realise the residue of the arrear from the defaulter in such manner as they might be able? There would certainly be danger sometimes of the defaulting shareholder colluding with the new purchaser, but I do not think such a result would often occur. I would empower the collector to sell on any *bonâ fide* bid which might be made for the purchase of the share, how small soever that bid might be, and by whomsoever (the defaulting sharer alone excepted) that bid might be made. I would restrict the collector receiving a bid from the actual defaulter unless it exceeded in amount four times the sum due. In this manner twenty-five per cent. of the purchase money would be at once realised from the defaulter, and the Government arrear would be at once recovered. There is nothing, that I am aware of, in the existing law, which prohibits an actual defaulter bidding for the purchase of his own estate when put up for sale for arrears of Government revenue; nor is it desirable, nor was it I believe ever intended, that any such restriction should be imposed on landed proprietors, who may from time to time for various reasons be desirous of ascertaining the market value of landed property in the different districts in which they are proprietors by putting their own estates to the test of a public auction.

8. Under the existing law the course which a collector would adopt in the event of the actual defaulting proprietor of an estate making a bid and there being no other bidders for it, would be to bid for Government up to the extent of the balance, and if the defaulter went beyond it, to knock the estate down to him; but, as of course Government would not buy shares in estates, this method could not be followed out in dealing with them, and I would recommend, instead of it, the modified plan which I have noted above. The collector would only have to proceed to the ulterior measure proposed by Mr. Grant when there had been no *bonâ fide* bid, however small, for the share, or when the bid made by the actual defaulter himself was less than four times the amount of the balance.

9. Where the co-sharers who had paid up, and to whom would be given the option of purchasing the defaulter's share in the event of the latter not being disposed of at the first sale, might not be able to agree among themselves as to who was to be the purchaser, it appears to me proper that some provision ought to be made in the Bill to decide the point. One of the co-sharers might say, for example, that he was ready to purchase the whole of the defaulter's

defaulter's share, but that he was indisposed to purchase it in conjunction with his brother-sharers; and a second, perhaps a third, co-sharer, might say the same. To which of them in such case should the preference be given? To him holding the largest share in the residue of the estate? To the one who was prepared to pay the largest price? or, if the co-sharers could not agree amongst themselves as to who was to be the purchaser, would in such case the whole estate have to be brought to the hammer? I think that, in the event of dispute, the share should be sold to the highest bidder among the non-defaulting co-sharers.

10. With regard to the question of enforcing the registry of under-tenures, I am of opinion that it should be left optional with the proprietors of such of them as existed at the time of settlement to register or not as they might think proper. If registry were effected, it should thenceforward ensure the under-tenure holders from ejectment and enhancement of rent; but if it were not effected, I do not consider that the omission should be considered a sufficient ground for ignoring the validity of the tenure. To say nothing of the expense, there may be many good reasons why the holder of an old under-tenure is not prepared to register. He may have already obtained a suit in the courts upholding the validity of his tenure, or the very fact of his non-registering may be the means of inducing the zemindar to bring a suit to try the validity of a holding regarding which there previously existed no dispute whatsoever. I have no doubt that a very large number of the holders of the old under-tenures will take advantage of the provisions of the Act and will proceed to register; but, as I have remarked above, I would make the act of registering an optional, not an imperative one, and I would not put any limit on the period within which the old putnee holders should be required to proceed to registry, or in default of doing so, should lose the benefit they would otherwise have derived from resorting to it. From the wording of the Draft Act (Section XXXVI.), it would seem that the collector will not be required to make a survey of these old tenures when application is made to him for their registry, but that he is to be guided by the information filed by the applicant as to the boundaries and situation of the holding, and is to proceed at once to register in the absence of any objection on the part of the zemindar: but it seems to me that a survey and careful recording of these old tenures is quite as much called for as is a survey and record of the new under-tenures; for the zemindar might, if so inclined, collude just as easily with the holder of the one as he could with the holder of the other.

11. The proposal for surveying and registering the new under-tenures according to the rules laid down in the Draft Act is an equitable one, and although the carrying of it out will in many districts, especially in those to the eastward of Bengal, be attended with very great difficulties, still I think that the difficulties will not be insurmountable.

12. In this district (Burdwan) I do not anticipate much trouble in carrying out the work. The putnee talooks, generally speaking, consist of one or more whole villages, and as the boundaries of each village, as well as its exact area, will have been correctly marked out and ascertained by the revenue survey, the collector will find but little difficulty in ascertaining whether or not the annual talookdaree jumma bears a fair relative proportion to the gross revenue of the whole estate. The old collectorate papers will show him what were the area and assets of each separate village of each separate estate at the period when the records in question were drawn up, and although the assets and areas of some of the villages may now differ more or less from what they then were, yet I do not think that the difference will in many instances be found to be large.

13. Tracing out, surveying, and recording, parcels of land held in putnee, and the making an approximate calculation of their assets relatively to those of the estate of which they form a component part, will not be nearly so easy an undertaking where the under-tenures, instead of consisting of one or more whole villages, comprise, as is not unfrequently the case, only parts of one or more villages, those parts not being in one compact plot, but scattered in different pieces all over the village. The survey and the old collectorate papers will only in such cases be so far of assistance to the collector in enabling him to determine the relative area and assets of the under-tenure *quoâd* the gross area and assets of the parent mehal, that the former will show the limits and area of the villages in which the several parcels of land making up the under-tenure are comprised, while the latter will show the extent and jumma of the several villages as they stood at the time when the papers in question were prepared. It will still remain for the collector to survey and map the several parcels of land to ascertain the description of soil, and, having done so, to determine whether the putnee jumma paid by the putneedar for his holding is or is not fairly proportionate to that of the whole estate.

14. In this district and in Bancoorah, the registration of the putnee talooks will be materially assisted by the course which has been adopted in carrying out the revenue survey. The greater part of these two districts appertain, as you are aware, to a very few large mehals, which mehals are let out in putnee tenures of one, two, three or more villages in each, to a large body of putneedars now in Bancoorah. It not unfrequently happened that there were so many as 15, 20, 25, or even 50 contiguous villages all belonging to one and the same mehal, and the separate identification of each one of which was not therefore absolutely demanded by the survey rules; but as these fifty villages were all let out in putnee to several, perhaps, nearly to an equal number of putneeders, a mowzawarree survey, or what was in most instances an equivalent to a talookdaree survey, was deemed proper to be resorted to. This was effected in every instance in which adjoining villages were held

Appendix, No. 7.

by distinct putneedars, and in almost every instance the boundary was amicably adjusted between the parties, all future disputes in the magistrate's and in the civil court as to the boundary between the adjoining villages or putnees being thereby set at rest for ever. The putnee tenures in Burdwan are very similar in nature and extent to what they are in Bancoorah, and they are being dea't with in the same manner.

I have the honour to be, &c.
(signed) *H. M. Reid,*
Officiating Collector.

From the Officiating Commissioner of Revenue, 16th Division, to the Board of Revenue, Lower Provinces, Fort William, No. 308, dated Chittagong, 19th April 1856.

Revenue.

Gentlemen,

I HAVE the honour to submit my opinion on the draft of the new Sale Law, and to forward the communications I have received from the collectors of this division on the same subject.

2. Sections X., XI., and XII. treat of the separation of shares, whether held in common tenancy, or consisting of specific portions of land. A recorded proprietor may apply to the collector to pay his share of the Government revenue separately, and a recorded proprietor may, within six weeks of the issue of a notice, make objection to the application. It must be a well-known fact that numerous estates do not bear on the books of the collector anything like all the names of the parties who are the several proprietors. Is it intended that non-recorded, but at the same time well-known proprietors, shall be debarred the benefits of this provision of the law? If such is not the intention, it should be declared that all joint proprietors, be they recorded or not, shall be at liberty to avail themselves of the provisions of Sections X. and XI., and that they shall be at liberty to object to those provisions being made available by any co-proprietor; and the question, whether the party applying, and the party opposing were proprietors or not, might be left to be decided by the collector in the summary inquiry he is directed to make in Section XII.

3. But, if it is the intention of the law to confer the boon of separation only on recorded proprietors, the sections may stand. A correct record of the interest held by every individual owner of land in every estate is so desirable that I should be glad to find that the sections are meant to be restricted to recorded proprietors. If non-registration is attended with such hazard, and the reverse with such advantage, that owners of land will naturally seek for the record of their rights, we shall have in time a public record of owners of estates approaching to correctness and completion.

4. It depends also on what may be the aim of the law whether Section XIV. should or should not be modified. If the object is to force co-proprietors to register their names as such, then the limitation of the right to save the estate from ultimate sale by the payment of the arrear (after the failure of a first sale to realise the amount of the arrear) to recorded proprietors, is calculated greatly to promote the object in view. But, if there is no such object, and if it is right to make such a provision as that contemplated in Section XIV. in favour of proprietors, equal justice to all requires that any joint proprietor, recorded or not, should have it in his power to stay the sale of the entire estate by paying up the arrear due upon a fraction of it.

5. But, be the sections taken in their limited, or more extended sense, they cannot fail in operation to bring an immense immediate and prospective addition of business upon the collector and his establishment. Every partner in an estate will now apply to have his name registered in the collector's register of mutations. Being a recorded proprietor, his next step will be to apply for a separation of his share under Sections X. and XI. In most instances there will be no opposition, and the separation will be effected as a matter of course without much personal trouble to the collector; but the effect of the measure will be important as regards the labour to the collector's office. The revenue-payers will be multiplied in many districts several fold, and in the place of the 40,000 separate accounts now kept with as many, for the most part petty proprietors, the Chittagong collector will have to open separate accounts with perhaps not less than a lac of proprietors, of a still lower order.

6. But the instances of opposition, especially under Section XI., will be by no means rare, and the inquiry, however it may be called, cannot be otherwise than tedious and difficult.

7. My own mind finds no difficulty in imagining a case wherein nothing but a regular partition, made after a survey of the estate, would suffice to enable the collector to decide what amount of revenue ought to be the quota of the share sought to be separated. Cases connected with butwarrahs are, beyond all comparison, the most troublesome of all the duties which now come before a collector, and a great addition of such cases is not to be contemplated upon, without apprehension that the collectors will find themselves unequal to the prompt discharge of their duties.

8. Still the aim of the law is so admirable and the justice of it so undoubted that its provisions, as above discussed, ought to be retained as far as possible. The multiplication of revenue-payers, is what cannot be avoided, and an extra establishment, at a trifling cost, will meet

meet that difficulty, while the fees for the separation may be expected to yield a considerable sum of revenue at once. Where no opposition is made to a separation, and where no difficulty is experienced by the collector in ascertaining the proper amount of revenue to be put upon the share to be separated, the separation might be allowed to take place in the manner prescribed. But to provide against the collector being overworked by having to investigate difficult cases of disputed rights and interests, he should be allowed to refuse separation and to refer the parties to the Civil Court for the adjustment of their claims. The decision of the suit by the Civil Court might be declared to be summary, subject to modification or alteration by a regular butwarrah whenever that might take place.

9. In the Schedule A and B appended to the Act there is nothing said of the expenses of any local inquiry in connexion with Sections X. XI. and XII. If those sections are to stand and the collector is to be vested with no discretion to refuse an investigation, however complicated, provision ought to be made to authorise the collector to entertain, at the cost of the parties, any establishment he may require in order to effect any necessary local inquiry.

10. Referring to Section XV. it may be asked, is it the object of the Legislature to afford to landholders the means of purchasing the redemption of the land tax? If so, instead of a deposit of a public security bearing interest, the rate of which is subject to fluctuation, a specific sum, in lieu of the tax, should be fixed as the price of redemption, say a sum equal to 20 years' purchase. At this rate there can be little doubt that the privilege would only be rarely taken advantage of, but there may be estates so lightly assessed, or the property involved on the estate may be so valuable, or the condition of the party desiring redemption may be so peculiar, that the purchase amount would be as nothing compared with the benefit to be gained by the possession of a rent-free tenure in perpetuity.

11. If a deposit is observed only as a temporary security against sale, it should be at the option of the party desiring such security, to make it; and if the principle of compounding for the land tax is not one opposed to the stability and well-being of the State, the means of effecting it should be rendered as easy as the nature of the transaction will admit.

12. With a view to the improvement of under-tenures, three separate schemes have been proposed. One scheme is in the law; another has the high support of the present head of the Bengal Government; and the third emanates from Mr. Ricketts. One scheme is to compel the registration of all under-tenures, immediately from the zemindar, after inquiry, and to regard all registered under-tenures as safe for ever. The second scheme is to register all under-tenures, whether created by the zemindar or some inferior holder, the registry of which is desired by the parties themselves, without inquiry, and to hold such tenures safe against all future purchasers of the zemindaree so long as the latter is saleable for its arrears at a price equal to the arrear. Mr. Rickett's scheme is to register, after inquiry, all under-tenures which might be desired to be protected against Government as auction purchaser, and to register, without inquiry, all tenures which only require protection against other auction purchasers.

13. With regard to the first of these schemes, its details are contained in Sections XXXV. to XLI. of the Draft Act. Old talooks must be registered as well as those newly created. With regard to the first class of talooks, the old ones, the course of procedure, as laid down in the second clause of Section XXXVI., is simple, and seems to me a most judicious and advisable measure. If no other talooks are to be registered, those which profess to have been held prior to, or from the time of the perpetual settlement, ought certainly to be registered. On every change of proprietors, this want of a register gives rise to continual frauds, and is the cause of extensive and harassing litigation. Men who have no talookdaree rights assert them against the new purchaser, and if the old proprietor is in league with them, they often succeed in establishing a fraudulent title; and, on the other hand, an auction purchaser knowing the natural disposition of the natives to set up false titles, often disputes a valid one from sheer ignorance of the nature of the title.

14. But, owing to the facilities which exist for creating fictitious and fraudulent tenures, whether new or old, by forged deeds, I would not accord to any under-tenures any exemptions or privileges, such as would effect the rights and interests of Government as auction purchaser of the estate in which such tenure was contained, which are not now attached to such tenures. Talooks held twelve years prior to the revenue settlement are safe by the present law, but talooks created since then, lapse on a sale for arrears of Government revenue; and I would now deal with such, precisely as I would with newly created talooks, of which I am now about to speak.

15. In working the plan proposed for the registration of new talooks, I foresee innumerable difficulties. How is the collector to satisfy himself that a talook has been created in good faith so far as the interests of the Government revenue is concerned, and that the rent payable by the holder is not less than is fully sufficient to afford a fair proportion of the revenue assessed upon the parent estate? This couldnot be done without measuring and ascertaining the assets of the entire estate. Where a zemindar has ten villages and pays 1,000 rupees for the whole, by what means shall the collector be able to say that 150 rupees for any one village is a fair proportion of rent, as compared with the whole rent paid for all ten villages? He could only do this by actual survey and measurement of all the villages. Small talooks, then, in large estates are impossible; for who, for a talook of 500 rupees, would consent to pay the cost of measurement of a large estate?

 16. The

Appendix, No. 7.

16. The revenue survey will not make it much easier for the collector to decide whether the rent of a particular talook is such as to remove any risk of loss to the public revenue or not. With the area of the parent estate before him, it may still be a difficult question to decide what a fractional part of that estate ought to be assessed at, so as to leave no ground of apprehension that the assessment will always be ample to afford a fair share of the revenue assessed upon the parent estate.

17. But, say that the collector has ascertained the exact state of the talook, and that at a certain sum it will apparently pay its proportion of the public revenue assessed upon the parent estate; is it safe to declare that under no circumstances shall Government as purchaser be competent to alter the rent of any registered talook? Suppose that a zemindar has an estate which he cannot fully cultivate; suppose he draws a line through it, and gives the estate consisting of scattered patches of cultivated and waste in equal portions to himself, in some fictitious name, as two separate talooks. If the revenue was 1,000 rupees, the collector could not object to register each talook at 600 rupees. The registry over, suppose the zemindar offers the ryots of one talook better terms upon the other, and that they all agree to locate themselves upon the other. This done, suppose the zemindar falls into arrears and the Government purchase the zemindarree. It is plain to see that, in place of an estate yielding 1,000 rupees, the Government obtain one which yields only 600, with the chance of getting tenants for the lands thrown out of cultivation by the fraudulent act of the late proprietor.

18. Where such a fraud can be committed, there will not be wanting fitting parties to commit it. It will be as impossible to provide against it, as it is certain that it will be extensively practised; and this is such an insuperable objection to the measure proposed that no counter-advantages can compensate for it.

19. It can never be that, with the means of fraud so easily available, registration of an under-tenure shall be made without the most particular inquiry. I have instanced a case in which all the care and precaution possible would be unavailing to guard the interest of Government. Remove even the risk of loss to the Government revenue, the plan cannot be worked out. The collector would find it quite impossible to make the numerous inquiries previous to registration which the proposed measure, if carried, would require him to do.

20. In some estates the rent of a fractional part, if assessed in proportion to the rent of the parent estate, would be so light that no owner of such would, except in consideration of a large present premium, give away a talook on such an easy jumma. To insist on the rent of a part being equal comparatively to the rent of the whole, is to impose unfair terms on the zemindars; not to insist on it, is to give greater facilities and temptation to commit frauds against the public revenue.

21. Of the scheme contained in the law, I have strong and decided objections. Of the three schemes, that of the Bengal Government appears to me to be the best. Let any and every under-tenure be registered when both the parties concerned in the giving and accepting, agree to desire it. Let those tenures hold good against all auction purchasers of the parent estate, except when Government is the purchaser on the contingency (not likely often to happen) of the estate not being saleable at public auction for an amount equal to the arrear due upon it. Every zemindar will then be at liberty to make what terms he likes with his talookdars, and they will be free to do the same with parties holding from them. The Government revenue will in no way be put to risk or damage, and though the liability of cancelment of tenures is a feature in the Bengal Government scheme, which the scheme in the law obviates, I am still of opinion that the public have now such trust in the fair dealing of the Government, that the purchase of an estate on behalf of Government would not be regarded by the honest talookdars with any dismay. Holding at fair rates, there would be no fear that the talookdar would be disturbed, or subjected to any material increase of assessment, and those who had by artifice held at inadequate rates, are not the men upon whom any sympathy is to be bestowed.

22. By the plan of the Bengal Government any zemindar might, or he might not, create tenures. That talooks will be created in great number there is little doubt. A talook being created, it behoves the State to see that it has really all the protection which the law designs to afford. Registered talookdars should have the privilege of paying their rent direct to the collector; without this, fraudulent zemindars will be always defaulting in order to buy in their estate banamee. Every talookdar will be said to have been in arrears in order that their tenures may be destroyed. It may be that the zemindar will not often succeed in establishing that a talook was in arrears when it was not so, but he will succeed now and then, and success occasionally will amply repay him for having made the attempt on a large scale.

I have, &c.
(signed) *C. Steer*,
Officiating Commissioner of Revenue.

From the Officiating Collector of *Chittagong*, to the Commissioner of Revenue, 16th Division, No. 749, dated 16th April 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your office memorandum, No. 271, dated 13th ultimo, regarding the proposed new sale law.

2. The first ten sections of the new law appear to be very similar, and in many parts identical with the earlier sections of the old law, and do not seem to require any particular remarks. By Sections XI. and XII. the liability of joint proprietors of an undivided estate is limited to their actual interest in the property, and the following section points out the course to be pursued by the collector in separating a share held in common tenancy, and in apportioning to a sharer a specific portion of land. The part proprietor of an estate so often suffers from the indifference, the extravagance, or the malice of his fellow-sharers, that none can doubt the justice of providing him with some more substantial security than he at present enjoys. The new law will undoubtedly confer a boon on a large class of landholders, but it will also have the effect of increasing to a vast extent the expense of collecting the revenue. I can hardly imagine a case in which a joint proprietor will not avail himself of the advantages which the law offers, and there will be scarcely a zillah in Bengal in which the number of mehals upon the towjee will not be speedily trebled. In this district with its 40,000 sudder mehals, the increase will be in no way less remarkable, for the partners of a small Chittagong turruff are just as numerous as the partners of a large zemindaree. The increase, too, will be progressive; for the shares which have been separated will in course of time become themselves the subject of fresh divisions. It may be urged that by affording such facilities for subdividing estates, you will cover the land with petty tenures, and will destroy the extensive properties which now exist. The fact appears to be that these divisions are in existence already, and arise from the laws of inheritance, and the wants of the people. The law will not create, but will perpetuate them, and in the place of vast estates coming into the market, and passing into the hands of a single individual, a wealthy capitalist must hereafter be contented with buying property piecemeal.

3. To Section XI. I have no objection to urge, for Section XIV. will sufficiently repress the endless frauds which would otherwise spring from it. A consideration of section XII. leads me to think that the collector will often find it difficult to arrive at a correct decision by a summary inquiry when the land and jumma is disputed by the other sharers. In my opinion it would be better to refer the parties to the butwarrah laws when the objections do not appear frivolous or groundless. The collector's decision may be wrong, or the applicant may be in possession of more land or (which will be more common) may pay a much less jumma than properly falls to his share. So long as the estate remains in joint proprietorship, the weaker sharers have some hold over the stronger, but when the division takes place, and they become responsible for an undue proportion of the revenue, they may find it difficult to retain their lands. The sale would ruin them beyond hope of redress, and their more fortunate partner might complete the sum of his wrong-doing by becoming the purchaser of their shares under Section XIV. By the butwarrah laws now in force, the divided portion of a mehal, except in cases of fraud, becomes permanently severed from the parent estate, but by the present law, the separated portion is liable to be re-annexed at any time. In some instances, say where lands are exposed to diluvion, it would be hard to sell the property of one sharer because the lands of the other have ceased to exist. The provision should at any rate be modified; but, in my opinion, if a butwarrah is to take place, it should be so conducted as to obviate the necessity for any such stringent provision at all. I would rather in fact that the butwarrah laws should be revised and rendered more manageable than at present, than see the summary investigation proposed in Section XII. adopted.

4. Section XV. permits a recorded proprietor to deposit the amount of his revenue in cash or Company's paper with the collector. The provision is just, and whether it be used as a means of converting estates into freehold tenures or merely be used to avert the consequence of a co-parcener's bad faith or an agent's dishonesty, the result cannot fail to be beneficial.

5. The next section which, in my opinion, requires notice, is XXXIII. It is ruled, as in the present law, that, unless an appeal shall have been preferred to the Commissioner, no case shall lie in the civil court for reversal of the sale. In districts where estates are numerous, mistakes are apt to occur, and it sometimes happens that mehals are sold through an oversight, and the unfortunate proprietor remains unaware of the fact until the period of appeal has gone by. Such a case occurred in this district; payment had been made, but credited to another estate, which bears a somewhat similar name and jumma. The owner could obtain no redress, for the civil court refused to entertain his case, because he had not appealed to the Commissioner.

6. The most startling change to which the proposed law will give rise, concerns the condition and value of intermediate estates. The present law benefits the zemindar at the cost of the talookdar, and with but few exceptions places every tenure at his disposal. The proposed law will cover Bengal with perpetually settled mehals and render the jumma of the talookdar as fixed and immutable as that of the zemindar. The present law contains a reservation in favour of—First, Istumraree tenures which have been held for more than twelve years before the permanent settlement. Secondly, of such as were in existence at the time of

Appendix, No. 7.

the settlement; and Thirdly, of certain tenures of more recent creation. The proposed law, in addition to the above, will embrace tenures of whatever description belonging to the third or last mentioned class, and further will outstrip the present law by insisting upon a registration in all cases. As no talook can be deemed valid if unregistered, so no registered talook can be set aside unless it be proved within 60 years that the assessment is detrimental to the Government revenue. Thus, the advantages conferred by the registration will be enormous, and I cannot help fearing that the system will be attended with abuses just as extensive. Under the present law, the zemindar who opposes the talookdar's claim is probably a recent purchaser who has paid a high price for his estate and is anxious to turn it to the utmost advantage. Under the proposed law it will be difficult to prevent the talookdar and the zemindar from colluding, or to prevent the latter from creating fictitious tenures for his own peculiar profit. The collector who adjudicates on the validity of the tenure will (in the case of mehals of the first and second class) be often a passive instrument in the hands of parties between whom there exists no real variance. The title deeds may be forged, but who will prove them forgeries? The jumma may be merely nominal; but without a local inquiry and in the absence of trustworthy records, how will this fact be ascertained?

7. Section XXXVII. refers to talooks of recent creation. I presume that the zemindar is at liberty to create a permanent tenure, but I do not understand upon what terms he is at liberty to settle with his talookdars. A careful and provident man would insist upon a fair assessment; a needy and extravagant one would prefer to part with his lands on an easy jumma in expectation of receiving a larger jumma. To what extent then is the collector's interference required, and what is meant by the terms that the rent shall not be "less than is fully sufficient to afford a fair proportion of the revenue assessed upon the parent estate." The assessment throughout the estate may be light, and if one talook is to be assessed in the same proportion as the others, and not agreeably to the market rates, the zemindarry may be rendered comparatively worthless. If, on the contrary, we insist upon assessing the talook on the severe basis which is current in khass mehals, we may offend both talookdar and zemindar and deprive the latter of a very favourite method of satisfying his necessities. In most cases the mofussil inquiries must be extended to other lands than those of the talook which it is proposed to register. Sometimes it may be necessary to measure the whole zemindarree, and a most expensive agency will be required. The funds of course must be furnished by the parties whom the undertaking will benefit, and it will sometimes be a difficult matter to prevent the registration from becoming too costly a boon for the talookdar to avail himself of it. In districts which have been surveyed or measured, the task will be comparatively easy; but there are parts of Bengal where even the zemindars themselves possess no measurement papers and are utterly ignorant of the real extent and value of their possessions. In such cases the difficulties of the collector, and in fact of all parties concerned, will be increased ten-fold.

8. The introduction of a system of general registration will benefit the proprietors of recently-created under-tenures. To those who hold lands of the first and second class, the new law will, in my opinion, be ruinous. The old law left the zemindar to deal with them. By the new Act they will be put upon their defence at the prosecution of the collector. As in the case of lakherajdars, the *onus probandi* will lie with them; and when any pottah or sunnud is not forthcoming, they may be unable to prove the fact of possession, which perhaps is notorious in their own neighbourhood: such, it will be said, may be the case at present. True; but litigation is not now suddenly forced upon them at the instance of a third party. They are left in undisturbed possession until such time as the zemindar thinks proper to sue them.

9. The beneficial results which are likely to spring from the new Act are obvious; proprietors will be secured from the dishonesty of their agents or co-parceners, and a respectable and influential class of middlemen will be established. But the disadvantages are also to be considered. The zemindaree tenure will become comparatively worthless, and men will prefer vesting their money in under-tenures to purchasing fractional portions of estates and properties which yield little beyond their sudder jumma. The system of registration, with all its admitted advantages, will open the door to incalculable frauds, and tenures will be created regarding which the collector has no real knowledge. Government will in self-defence become an extensive proprietor, and then will follow increased expenses of collection and endless disputes with fraudulent talookdars.

I have, &c.
(signed) *J. S. Spankie*, Officiating Collector.

From the Officiating Deputy Collector of *Bullooah*, to the Commissioner of Revenue, 16th Division, *Chittagong*, No. 479, dated Bullooah, 26th March 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your memorandum, No. 271, of the 13th instant, and its accompaniment from the Board of Revenue, Circular No. 2, of the 26th February 1856, calling for a report on the draft of an Act to amend the law of revenue sales.

2. The

2. The current Act I. of 1845 was merely a liberal alteration of Act XII. of 1841, by which the particulars of an estate were more generally made known to the public by a new system of advertisement, and a mitigation of the severity of procedure as to forfeiture in cases of non-payment of the full amount of purchase-money allowed.

3. Act XII. of 1841 was enacted for the benefit of the agricultural community, to abolish the levy of interest, and penalties on arrears, and to systematize and amend the laws for the realisation of revenue.

4. The present obtaining system has, therefore, with slight amendments, been now going on for fourteen years, but during all this time it appears that the law had been objected to and proposals for its amendment have occupied the attention of the best revenue authorities, and have now resulted in the proposal of the Draft Act under review.

5. The preamble of the proposed law embraces all the provisions of the current system, and a great deal more—Six objects are detailed.

First.—The assimilation of zillah Cuttack to the permanently settled districts of Bengal in the matter of sales.

Secondly.—Reasonable security to persons having liens on estates.

Thirdly.—Provision to enable sharers in estates to protect their shares from sale by reason of the default of co-sharers.

Fourthly.—Provision to enable landholders and absentees to guard against accidental sale of their estates through the neglect or fraud of their agents.

Fifthly.—Enforcement of registration of dependent talooks, and security to such tenures when registered.

Sixthly.—Protection to under-tenants from loss by the voidance of their tenures by a sale for the causes of which they are not responsible.

6. Although in the proposed Act much of the spirit, procedure, and wording of Act I. of 1845 is retained, the above objects are new, and, with the exception of the last, untouched by the former Act.

7. The first eight sections of the proposed law differ from the same sections in Act I. of 1845, simply by the alteration as regards zillah Cuttack, a little difference in wording, and the writing of the word gazette, where the former word was gazettes. In this last particular it appears to me that the former reading was preferable, and I see no advantage in substituting the singular for the plural number.

8. I am aware of no reason why the process of direct sale in the event of arrear, which is found in practice to answer in Bengal, should not be extended to Cuttack.

9. In the first part of Section IX. the existing law has been liberally enlarged; the power formerly allowed to zillah judges is extended to the civil courts in general. The last part of the section guards a holder of a lien on an estate against loss by sale of the property.

10. It is not expressed, but it is clear from the wording of the section, that the collector is bound to receive the arrear if tendered before sunset on the latest day of payment, from anyone whomsoever, and to credit it to the estate, and thereby to prevent sale, without enquiry in any way into the rights, motives, or interests which cause the payment of the arrear—all such matters being left to the civil court. Under this ruling, which applies to the current law, a person having only a lien on the estate, was not regarded as a party interested in the estate; and in the case of such a person preventing sale by the payment of the arrear, his payment was regarded as gratuitous. By the proposed law, the amount paid is added to the original lien: and surely there can be no objection to the introduction of this fair and honest dealing.

11. I cordially approve of Section X. as to the separation of shares held in common tenancy, for the purpose therein described; also of Sections XI. XII. XIII. and XIV. as they secure the Government and permit the estate to be saved till any sharers may be able to make a more complete separation of their land and shares by formal butwarrah: these clauses are entirely for the benefit of the zemindars.

12. With reference to clauses XV. and XVI. relative to deposits for the protection of an estate from possible sale, I would remark that the deposits may be made long before sale is probable; in which case attachments by order of the civil courts may be received by the collector and occasion difficulty; the clauses seem, therefore, scarcely complete without some reference to the above contingency.

13. Under the present state of the law I know nothing preventing the deposit of a sum with the collector to guard against a possible sale, and I believe the deposit has actually been made.

14. Clauses XVII. and XVIII. merely re-enact the current law.

15. Section XXVIII. relates to the application of the surplus money; it is the same as the rule in the current law, and coupled with it is a difficulty. Very many estates come to

Appendix, No. 7.

the hammer because they are held by numerous partners in joint tenancy, and these cannot agree among themselves; the separate shares have not been recorded in the collectorate; often the several joint partners refuse to sign a joint receipt. Immediately after sale, precepts from the civil courts constantly desire the collector to attach certain amounts of the surplus proceeds in the name of some of the joint-holders, whose proportion of share is unknown to the collector; and thus sharers, whose rights are not affected by the orders of the civil courts, find it difficult to obtain their shares of the surplus sale money. In such cases as this, the course to be pursued by the collector, when a portion of the body of joint proprietors refuse to sign a joint receipt, should be defined. At present the law seems to rule that, unless the whole body of joint proprietors give the receipt, the collector should not pay the money—a practice attended with manifest hardship and requiring provision by law in this place.

16. The proposed law next requires the compulsory registration of under-tenures, and it carefully distinguishes old tenures and those created before settlement from new; part of Section XXXV. and the whole of XXXVI. relate to the registration of old tenures.

17. It is generally known that the present state of the law of registration is very defective, and often useless. In my own limited practice, in all difficult occasions I have found it totally so. The advantages of registration offered in Act I. of 1845 have scarcely ever been attended to. When a lease is granted, it is generally registered without inquiry by the register of deeds, but very seldom has the required notice been made to the collector—a neglect that would be fatal to a lessee if he tried at law to protect his lease against the interference of a purchaser at a sale under Act I. of 1845.

18. I am fully aware of all the advantages of registration. I would support any law which would make the complete registration of all old tenures general, but am averse to making such registration compulsory.

19. In the yet unsold estates, where registration of such old tenures has been neglected, the requisite proof for registration might be difficult to obtain, and the inquiry demands much of the collector's attention; and should registration not be granted, the tenure becomes reduced to a state similar to that of a ryot's.

20. I think any difficulty on this matter would be better left to the management of the purchaser and the occupant, and uninterfered with by the collector.

21. I would leave such old tenures as encumbrances on the estate exactly as they are now left by clauses one and two of Section XXVI. of Act I. of 1845, allowing the tenants liberty to register their holdings before the collector, if they choose, as security to themselves, but not visiting the neglect or inability to do so by any probable future penalty.

22. To the general provisions for causing the registration of tenures created subsequent to settlement, I am very willing to agree; but think that, if it was made compulsory only to register tenures created less than 12 years before the passing of the present Act, leaving tenures of older creation to benefit or not by registration, as may seem best to their owners, it would be found more to the advantage of the landed interests.

23. I think the words "fix a day" in the second clause of Section XXXVI. may be omitted with convenience to collectors, and no injury to the other parties concerned.

24. In the additional rules connected with registration under Section XXXVII. it is proposed that the collector shall commence measurement immediately. I am of opinion that it would be better to wait till the answer of the proprietor of the estate as to his objections to registration are received, and if necessary, decided by the collector.

25. With the above remarks I beg to express my opinion as to the rules for the registration of under-tenures, and proceed to notice the effect to be given to such registered tenures in the event of sale, not with any presumption that my remarks on such an important and disputed topic will be of any value, but simply because I have been ordered to report on the subject.

26. The effect of the proposed law is to cause all under-tenures to be registered, and all registered tenures to be considered as valid and permanent hereditary holdings with reference to the law of sale for arrears of revenue, and to be held good as such against all purchasers, the Government not excepted.

27. Another scheme, backed also by most experienced revenue authority, has been mooted—it is this, that all under-tenures created since the settlement, at whatever rates, could hold good so long as the parent estate should prove saleable for an amount equal to any arrear of revenue that might accrue upon it; and that whenever this should cease to be the case, the parent estate should be forfeited to Government, who should make a re-settlement of the whole of it.

28. I am rather averse to compel registration, and I deprecate the interference of Government between the zemindars and the under-tenantry, when that interference can be avoided.

29. The

29. The law proposes to give a permanence and a value to under-tenures, which were created by the zemindars, who at the time of creation did not consider the introduction of such proposed legislation, and only received the consideration from the accepting tenants naturally under the knowledge that the zemindars could cause a benamee sale of the whole property, and subsequently increase or alter any of the rents. It is fair to conclude that, had it been known that the value and stability of these tenures would have been increased, the salamee would have been greater at the time of their creation. I do not think the law is equally fair to the zemindar as to the tenant; it places the zemindar in the position of a mere collector of rents; it diminishes his authority and interest in the estate; it tends, in my opinion, to deteriorate the value of zemindaree property throughout the country.

30. I see no reason why these under-tenures should necessarily be interfered with by Government, or why Government should necessarily be bound by them. I will put a case. A zemindar, urged by feelings of gratitude for services done by some one to him, say, for an intricate and important lawsuit concerning possession of land, carefully conducted by a vakeel through all the perils of the Mofussil and Sudder Courts to a final satisfactory conclusion, wishes to reward that vakeel by the present of an extensive hereditary farm at a mere nominal rent, not one-tenth of its actual value in the market—what right have the Government to step in to interfere, and say, We object to this farm? it is injurious to the property? it does not yield a fair rent? Again, the estate is primarily answerable to the Government for the Sudder jumma. Should the estate be sold and fall to the Government, Government would be injured by any law binding it to support such a lease as the above. I think, therefore, with Mr. Ricketts, that there might be incorporated into this law two species of registered engagements; the one distinctly unconnected with the Government, binding against any one purchasing the position and rights of the zemindars, but not binding against the Government in the case of a lapse of the estate; and another species binding on the zemindar or any one succeeding to his place, and also on the Government, and depending for its sanction on full inquiry by the revenue authorities, subject to all descriptions of appeal from the collector to the Board of Revenue, and thence to the Civil Court.

31. Government does not enter on the possession of a forfeited estate with the ultimate aims of an ordinary purchaser; and where an estate becomes the property of Government, it is not the collector's sole object to get the highest possible jumma from each tenant. On a change of proprietors, the Government is preferred by the under-tenants to a new zemindar; the settlement proceedings are conducted under experienced supervision; no extortion or harshness is permitted, no salamee is demanded, and all proceedings are open to the appeal of higher revenue authorities. The present rules for settlement, contained in the settlement manual, direct a most careful adjustment of the rights of every occupant of an estate, and allow of the confirmation of every fair tenure found to be in existence at the time of the commencement of the Government ownership. I believe that, under the existing settlement procedure, each talookdar, putneedar, durputneedar, seputneedar, howladar, &c. would fare far better than they do on the advent of a new zemindar under the current law; and that the state of under-tenures with reference to a purchase by Government, is in reality, if not in actual law, much better than in the case of purchase by private individuals.

32. On the purchase of a considerable estate by an individual, the process of obtaining possession commences with its accompaniments of affray, murder, and paying, and is followed by the sequel of increased jummas and salamee. None of these objectionable occurrences take place in the event of an estate being forfeited to the Government: and I submit that in the settlement of such an estate, the Government ought to, and would give security to all actual tenants occupying under honest titles at fair rates.

33. It has been argued that, unless registration be binding against the Government, a tenant who has improved his land will pay a tax on his improvements, whilst an idle tenant, who has allowed his tenure to deteriorate, will receive a premium for his negligence. I cannot see the force of this argument; under the spirit of the present settlement rules, the tenant possessing a property brought up to a mature state of cultivation, would have the same secured to him after inquiry, subject to no further alteration of jumma; whereas in the case of the tenure where there is evident room for improvement, the rent would be fixed only for a short period, at the expiration of which, fresh inquiry, with an increased demand of rent, would ensue. Indeed, I think registration of tenures, of which the greater part consist of waste lands, which are widely spread over Bengal, with a view to the determination of a future fixed rent, unadvisable, if not impracticable; it is making an obligation binding for ever on the calculation of a future contingency.

34. I do not think there is any very great necessity to guard against fraud, where the Government is not concerned; this proposed law is not enacted for the security of intending purchasers. A purchaser is bound to satisfy himself of the value of the thing he wishes to buy; if he covets an unembarrassed estate, and buys a bag of lawsuits instead, he has himself to thank for this caveat emptor.

35. On the whole, then, I prefer the scheme, which allows of the registration and formation of tenures without the interference of the Government authorities to that in the proposed law now under review, which demands speedy registration of all under-tenures; and would render them permanently effective against the Government.

Appendix, No. 7.

36. The whole of the proposed law is a philanthropic endeavour for the general benefit of the landed and agricultural interests; its aim must be universally approved, it is only in particulars that I have ventured to differ. I have expressed all that I could find to object to, and have no further comments to offer.

I have, &c.

(signed) *F. B. Simson*,
Officiating Deputy Collector.

FROM the Commissioner, Cuttack Division, to the Secretary to the Board of Revenue, Lower Provinces, No. 563, Pooree, dated the 24th April 1856.

Sir,

Revenue.

I HAVE the honour to acknowledge the receipt of your letter, No. 2 of the 26th February last, on the subject of a Bill for the Improvement of the Revenue Sale Law, which is now before the Legislative Council. In reply I beg to forward copies of the communications on the subject, which I have received from the Collectors of the Division, and at the same time to submit the following observations:—

2. The first provision of the proposed Sale Law relates to the repeal of Regulation X. of 1818, and the discontinuance of the present practice of obtaining the previous sanction of the Board of Revenue to sales of estates in the province of Cuttack. The honourable Mover of the Bill appears from his speech, as reported in the published proceedings of the Legislative Council, to be under the impression that the dustuck system still prevails in this province. That, however, is a mistake. The dustuck system was abolished on the 1st of January 1854, and the provisions of Regulation X. of 1818 have ceased to be enforced since the same period. The revenue is now collected in Cuttack, as elsewhere, in the regulation districts of Bengal, by a system of payments on fixed dates enforced, in the event of failure, by the sale of the tenure on which they are assessed. The success of this measure has been most complete. The Government revenue is collected with even greater punctuality than before. Sales, as the marginal statement will show, have actually diminished in number, and the landholders have repeatedly described to me the annoyance and oppression to which they were subjected under the old system, when a whole army of peons was periodically let loose upon them, and expressed their lively satisfaction with the present arrangements. The only inconveniences attendant on the new system, arise from the necessity of submitting voluminous lotbundees periodically to the Board, the preparation of which imposes a serious task on the collector's establishment, and the obligation of obtaining the Board's previous sanction to the sales, which frequently involves their postponement in consequence of the Board's answer not being received in sufficient time to admit of the publication of the notices which the law requires. These inconveniences will be removed by the provision in the Bill to which I have referred, and both this and the proposed repeal of Regulation X. of 1818 have therefore my hearty concurrence.

DISTRICT.	Annual average Number of Sales from	
	1844 to 1853.	1854 to 1855.
Cuttack - - -	12	2½
Pooree - - -	1⅔	1
Balasore - -	1½	2

3. The next improvement of importance upon the present sale law, which the Bill contemplates, consists in allowing the amount of the deposit made by a mortgagee, in order to protect his lien on the estate of a defaulter, to be added to the amount of the original lien, thus affording the mortgagee the security of the estate itself in lieu of the mere right of recovering his deposit by an action against the proprietor, which is his only remedy under the present law. To this I can conceive no objection. It appears but equitable that the deposit which saves the estate from sale should be secured by a lien on the property in behalf of which it has been made.

4. The Collector of Cuttack (Mr. Shore) urges some objections to the provisions in Sections X. XI. XII. XIII. and XIV. of the Bill, whereby shareholders of joint undivided estates will be enabled to pay the revenue on their shares separately, and so to secure them from sale, except in the double contingency of one or more of the other shares failing, when exposed to auction, to realise the full amount of the arrears due upon them, and of these arrears not being made good within ten days of the sale by the solvent shareholders. He considers that these provisions will encourage the sub-division of property and the multiplication of petty estates, which is already, he thinks, a serious and growing evil in this country; and he would therefore limit their operation, as was done by the new rescinded Regulation VI. of 1807, to those shares the Sudder jumma of which should not be less than 500 rupees.

5. If I thought that the clauses of the Bill which I have quoted in the latest Section were likely to lead, as Mr. Shore supposes, to the further sub-division of petty estates, I should join with him in deprecating their introduction; for extreme sub-division, it is obvious, by creating a host of pauper proprietors, must materially increase the risk and labour of collecting the revenue, while its effect upon the people themselves and upon the prosperity of the country is likely, in my opinion, to be prejudicial.

6. I believe, however, that the operation of these clauses will in all probability be the very reverse

reverse of that anticipated by Mr. Shore. I think that the remedy which they provide against the fraud or negligence of co-sharers, will, in a great measure, put a stop to the partition of estates; that it will give the shareholders of joint undivided estates confidence and security in that description of property, and will render a formal partition of the estate under the butwarrah law unnecessary for their protection. Many persons appear to suppose that there is little difference between an actual partition, as effected under the provisions of Regulation XIX. of 1814, and the power which this Bill allows to sharers in undivided estates of protecting their own shares by the separate payment of their share of the revenue of the estate; but there cannot be a greater mistake. In the first place, according to the plan proposed, the whole estate continues answerable for the revenue assessed upon any portion of it; and in the next, the estate has the benefit of the joint funds of a number of individuals employing, generally speaking, a single manager, and retains an area sufficiently large to encourage the application of capital, instead of being split up, as it would be if partitioned into a variety of little unremunerative patches, each with a separate management, and dependent for improvement on the resources of a single individual. I consider the principle involved in these clauses to be worthy of adoption, and the details appear to me to be unobjectionable.

7. To the permission given to landholders, by Sections XV. and XVI., to secure their estates from sale, by depositing with the collector money or Government securities equal in amount to the Sudder jumma of their property, I can conceive no objection. It has been said that this permission may lead to the redemption or condemnation of the land tax; but, as Mr. Shore has pointed out, this cannot be until the interest on the public debt equals the land tax, and Government renounce the power of paying off the loans which they contract.

8. The provisions of Section XXXV. and the following sections, for the better security of under-tenures, have not been made applicable to this province. It has probably been thought that, as the recent settlement fixed and placed upon record the rights and interests of all persons at that time connected with the soil, and the under-tenures created since the settlement cannot be very numerous, it was unnecessary to disturb the existing arrangement. The number of under-tenures, however, which have been created since the settlement, either through the sale or abandonment of the old tenures, or the cultivation of lands formerly waste, is very considerable; and if it is advisable that the under-tenures in Bengal should be secured against forfeiture by the means proposed in this Bill, there seems no good reason why the measure should not be extended to Cuttack. Under-tenures created since the settlement, as it is, are limited in duration to the term of the zemindar's engagement with Government;* but this would form no objection, for the Bill deals, as I understand it, with the limited as well as the perpetual leases of Bengal, and does not propose to extend such leases beyond the periods for which they were originally granted.

* Act XVI. of 1842.

9. But I do not recommend that the provisions of the sections which I have quoted above should be extended to Cuttack. They would, from all I can learn, be very unpopular here. Nor am I disposed to think that they should be introduced into the revenue law of Bengal. Let us first examine the proposed measure under the supposition that it will be generally taken advantage of, that in the course of the next three years every talookdar, putneedar, moostajur, and ryot will have registered his tenure and secured himself against any enhancement of his rent during the period of his lease. The state of things, then, will be very much the same as that which has prevailed for the last 13 years in this province. Now, what has been the effect here? The answer, I fear, must be, that while the ryots and under-tenants are very much better secured against the exactions of their landlords than they were before, the agricultural improvement, which is stated to be one of the objects of the Bill, has not been attained; and this, for the very obvious reason that all incentive to the investment of capital in the improvement of the land has been removed from the only classes who have capital to invest. As matters stand, the sole person connected with the land who can benefit from its improvement, is the lowest on the scale, the ryot. The zemindar, the surburakar, mokuddum, and other intermediate holders, are no further interested than that any positive deterioration of the land would affect the ryot's power of payment, and any improvement would facilitate it. The motive, however, which these considerations supply is not sufficiently strong to induce these parties to lay out anything upon land which will return no direct interest on the money expended; natives have not sufficient foresight for a mere precautionary outlay. Indeed, in such a state of things as prevails here, the ryot's ruin is often the gain of the zemindar or the middleman. An inundation, which destroys all the hopes of the ryot, is not unfrequently a source of positive good to the zemindar, as it enables him to oust his under-tenants, and re-settle his estate free of all incumbrances.

10. Where this cannot be done, the zemindar sinks into the mere holder of a superiority, and has little more interest in the land than the owner of a jointure has in the estate on which it is secured. Talk to such a man of improving his estate by irrigation, by roads, by the introduction of new products, and his natural answer is, "What benefit shall I derive from these measures? The rents of my under-tenants are fixed, and if I trebled the resources of my estate, I should not be richer by a single pice." This is no imaginary reply, but an answer very similar to many which I have often heard since I came to this province. The case is precisely the same with the middleman. He, too, has nothing to look to beyond the rents of his under-tenants. The only hope of these men, apart from the cultivation of waste land, is the breaking up of the settlement tenures, and to this object many

Appendix, No. 7.

of the landholders and middlemen here devote themselves with great perseverance. According to the degree in which they succeed in this, they enhance the value of their property; and it is matter of notoriety that, in consequence of the increased facilities which a Government sale gives for testing and annulling under-tenures, a very much higher price is obtained for estates which are brought to the hammer than could be procured for them by private sale.

11. Throughout the discussions which have taken place on this Bill, the interests of the zemindars, in whom, by the theory of the perpetual settlement, the property of the soil is vested, appear to me to have been wholly overlooked. The question of fixity of tenure has been argued as if it affected the under-tenants and the Government alone. But it seems certain that the adoption either of Mr. Grant's measure or of that advocated by the Government of Bengal, would have the effect of depreciating the value of zemindary property to a very serious extent. At present, when a zemindary is sold by the collector, it passes into the hands of the purchasers free for the most part of encumbrances, and capable, under judicious management, of improvement to a greater or less extent, according to the circumstances of the case. It commands, therefore, a price calculated not merely according to its present rental, but according to the extent to which there is reason to expect that rental may be raised. But introduce fixity of tenure, and the zemindary is worth merely the market value of the existing rental, minus the cost and risk of collection. It cannot be doubted, I think, that, supposing registration to be generally adopted by under-tenants, there would be a very considerable difference between the value of zemindaries prior and subsequent to the act of registration; and, if this be so, it follows that, to the extent of this difference, the present Bill is a measure of confiscation.

12. It seems to be thought that the capital of the country is chiefly in the hands of the talookdars, and that agricultural improvement is to be looked for rather from them than from the zemindars. This idea has probably originated in the fact that indigo and sugar-planters seldom hold zemindaries, preferring to rent merely those talooks or villages which they require for the products they cultivate. As a general rule I believe it is unfounded. I cannot believe, for instance, that the improvement of the district of Burdwan would not proceed much more rapidly if the leases were under the control of the Rajah, than it is likely to do while the estate is sub-divided among putneedars who enjoy fixity of tenure, and who alone therefore have an interest in improving its resources. And even with regard to indigo and sugar-planters, it must be recollected that it is not in their character of middlemen that they expend their capital, but in that of manufacturers and contractors; their advances are frequently made to the ryots of estates in which they hold no tenures.

13. But suppose that the assumption to which I have alluded is correct, and that the improvement of the position of under-tenants in Bengal is so important as to justify the sacrifice of the zemindar's rights, is it quite certain that the most wealthy and most improving class of under-tenants, namely, the indigo planters, will really benefit to the extent that is anticipated either by Mr. Grant's measure (always supposing it to work) or by that of the Bengal Government, which, it would seem, they prefer. There is no doubt that their position as talookdars would be somewhat more secure than it is now, although I must say their entire disregard of the protection afforded to those who register under Clause 5, Section XXVI., of the present law, does not evidence much sense of insecurity; but would it be quite agreeable to them that the ryots and under-tenants in their talooks should be rendered equally secure? An indigo planter does not look for remuneration to the rent of the land he occupies. His object in taking a talook is to acquire a power over the ryots, which may enable him to induce them to cultivate indigo for his manufactory; and if the ryots could secure themselves by registry or otherwise against enhancement of rent, it is not unlikely that they might prove their independence by declining to sow indigo, and tendering their rent of a rupee or two per beegah instead. I do not think that indigo planters would wish to see the ryots as independent of them as they themselves are (or would be under this Bill) of the zemindar.

14. Then, let us consider what would be the effect upon the Government revenue of a general registration and fixity of under-tenures; and, first, with regard to the ante-settlement tenures, to which, I may observe, I have not alluded in the foregoing remarks. In cases where these tenures have formed the subject of suits or proceedings in the Civil or Revenue Courts, and the fact of their being ante-settlement tenures, bearing a certain fixed jumma, has already been judicially declared or otherwise clearly ascertained, there could of course be no objection to their registration in the mode proposed by the Bill. The holders of these tenures would acquire, from registration, a fresh security. Intending purchasers would more easily ascertain the assets or incumbrances of the estate they wished to purchase, and no injury would be inflicted on any one. But, according to the process which the Bill contemplates, there appears to me to be nothing to prevent an unprincipled zemindar from creating fictitious tenures of this description. The notice is to be served on the zemindar himself; no one, in all probability, will have any interest in objecting to the registry. Collectors in Bengal have no mofussil establishment, and the omlah, through whom they make their inquiries, may be bribed. It is not impossible, therefore, that the Collector may be deceived. The tenure is entered in the registry, and 10 or 15 years afterwards, when the zemindar allows his estate to go to the hammer, and settles down on his registered talook, containing the best lands in the estate, held at a pepper-corn rent, it will be almost impossible for any Government officer to prove the fraud. When we recollect with

with what profusion fictitious lakheraj tenures were created at the time of the permanent settlement, and how difficult it was found to detect them some 30 or 40 years later, we shall not suppose this fraud to be so improbable as at first sight it might appear. But the registration of *bonâ fide* ante-settlement tenures is an object so very desirable, and so perfectly unobjectionable, that I should be sorry it was abandoned from fear of fraud. What I wish is simply that fraud should be better guarded against than it seems to me to be in the present Bill, and to ensure this, I think the Collector ought to be vested with judicial powers in respect to the inquiries authorised in the 26th Section, and directed in all doubtful cases to examine parties upon oath. Fraud under the present Bill would, if detected, go unpunished. If the measure I recommend be adopted, the fear of incurring the penalties of perjury will render the attempt a very uncommon one.

15. I fear that not even this precaution would suffice to secure the Government revenue in the case of the registration of tenures created since the settlement, as provided for in the 37th section of the Bill. It appears to be forgotten that collectors are sometimes not only fallible but careless, and that survey ameens are very generally corrupt. If the proposed Act becomes popular, and registration general, it is not too much to suppose that, in a district containing 2,000 mehals, there will be 20,000 applications for registry and survey within the first year. What time or attention is it possible for the collector or any dozen of collectors to bestow upon these cases? and whence are competent and trustworthy ameens to be procured in sufficient numbers? Allowing that this difficulty may be overcome, still the collector must trust in a great measure to the report and proceedings of the ameen who conducts the survey. Even if the Revenue survey has passed over the district, it will be of little use to him, as the Bengal survey is not, like that of Cuttack and the North Western Provinces, a detailed survey, descriptive of each man's holding, but a mere demarcation of the boundaries of estates and villages. When the tenures, therefore, are created by the zemindar himself, for his own benefit, or that of his family, there would be little chance of discovering any fraud which might be committed, or of proving it, when discovered, to be a fraud, and not a blunder of the collectors. It must always be remembered, in considering this question, that, under the novel provisions of the present Bill, the land ceases to be hypothecated for the security of the Government revenue. For this security is substituted another and a very inferior one, namely, the zemindar's interest in the land; and if, through the carelessness of the collector or the corruption of the ameen, the zemindar is allowed to divest himself of more than a certain proportion of this interest, the revenue which the Government have hitherto derived from the estate is irretrievably gone. The Bill provides no mode of recovering it. This being the case, and the land being unfortunately the chief source we have to look to for our revenue in this country, it appears to me that we should be very unwise to place it in the power either of accident or fraud to alienate it. It may be and is, I admit, unlikely that frauds of the nature to which I have alluded could be perpetrated successfully to any great extent; but it is sufficient for my argument that they may be perpetrated, and that the revenue may suffer. I consider that we should be wrong to endanger it in any degree whatsoever.

16. I have argued the question up to this point, on the assumption that the provisions of the 37th section of the Bill will be generally put in force by the classes for whose benefit they are intended, and I have expressed an opinion that they would in that case be injurious to the zemindars, dangerous to the Government revenue, and of little benefit to any class except the mere terra tenant. But I believe that in fact the scheme will not work, that it is too complicated, involves too much risk of litigation, and will consequently only be taken advantage of by a very few individuals. This has already been stated publicly by a leading indigo planter, and is the opinion of all the most intelligent persons with whom I have conversed here. The measure contemplated in the Bill, too, will affect, it must be observed, only one class of under-tenants, those who hold immediately from the zemindars. This is obviously not intended, but it is so. It is not only by Government sales that the position of the durputneedar, the seputneedar, or the ryot, is endangered by Section XI. Regulation VIII. of 1819; if the putneedar fails to pay his rent to the zemindar, and the tenure is brought to sale, all leases granted by the putneedar are *ipso facto* voided. The decisions noted in the margin,* (though in my opinion erroneous), seem to show that the Sudder Court consider an ordinary sale for arrears of rent under Act VIII. of 1835, to be as fatal to under-tenures as a sale under Act I. of 1845 or VIII. of 1819. The under-tenant of a talookdar has, therefore, no inducement to go to the trouble and expense of the registration which will only protect him under one contingency, and that generally speaking not the most likely one.

* Chowdry Mohadeb Das, *versus* Chowdry Narain Mohapatur. Cuttack Zillah Decisions, 3d April 1850. Sudder Decisions, 13th August 1850. Cuttack Zillah Decisions, 28th January 1851.

17. If the principle embodied in the 37th section of the Bill were a good one, these difficulties might no doubt be got over. Registration might be made to protect the tenant not only against sales for arrears of revenue, but sales for arrears of rent also. But, if the Legislature are of opinion that it is desirable to have all under-tenures registered and their rents fixed in perpetuity, or at least for the term of existing leases, it appears to me that they ought not to throw the burden of such a great measure on the people, the majority of whom, it is evident, are either too poor, too ignorant, or too timid to avail themselves of it. They should proceed, as the Government of 1836, which was impressed with this view, did in Cuttack, enact that the rights and interests of every ryot and under-tenant throughout the country should be authoritatively fixed and recorded. The work unquestion-

Appendix, No. 7.

ably would be a vast one, but it was effectually done in the three districts of this division in the course of seven years, and by multiplying the establishment employed here, by the number of districts in Bengal, it could of course be accomplished there in the same space of time.

18. For the reasons I have already given, however, I object altogether to the principle embodied in the 37th Section of the Bill, and in matters of detail, if I were compelled to choose between them, I should prefer the Government scheme, which has the merit of being more complete, inasmuch as it secures every under-tenure up to a certain point without any action on the part of the tenants, is perfectly simple and inexpensive in its operation, and does not endanger the Government Revenue. But on two points I have the same objection to the Government plan as to that of the Bill; it affects, equally with the latter, the value of zemindary property, and it tends to produce a general fixity of tenure; add to which the absence of registration in the Government scheme would inevitably give rise to many frauds. Every zemindar who fell into difficulties, would, as a matter of course, break up the best portion of his estate into under-tenures at low rates for himself and his family, and the purchaser at the Government sale would find that, instead of a productive estate, he had merely purchased a right to certain rents, little more than sufficient to enable him to pay the Government revenue without actual loss.

19. I am altogether opposed to any measure which would have the effect of fixing in perpetuity a large proportion of the under-tenures of Bengal. If, as has been said, two-thirds of the land in Bengal is held under a talookdaree tenure, it should be remembered that the zemindaree tenure extends over the whole country, and that the talookdaree tenure is subordinate to it. I look for the improvement of the country, not only to the Talookdars, but to the growing intelligence of the landlords, and the better class of middlemen, and should be sorry to see their influence over the lower class of under-tenants extinguished, or to think that it would henceforth be impossible for a capitalist to obtain an unencumbered estate of any size in Bengal; on the other hand, I am fully sensible of the difficulties under which indigo planters and other mercantile men, who find it necessary to take talooks for the better prosecution of their business, labour from the present state of the law, and I think it very desirable that they should be relieved as far as possible. The problem, then, which we have to solve, is how to afford relief to an important class of middlemen, without interfering with the rights of others, endangering the Government Revenue, or erecting a barrier to improvement in the shape of a class of pauper landholders.

20. It seems to me that this will be best accomplished by a modification of the plan of the Bengal Government. The objections to that plan are, as I have already stated, that by excluding registration and the consent of the zemindar, it lowers the auction value of the zemindaree without affording the zemindar any compensation for the injury done him; and that it renders it impossible for a purchaser at an auction sale to know what he is buying. In order to obviate these objections and afford security to under-tenants, I would recommend that it should be competent to all under-tenants, in conjunction with their zemindars, or in the case of ante-settlement tenure or tenures, the rents of which have been permanently fixed by law, or by the decision of any competent Court, then in conjunction with the holders of such tenures, to present a petition to the collector, setting forth all the particulars regarding their tenure which the present law requires in such cases, and praying that the tenure should be secured by registration against all auction purchasers except the Government; that the collector should, upon receipt of such petition, issue notices in all the usual places and in the usual manner, making known the substance of the petition, and in the event of no objection being made by any third party, that he should register the tenure in a book to be kept for the purpose against the name of the zemindary in which it might be situated; that this registry should always be open to the inspection of intending purchasers at auction sales; and that all tenures so registered, and no other, should stand good against the auction purchaser—provided that, if the estate should not command at auction a price equal to its arrears of revenue, it should be in the power of the collector, after giving one month's notice to the tenants, to expose it to auction a second time, and in the event of the bids still failing to cover the arrear to purchase it on account of Government, and to annul all leases and tenures whatsoever. Should any objection be made to the registry by a third party, the collector might be directed to suspend his registration of the tenure for the space of six weeks from the date on which such objection might be filed; and the moonsiff or the judge might be authorized, on application being made to them within these six weeks, to grant a provisional injunction against the registry and to decide in a summary manner upon the applicant's objections, confirming or withdrawing the injunction as he considered the objections to be valid or otherwise.

21. Under this plan the zemindar would have an opportunity of securing his own interests and obtaining compensation for the diminution which registration would cause in the auction value of his estate; while he would be able to place an effectual check on the inconvenient multiplication of under-tenures at fixed rents. The Government revenue could not suffer by any possibility. The auction purchaser, by turning to the registry, would ascertain the exact amount of encumbrances on the estate he was about to purchase, and the honest under-tenant who did not object to pay a fair value to his zemindar for an improved title, would be able to secure himself against all future interference by as simple a process as it is possible to conceive. Even the interposition of Government for the protection of its own interests

nterests would not take place without time being afforded to the tenant to prevent the forfeiture of his tenure by the payment of the arrears due, a disbursement for the recovery of which the present Bill provides an ample security; and the inquiry into the objections of third parties whose interests may be involved would be tried at once in the Civil Court, without the necessity of any preliminary and probably inconclusive investigation by the revenue authorities. It is quite certain that there is a large class of talookdars and other middlemen who will not be pleased with this scheme, for the simple reason that they wish to secure all the advantages which the registration I propose would hold out, without paying for them and without consulting the interests or convenience of their landlords; but the Legislature will not, I apprehend, concern itself about the wishes of this or that party, but having determined what is most equitable and advantageous for all, will do that regardless of clamour.

22. The 4th clause of Section XXVI., Act I. of 1845, enacts, that lands held under *bonâ fide* leases at fair rents for the erection of dwelling houses or manufactories, gardens, tanks, &c., shall be excepted from the operation of the rule in that section, whereby under-tenures are voided on the occurrence of an auction sale of the parent estate for arrears of revenue. Clause 4, Section XXXV., of the present Bill introduces very important modifications into this clause. All lands occupied for the purposes specified in the present law are by these modifications excepted, whether held under *bonâ fide* leases and at fair rents or not, and the exception is extended to plantations which are not mentioned in the existing Act. It seems to me that, if this clause passes as it stands, a large proportion of the land in Bengal will speedily be held rent free. A man may cover two-thirds of his zemindaree with plantations of date, cocoa, betel, coffee, tea, or cotton, and give it rent free or at a peppercorn rent to his son: when the estate is sold, the auction purchasers will be unable to touch this land, and the whole taxation will fall on the rice lands or on wet spots where plantations of the valuable products I have mentioned cannot be created. I do not understand the principle upon which it is sought to render leases of such lands less open to question than others. I can conceive no reason why a man should not be required to pay a fair rental for land occupied by a manufactory, a garden, or a dwelling house, quite as much as for the miserable patch of rice swamp which adjoins them. I should say, "protect the owners of these places by all means against summary ejectment or harassing interference on the part of each new landlord, but do not throw away the revenue of the most valuable lands in the country, or compel the auction purchaser to forego the fair rental which they better than many other estates can afford to pay."

23. There is only one other point in the Bill which it will be necessary to notice. Mr. Schalch, the Officiating Collector of Balasore, suggests that the Collector should be authorised, when necessary, to put the auction purchaser in possession of the estate to which he has certified his title. It certainly is a defect in the law that, if the defaulting proprietor retains forcible possession, the magistrate is bound, under Act IV. of 1840, to support him, and the purchaser is obliged to carry his certificate of title in the Civil Court. I would amend the 27th section of the Bill, by adding the words, "and in the event of any person other than the purchaser retaining forcible possession of the estate or share of an estate sold, the purchaser may make affidavit before any magistrate, of his inability to obtain possession without the aid of the police, and the magistrate on being satisfied by the production of the Collector's certificate that the legal title to the estate is vested in the applicant, shall thereupon afford him the aid of such police force as may be necessary, and shall place him in possession, anything in Act IV. of 1840 to the contrary notwithstanding: and if any person resists the execution of an order for possession of an estate or share of an estate given under this section, or refuses obedience thereto, he shall be liable, on conviction before a magistrate, to the same penalties as if he had resisted the execution of an order given under Act IV. of 1840."

I have, &c.
(signed) *E. A. Samuells,*
Commissioner.

From the Officiating Collector of Balasore, to the Commissioner of Revenue for the Division of Cuttack, No. —, dated the 28th March 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 272, of the 10th instant, calling for a report on the draft Bill to improve the law relative to sales of land for arrears of revenue.

2. Having acquired my experience as a Collector chiefly in a district which has been temporarily settled under Regulation VII. of 1822, I feel great diffidence in expressing an opinion on an Act which will have effect through the permanently settled districts. In the one, the records of the late settlement afford great facilities for the introduction of many of the contemplated changes which, for want of such data, must, in the others, be effected at a greater cost and with a greater risk of endangering the Government revenue.

3. On the six objects of the Act as set forth in the preamble, I need say little.

Appendix, No. 7.

4. The first, the discontinuance of the previous sanction of the Board of Revenue to sales for arrears of revenue in this province is necessitated by the alteration in the mode of insuring the payment of the revenue by the abolition of the dustuck system, recourse being now had solely to the sales of the estates of defaulters. This alteration has been in work for the last three years and has answered admirably. The revenue is now paid up with greater regularity, and without the harassing measures previously adopted, which invariably proved useless, the arrears being seldom paid up except under the threat of sale. During this period the number of estates sold has averaged annually two, whereas for ten years previously, when the dustuck system was enforced, the sales amounted to one and half per annum. The permanent determination of the dates of latest payment will cause no injury or hardship. but on the contrary tend to remove uncertainty and to save much trouble in the offices

5. The remaining provisions of the Act provide for the better protection of parties holding a lien on an estate of co-partners, and of absentees, and for the absolute security and registration of dependent talooks and under-tenures. The necessity for these improvements, and the vast benefits that must result from the greater security thus afforded to the employment of capital on land in India, are too well known to require elucidation or support from any arguments I might advance.

6. The present draft Bill appears fairly to grapple with, and overcome the difficulty, which has hitherto been supposed to exist, of securing the Government demand while carrying out these improvements.

7. The rules laid down in Sections X. to XIV., for enabling co-partners to separate their shares, appear to me to afford every requisite facility for their protection, as well as for that of the Government demand.

8. The summary inquiries prescribed in Section XII., as also in Sections XXXVI. and XXXVII., should, I think, be judicial, and the Collector be empowered to administer oaths, and compel the attendance of witnesses and the production of accounts, &c. As the inquiry is summary, and subject to the revision of the civil court, an appeal to the superior revenue authorities is not, in my opinion, advisable. Such an appeal, if not final, but increases the expense and delays the final decision, which rests with the civil court, to whom any party dissatisfied with the Collector's decision should at once be forced to have recourse.

9. Section XV. appears to confine the privilege therein given for the protection of an estate, by a deposit to cover an arrear that may accrue on it to the whole estate, and not to shares of an estate for which a separate account may have been opened under Sections X. to XIII. I see no reason why this concession should not be extended to co-partners of such a share, any deposit made by them, however, not to protect the share if the whole estate become liable to sale under the provisions of Section XIV.

10. The Collector is empowered to give, on the completion of the sale, under the provisions of the 27th section of the Bill, a certificate to the purchaser showing his title to his purchase, but is nowhere authorised to put him in possession. With such power I think he should be vested; for it is unjust to enact, as by Section XXXII., that the purchaser shall become liable for the Government revenue from the latest date of payment, without enabling him at once, and without reference to any other court, to enter on possession. The defaulter has certainly lost all right to the estate from the latest date of payment; yet, as the Collector is not empowered to dispossess him, he may retain possession and oppose by force the purchaser. Should the latter also have recourse to violence, the magistrate may bring the case into his court under Section II. of Act IV. of 1840, and being restricted to the investigation of the fact of actual possession, must uphold the defaulter; for, however valid the certificate may be as a proof of the purchaser's title, it is none of his possession. The purchaser must, therefore, have recourse to the civil court, and be obliged to pay the Government revenue pending the decision of the suit, without obtaining his rents from the cultivators.

11. The Collector should, therefore, I consider, be vested with the power of placing the purchaser of an estate, or of a share of an estate for which a separate account has been opened, in possession of his purchase. If the purchase be that of merely the right and interest in an estate sold for arrears other than its own, or for demands realisable as arrears of revenue, the Collector would of course not give possession, but only a certificate of title.

12. The registration of all under-tenures granted previous to the settlement should, as enacted, be rendered compulsory to obtain their exemption under Section XXXV., for the exemption from all future questioning and dispute is cheaply acquired at the cost and trouble of registry. The period allowed for registration might be extended to five years at least, from the promulgation of the Act; for however widely it may be circulated, a considerable time must elapse before its provisions can be generally known to the many ignorant and indigent holders of such tenures.

13. The charges and cost incurred in the survey and local inquiry required to be made regarding under-tenures granted subsequent to the settlement would, I fear, be considerable, and in some cases deprive under-tenants of the benefit resulting from the proposed registration. I would therefore allow the under-tenant to register his lease with a view either to permanent or provisional protection. To obtain the former he must follow the course prescribed

scribed in Section XXXVII., and incur the expense of the survey, and the other necessary local inquiries; but to insure the latter, no survey need be made, and the under-tenure might be protected from annulment unless the estate under these conditions failed to sell for the amount of arrear due on it, in which case alone the provisionary registered under-tenure should be liable to be voided.

14. I would, for the reasons stated in paragraph 8, allow no appeal to the superior revenue authorities from the Collector's decision regarding registration, unless on the grounds of "the good faith in which a tenure may have been created so far as the interest of Government revenue is concerned," or "the adequacy of the rent for the security of that revenue," these being points on which no appeal can be made to the civil court.

15. It has been objected that the protection here given is afforded only to tenures granted by the proprietors, and not to tenures created by talookdars or others holding under the proprietor. The wording of the draft does not appear to me to warrant that restriction, nor can I suppose such to be its intention; for the reasons on which is founded the introduction of a system of registration and of protection for under-tenures created by the proprietors, apply equally to under-tenures granted by talookdars and other under-tenants, which it may be within their competency to create. There would be no greater difficulty in registering the latter than the former description of tenures.

16. The protection granted in Section XXXVIII. to talookdaree tenures pending the summary investigation of the Collector in case of the sale of the parent estate for arrears of revenue, should, I think, be allowed only where the price offered for the estate, when sold with the reservation of the under-tenure, covers the amount of arrears; should the price bid be less, the estate should be disposed of unencumbered by the act of the defaulter, otherwise there may be no means of recovering the Government revenue until the survey or other inquiries have been completed, which may extend over a considerable period.

17. The protection above proposed to be given to under-tenures in permanently settled estates, does not appear to be conceded to similar holdings in estates not permanently settled. The papers and records of the late settlement would easily enable the Collector at once to ascertain if the rent fixed on an under-tenure were equivalent to the Mofussil jumma assessed on the lands included in it at the settlement. A local inquiry would show whether the zemindars were fraudulently endeavouring to separate the non-productive and better cultivated lands from those which might have deteriorated since the late settlement.

18. Provided, then, it were proved that the rent fixed on the under-tenure was equivalent to the assessment on the lands composing it at the late settlement, and that the Mofussil jumma of the remainder of the estate was not less than fixed at the settlement, I see no reason why the under-tenure should not be protected from annulment up to the expiry of the current settlement. The Government revenue could suffer no risk, and the purchaser, in case of the estate being sold, would still be in receipt of at least the same amount as that on which the Sudder jumma he is called on to pay was calculated; all leases would of course terminate on the expiry of the current settlement.

19. Section XLIII. of the proposed Bill differs from the present Act in the important omission of the word "unrecorded;" hence any unrecorded proprietor, even if the heir of a deceased recorded proprietor, re-purchasing his own share or the whole estate, might acquire the estate free from all incumbrances except those specified in Section XXXV. This must be, I imagine, an oversight.

20. The Act should, I think, distinctly state from what party the expense of issuing the sale and other notices specified in Sections IV. V. VI. VII. XXIII. XXVII. XXXI. are recoverable; for although Circular Order, Sudder Board Revenue, sale series, paragragh 25, directs the defaulter and the parties interested to be charged with the expense of serving certain of these notices, it may be doubted whether this order is legal, and it would be better that this point should be clearly settled by the law itself.

I have, &c.
(signed) *H. V. Schalch*, Officiating Collector.

From the Collector of Cuttack, C. D., to the Commissioner of Revenue, Cuttack, No. 206, dated the 25th March 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 486, with the enclosed Circular from the Sudder Board of Revenue, requiring my opinion on the new Draft Act, published in the "Gazette" of the 6th February, relating to the sale of land for arrears of revenue. Dated 10th March 1856.

2. It is so long since I have been employed in the Revenue branch of the service, and so very recently that I have re-entered it. that I cannot but feel considerable diffidence in submitting the following remarks. I have had no opportunity of testing my views by the practical experience afforded in a Collector's office, and they relate to a subject on which hitherto I have not been able to bestow very particular attention.

Appendix, No. 7.

3. With the exception of those parts of the proposed law, which prescribe the manner in which sales are to be held, and of Sections XV.-XVII., which enable absentee proprietors to protect their estates by the deposit of Government securities, the general tendency, I may almost say object of the Regulation, is to encourage the sub-division of property. So far as this result is brought about by the creation of permanent under-tenures, I do not think there is any particular ground for objection. But the multiplication of estates by partition, is, I think, a serious and growing evil, one which it may eventually be found necessary to check by legislative interference. The present law, however (*vide* Sections X. and XI.), has a directly opposite tendency, prevents the possibility of the mischief resulting from a joint proprietary, correcting itself by forming a sale of the whole property, and at the same time introduces a new class of shareholders, whose registration will burden the district towjee as much as if they had become separate proprietors by regular process of butwarrah. The only countervailing advantage, so far as Government interests are concerned, is that, with so easy and cheap a way open to them of protecting their shares from the consequences of their co-parcener's default, shareholders will be less ready to resort to the tedious and expensive process of partition under Regulation XIX. of 1814. And in consideration of their having this protection, I would go further, and recommend the re-enactment of some such wholesome provision as that of Regulation VI. of 1807, placing some limit to the extent to which an estate may be split up and received.

4. The provisions of the 35th and following sections appear to me open to some objection. I should, in the first place, greatly hesitate before applying them to districts which have not been subjected to the revenue survey operations. The expense of even an approximate value of the entire estate will often be enormous, and the difficulty that will frequently exist in ascertaining whether the tenure under inquiry is assessed with its fair share of the jumma, will be the greatest exactly where accuracy is of the most consequence, that is, where the object is to defraud the Government.

5. On the other hand, the preliminary inquiries will often be so tedious and costly, as either to deter under-tenants from seeking the protection which it is the object of these provisions to grant them, or to involve, and consequently depreciate, the property in the process. But I allow that these objections, affecting the interests of the Government on the one hand, and of the under-tenants on the other, will not apply in all cases where the Sudder jumma of the estate is so light as to allow of a considerable margin, and to make very minute inquiries unnecessary, where the estate is not a large one, and the under-tenure embraces a large portion of it; or where it is so compact and well defined, that the survey records will suffice without additional measurements. In these cases registration may be granted without danger to the Government revenue, or much expense and harassment to the parties seeking it.

6. To meet less favourable cases, I would suggest that it be optional with applicants whether to register under the present provisions, by which they will obtain complete protection, at some expense, or under those formerly proposed, which would grant them protection without any expense at all, but subject to revocation in the event of the parent estate being bought in by Government. It is further, I think, worth consideration whether, instead of the provision attached to Section XXXV., the benefit of a registration similar to that of under-tenants might not be extended to resident hereditary cultivators. In this case no very extensive or minute inquiry will be necessary; the village rates can always be ascertained with sufficient accuracy to protect the Government revenue; and it is hardly necessary to dwell on the beneficial results that will ensue from thus improving the condition of so important a section of the population.

7. The scheme for protecting absentee proprietors or others, by allowing a deposit of Government paper to protect the estate from sale, appears to me altogether unexceptionable. It has been said that this plan involves nothing less than a redemption of the land tax; but it is manifest that before it can have this effect, it is necessary, first, that the interest on public debt should equal the amount of the land tax; secondly, that it should be out of the power of the zemindar to reclaim his deposit; and thirdly, that the Government should pledge themselves not to pay off the loan.

I have, &c.
(signed) *R. N. Shore,*
Collector.

Revenue.

From the Officiating Commissioner of the Nuddea Division to the Officiating Secretary to the Board of Revenue, Lower Provinces, Fort William, No. 4, dated Allipore, 2 May 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 37, dated 8th April 1856, drawing my immediate attention to your previous call on my predecessor, dated the 26th February, for his opinion and that of the Collectors in this division on the provisions of the draft of the new Sale Law.

2. I have

2. I have found so much to do since joining this office, that I have been unable to give the requisite attention to this important draft, or to find time to record in proper form conclusions to which I had come before leaving the Board. As it is, I am without complete returns from the Collectors, none of whom are as yet of a year's standing, and from whose letters, herewith submitted in original, the Board will not, I fear, obtain much assistance.

3. I will however first make my own remarks on the draft, or rather on those sections of it which contain new provisions, and which, omitting Section III., in which the only new feature is that it includes Cuttack and Sections IX. and XXIX., which contain obvious improvements on the old law, are Sections X. to XVI. and XXXV. to XLI.

4. Sections X. to XIV., which provide for the Collectors opening a separate account with the proprietor of each separate share in an estate, whether holding all the lands in joint tenancy or in possession of distinct lands, will, I feel sure, be received as a great boon by landholders generally, and the precautions taken to secure Government in Section XIV. are, I think, quite sufficient.

5. But I think it will be necessary to empower a Collector to close a separate account as well as to open one. The applications under Sections X. and XI. need not always be given in at the same time, and the result of the summary inquiry to be under Section XII. in a subsequent application may show the Collector that the demand entered in his accounts against a shareholder whose application had been previously granted was incorrect.

6. Thus A applies for a separate account to be opened for a four annas share of an estate in which B has an interest, consisting of a single village for which he has paid a jumma of 140 rupees, the sudder jumma of the estate being 600. The Collector grants A's application and enters a demand of 150 rupees against his share: subsequently B comes forward and applies to have an account opened with him for his village on 140 rupees. The joint tenant proprietors object that the jumma specified by B is insufficient; a summary inquiry follows, and the Collector decides on admitting the application. Either the deficient 10 rupees of sudder jumma must be entered against the shareholders who have not applied for a separate account, or a proportion of it at least must be added to the demand against A. The concluding provisions of Sections X. and XI. respectively seem to give a character of finality however to the Collector's sanction of an application.

7. Attempts will be made, beyond doubt, to get the question of adequacy of jumma on a specific portion of an estate settled summarily under Section XII., in preference to putting in motion the dilatory machinery of the butwarrah law. If the Collector find that the alleged specific jumma is that which has been recognised by the other sharers, he cannot reject the application for a separate account, however inconsistent this may be with his orders on previous applications.

8. I would therefore suggest that provision be made for a Collector's closing a separate account, or for his revising the demand which he had previously entered against a sharer on his sanctioning its being opened, from which date, as the draft stands, the separate liabilities of the sharer for the demand entered against him commence.

9. On Sections XV. and XVI. I have already recorded an opinion while secretary to the Board; indeed, if I mistake not, my note on Rajah Pertabchunder Sing's petition, or rather on Mr. Plowden's remarks on it, was what led to the issue of the Board's circular order on this subject, and to their subsequent address to Government, which has caused the introduction into the draft of these provisions for deposit. Very few landholders will have the means of availing themselves of the privilege which these provisions confer, and it seems unnecessary, therefore, to argue on the financial results which would follow were deposits to be made by landholders generally or by a large proportion of them.

10. By far the most important sections of the draft are those which provide for and regulate the registration of old and new talookdaree tenures. I wish I could add that, in my opinion, these provisions and regulations will, in practice be operative.

11. I have but one remark to make on Section XXXV., and that is, that arrears of rent are not paid so punctually in the Mofussil as to render it at all probable that any of the tenures on an estate sold for arrears will have fulfilled the last of the conditions specified in Clauses 1, 2, and 3 of the section. The latest days now fixed by the Board happen to fall about a fortnight after the expiration of the Bengali month, for which the rent of all tenures must have been paid in, or they will be liable to fall. This condition will be the cause of constant harassment to the under-tenants, and the question suggests itself, why should the purchaser profit by a default on the part of the under-tenant? For this default, if it occurred, was an injury to the previous owner.

12. The tenures forming the 1st and 2d classes of exceptions, for the registration of which in the Collector's office Section XXXVI. provides, have been hitherto registered only in the office of the zemindar. The under-tenants will hail with gratitude the public record of their rights which is now to be preserved. I have no objections to offer to any of the provisions of this section.

13. It is in carrying out the additional rules, prescribed in the following section for the registration of tenures for the third class of exceptions, that I apprehend difficulty. All new tenures are to be entered for registry within one month of their creation, and the

Appendix, No. 7.

applications are to specify the fullest particulars. The widest discretion is then left to the Collector, and the result will depend altogether on the way in which he exercises it, and on the view which he may take of the grave responsibility which this section imposes on him. He is to take whatever measures he may deem necessary to test the correctness of the particulars handed in to him, and to satisfy himself that the assets of the tenure are proportionate to the rent payable by the holder, and that this rent is proportionate to the revenue for which the estate is liable. To satisfy himself of this, he must go through all the details of a settlement of the estate, and it must depend on the size and character of the latter, whether this process can be gone through at a cost which the applicant for registry would care to pay.

14. If the Collector is easily satisfied, I find no remedy for an unwise exercise of his discretion other than that of recourse to the Civil Court within 60 years, with the object of showing that registration was obtained by fraud. It would be very difficult indeed, and the difficulty would increase every year of the 60 years term, for Government to prove such a plea to the satisfaction of the Court.

15. Where the under-tenure was the putnee of a fractional share of a joint estate, the Collector's inquiry would have to embrace the whole estate. Again, in the 24 Pergunnah s there are cases in which estates, forming separate numbers on the Towjee, are so mixed up one with the other that such an inquiry would have to embrace three or four estates.

16. It may be said that the law is not intended for exceptional cases such as those I have alluded to. No doubt if these provisions work well, so as to admit of compliance without risk to Government, with even a moiety of the applications for registry which will be given in, the country will have made a great stride. I have no information, it will be seen, from any Collectors on the general character of the new tenures occurring in their districts. I can only therefore argue on their character, such as I have found it in the tenures of the 24 pergunnahs, where they are for the most part putnees and farms of entire interests in estates, joint or otherwise. These estates will be more often found composed of plots of land in villages distant from one another, than of single villages or of compact groups of villages.

17. In my opinion, a clear understanding of what is the prevalent character of the under-tenures most requiring protection, and precise information as to how this character varies in different districts, is absolutely necessary before such decisive and final provisions as these can safely be made law; and, pending the collection of such information, I should prefer seeing the proposals of the Bengal Government introduced into this draft.

18. I shall conclude with a few words on the Collector's returns. Mr. Mangles has begged to be excused giving any opinion, on the plea of his inexperience in revenue matters. Mr. F. Lushington, Mr. Pigou, and Mr. Fowle, have altogether missed the points on which their opinions were required. On pointing this out to the two former gentlemen, and on requesting them to ascertain the views of their deputy collectors on the probable working of Sections XXXVI. and XXXVII. I obtained the further returns, which are also submitted. In the case of Moorshedabad, the second return is not a more satisfactory one than the first. In the case of the 24 pergunnahs, I have thus obtained the opinions of three deputy collectors of experience. That of Seebchunder Deb should, I think, carry weight with it.

Mr. Fowle's report reached me too late to admit of a second reference to him.

19. This officer's view of Section XXXVII. is nearly the same as my own. He brings forward, moreover, objections even to Section XXXVI., being of opinion, apparently, that here also the interests of Government require to be watched. I know the theeka tenure to which he alludes, and am aware that the transfers of lands in the manner described have taken place; but I do not think that the tenure prevails to such an extent in any one estate as to cause apprehension that the revenue may suffer by the admission of applications for registration. There is Section XLI. to enable Government to cancel a registration fraudulently effected if the means of proving fraud are available.

20. It might happen, possibly, that the owner of an estate might create a new tenure on terms exceedingly favourable to himself, and succeed in imposing on a careless and superficial collector and in registering it as an old tenure. It might happen that this incumbrance would affect the capabilities of the estate to bear its public assessment; but the case is an extreme one, and the fraud would be detected whenever the estate came to sale.

21. Referring to paragraph 6 of the letter of the collector of the 24 pergunnahs, in which he enumerates three classes of tenures, I may explain, though it is perhaps hardly necessary, that the khoorpahdar is nothing more than a sub-tenant at will, a labourer in fact, on terms agreed to yearly between himself and the real under-tenant. The chuckdar is the local term for a jungleblooree tenant, and the theekadar is the mocummeedar described in the deputy collector's letter.

22. Mr. F. Lushington, of Nuddea, has sent in the best report, though it gives no information on the character of the under-tenures. He thinks the difficulties which oppose registration under Sections XXXVI. and XXXVII. will render the provisions of both inoperative.

23. I wish I could have added the testimony of some of the landholders, mooktars, and others

others who attend my office; but very few of them, I find, are aware that any change in the sale law is impending. Measures should, I think, be taken to ensure a wider circulation of these draft Acts in the Mofussil.

I have, &c.
(signed) *A. Grote*,
Officiating Commissioner.

From the Officiating Collector of Nuddea to the Commissioner of Revenue for the Nuddea Division, Allipore, No. 302, dated Nuddea, 3d April 1856.

Sir.

I HAVE the honour of acknowledging the receipt of your letter, No. 111, dated 12th ultimo, calling upon me to submit through you to the Board, my opinion on the new sale law, published in the "Calcutta Gazette" of 2d of February.

2. This law contains three important provisions not included in Act I. of 1845.

I. The separation of shares whether held in common tenancy or consisting of specific portions.

II. Protection of estates by deposits.

III. The registration of old and new talookdaree tenures.

3. I propose to confine my observations to those sections which contain the provisions relating to these three heads.

4. Sections X. and XI., on the separation of shares.—I beg leave to observe that, if the practice of registering the names of all the proprietors in every estate was general, the separation of shares might be easily effected; but this is not the case, and if no objections, except on the part of recorded proprietors, are admissible, serious injustice might be committed.

5. The answer to this would be, that it is the intention of Government to enforce the registration of the names of all the shareholders in every estate. If such be the case, it would be unjust to enforce the provisions of this Act until ample time had been afforded to all parties to comply with the requisitions of the Legislature.

6. Sections XV. and XVI. The advantages set forth in these sections are so obvious and so free from any objection, that it does not appear to me necessary to say more than to express my entire approval of them.

7. Section XXXV. The first point to which I would draw attention in this section is, that after the registration has been completed, the estate, whether of the 1st, 2d, or 3d description, may be lost in the event of any arrear of rent being due on the latest day of payment of revenue as fixed under Sections III. and IV.

8. These arrears might be occasioned by an error in the calculation, or they might consist of a very trifling balance, and cases may occur in which it will be difficult for the holder of a tenure to prove that he was not in arrears; at all events he may be involved in litigation.

9. Section XXXVI. Registration of old talookdaree tenures. The proprietors of these old tenures are already protected by law, and though the advantages they would obtain on registration would be large and complete compared with what they now possess, I doubt whether many would be prepared to undertake the labour and expense it would necessarily involve.

10. They would almost invariably have to encounter the opposition of the owner of the parent estate, and if they failed in satisfactorily establishing their claims, the zemindar would avail himself of all the information thus gained, and ultimately the holders of these tenures would have to defend their rights in the civil courts.

11. Section XXXVI. Secondly: Great difficulty would attend the carrying out of this part of the section. "Summary investigation," and "reasonable time," are expressions which depend for their force on the mind of the Collector. There will be perpetual appeals on these points to the Commissioner, who will also have his view of "summary" and "reasonable;" and thus it will be scarcely possible for an owner of a tenure applying for registration and meeting with opposition, to look forward with any reasonable hope to its accomplishment.

12. Section XXXVII. The tenures to be registered under this section are those of the third class described in Section XXXV. I do not understand it to include secondary and lower classes of under-tenures, such as durputnee and seeputneedar.

13. If the difficulties of registration under the preceding section are almost overwhelming, I would submit that, under this section, they are so greatly increased as to render it impracticable.

Appendix, No. 7.

14. Under this section a Collector would have to measure the entire area of the parent estate, inquire into the capability of the soil, the condition of the ryot, the respective positions of the several villages, and ascertain the assets of the whole before he could determine whether the tenure was created in good faith as far as concerned the interests of the Government revenue. Besides this, there would be objections on the part of shareholders, recorded or otherwise, mortgagees, and parties having a reversionary interest in the estate opposing the registration and adding to its difficulties. It would not be an exaggeration to add, that in a very short time, the Collector would have the whole of his district under Regulation VII. of 1822 and IX. of 1825.

15. Few, if any, holders of new talookdaree tenures and farms would be prepared to undertake the cost and submit to the vexation, trouble and delay imposed on them, and then, after all, the application might be refused, or the provisional registration reversed after further reference or delay by order of the civil court.

16. It will be urged, perhaps, in reply to this, that, in districts where the survey has been completed, registration would be comparatively easy. On this point I would remark, that each towjee estate has been demarcated and surveyed without reference to the under-tenures comprised in them, or the quality and capabilities of the soil. It will therefore be impossible for the collector to determine, on reference to the survey records, whether a tenure has been created in good faith as regards the Government, or the adequacy of the rent for the security of the Government revenue.

17. I am thoroughly prepared to admit the great advantages of registration, but if it is to be of any great service, it must be simple and compulsory. The latter, for the obvious reason that no great improvement of this nature can be carried out in this country, unless the people in the first instance are forced to adopt it.

18. On these grounds, I would recommend that every zemindar within six months from the passing of this Act should be compelled, under penalty, to furnish a list descriptive of all the tenures in his estate with jumma wassil bakie duly attested. This would at once place the Collector in full possession of every particular regarding the assets of every estate, and check any opposition the zemindar might hereafter be disposed to show by either denying the existence of any under-tenure, or disputing its jumma or that of any jotedar.

19. On the receipt of this list, the Collector should immediately serve notices on the several classes of proprietors described in Clauses 1, 2, and 3, Section XXXV., and enforce the registration of their tenures by subjecting them to the penalty of non-exemption in the event of the sale of the parent estate for arrears of revenue, and also denying them the privilege of suing their under-tenants under the summary suit laws.

20. The inquiry previous to registration to be limited to the simple fact of possession.

21. No injury would accrue to the zemindar or the holders of under-tenures by this speedy disposal of the question: it would greatly simplify the Collector's proceedings; while the Civil Courts would be open for the adjudication of any fraud which might be alleged to have been committed.

22. The object of registration is, as I understand, to protect the holders of all under-tenures given in good faith and at a fair jumma, and at the same time to defend the interests of the Government. Now, it appears to me that the interests of the latter are sufficiently protected by Sections XIV. and XLI.; they will not, therefore, be jeopardised by the summary inquiry I would establish, whilst protection to the former would be given at once without much trouble and at little cost beyond the registration fees.

I have, &c.
(signed) *E. H. Lushington,*
Officiating Collector.

From the Officiating Collector of Twenty-four Pergunnahs, to the Commissioner of the Nuddea Division, No. 171, dated Allipore, 4th April 1856.

Sir,

No. 395.

I HAVE the honour to acknowledge the receipt of your Office Memorandum, No. 111, dated 12th March 1856, and in reply to forward the accompanying report on the Bill for the improvement of the law relating to sales of land for arrears of revenue, published in the "Gazette" of 30th January.

2. With reference to this subject, it will not be inopportune to advert briefly to the salient points of the past and present sale laws, to sketch their history, and how they worked, as well as to consider the one proposed to be passed and the causes that have given rise to its contemplated enactment. The first intimation that lands of proprietors would be sold for arrears of revenue, was promulgated in Section VII. of Regulation I. of 1793.

3. From

3. From that year, then, to the present time, there have been as it were three periods during which the sale laws of this country have been administered without any material intermediate alterations. The first may be said to have lasted from the enactment of Regulation XIV. of 1793 to the introduction of Regulation XI. of 1822, which latter swayed the decisions of the courts until the passing of Act XII. of 1841, which, with slight alterations introduced by Act I. of 1845, has continued in full force up to the present time.

4. Up to the passing of Regulation XIV. of 1793, the arrears of Government revenue could only be collected through the intervention of courts of justice. Subsequently Collectors were empowered, after issue of due notice, to seize the defaulter, to attach his zemindary, and, at the expiration of a year, to sell his estate, should the arrears still remain unliquidated; in the following year, Regulation III. forbad the proprietors of land, except in special cases, to be confined for arrears of revenue, and vested the authority for the sale of defaulter's estate in the Board of Revenue, thus obviating the many suits for false imprisonment that used to be instituted against the officers of Government.

5. In the years 1795, 1796, 1799, 1801, 1803, and 1814, Regulations connected with the sale of estates for arrears of Government revenue were enacted; but they affected more the practice in the different zillahs of the country, rendering them conformable to the local customs of the inhabitants, rather than affecting the principle of the law of sale, which continued the same in theory until 1822.

Thus Regulation VI. of 1795 affected solely the province of Benares.

Regulation V. of 1796 directed the amount of land to be sold, to be proportionate to the arrears demanded, and authorised the sale of estates in separate lots. Sections XXVIII. and XXIX. of Regulation VII. of 1799 pointed out the application of existing sale laws as far as regarded the allotment of estates proposed to be sold.

Regulation I. of 1801 was the result of indiscriminate attachment of lands by Collectors, and was enacted to remedy this, as well as to provide against unnecessary delays in the recovery of Government revenue; also it prohibited, except under orders of the Governor-General in Council, the sale of a fractional portion of an estate.

Regulation XXVI. of 1803 affected solely the North Western Provinces, as likewise Regulation XXVII. of the same year.

Regulation XVIII. of 1814 abrogated the necessity of the sanction of the Governor-General in Council for the sale of lands for arrears of revenue, and authorised the Collector of the district to advertise the lands of a defaulter for sale without the permission of the Board of Revenue, although their sanction was to be granted before any actual sale took place; and from this date to 1822 absolutely no change occurred in the sale laws in force.

6. In 1822, it being apparent that the existing Regulations did not define, with sufficient precision and accuracy, the conditions that rendered valid the sale held under them, or were sufficiently specific of the rights and interests of purchasers of estates sold in accordance with their provisions, and as likewise much unnecessary hardship and injury had occurred to zemindars who had been deceived or plundered by their own agents, almost the whole of the preceding Regulations were annulled and repealed, and the process of sales of estates for arrears of revenue was greatly simplified by the promulgation of Regulation XI. of 1822.

7. By this Act the issue of any dustuck, tullub-chittee, or process of demand to defaulters of revenue was forbidden, different rules and restrictions with respect to the separate classes of estates were framed, and Collectors were empowered to sell estates under the authority of the Board of Revenue.

8. This Regulation remained unmodified till the passing of Act VII. of 1830, when Collectors were authorised to sell estates without any previous reference to the Board of Revenue; and it underwent a further modification by the promulgation of Act XX. of 1836, which so far controverted one of the provisions of Regulation XI. of 1822, as to permit the sale of an estate under butwarrah for arrears of revenue, before the expiration of the year within which the arrears became due.

9. This system continued in force until the Legislature introduced Act XII. of 1841, whereby, with the exception of Sections XXXVI. and XXXVIII. of Regulation XI. of 1822, all other Regulations connected with sales of land previously passed, were rescinded. The most important points connected with the change being the abolition of the levy of interest, and penalty upon arrears of revenue, the fixing of periodical dates for final payments of revenue and sales of estates, the increase of rate of deposit of earnest money from 15 to 25 per cent., and the abolition of the system of issuing advertisements of the sale of estates.

10. The above law was again modified by the passing of Act I. of 1845, which rescinded the third and following sections thereof; by the new law, the extra indulgence of permitting the original defaulter to make good his arrears within three days of a purchaser failing to pay, within the prescribed law of 30 days, the amount of purchase-money of any

Appendix, No. 7.

estate sold for arrears, was granted; but, with this exception, and that of rendering the law inapplicable to the town of Calcutta, or the settlement of Singapore, Penang, and Malacca, there does not appear any material difference between this law, which remains in force up to this date, and the provisions of Act XII. of 1841.

11. On comparing the draft of the law in contemplation with Act I. of 1845, the analysis noted in the margin* exhibits in what sections the new matter is embodied, and how far the provisions of the present law will be continued by those of the proposed new Act. The new matter is contained in Sections X. XI. XII. XIII. XIV. XV. XVI. XXIX. XXXVI. XXXVII. XXXVIII. XXXIX. XL. XLI. XLVII. XLVIII. XLIX. L. and LI. Before, however, touching upon the same, I desire to record two suggestions that present themselves; the first refers to the 6th Clause of Section V. of the proposed new Act as well as of Act I. of 1845, wherein it appears to me that a more detailed description and specification of what is intended by the words "or other demands not being land revenue" is as desirable, as it would prove advantageous in the prevention of subsequent disputes; for instance, in the case of embezzlement of public money by a nazir or treasurer or other officer in charge of Government funds, and of the delinquent's property placed in security, being ordered to be sold, I presume the sale would be effected under this clause and section; but I think it would be preferable to have the examples specified.

12. The second suggestion is, that, whereas in Section VI. of the contemplated Act the notification desired to be issued therein is to be published in the "Official Gazette" (singular), so, in Section VI. of Act I. of 1845, the notice is desired to be published in the "Official Gazettes" (plural); if, therefore, there are two "Official Gazettes" which is the one intended to be specified by Section VI. of the new Act? or would the publication of the notification in either be considered sufficient to ensure the validity of the sale? It appears to me that this point requires definition; under the present law, the notices are published in the English "Government Gazette" published in Calcutta, and likewise in the Bengalee "Government Gazette" issued from Serampore, so that no room is left for doubt on this score.

13. I now come to the consideration of the new matter promulgated by the law under review: it may be classed under three heads.

First.—The opening of accounts for separate shareholders.

Secondly.—The sanction to the depositing of Company's paper for the saving of an estate from sale.

Thirdly.—The registration of shikmee tenures, so that their integrity be not affected by the sale of the estate to which they belong.

14. Sections X. to XIV. inclusive treat on the proposition of a recorded sharer of a joint estate held in common tenancy, being permitted to pay his share of Government revenue separately; and direct that, if an application to that effect be, after summary investigation by the Collector, approved of by that officer, that then, after certain preliminary measures, a separate account is to be opened with such a shareholder. The justice of this measure no one can contradict; but, if it became law, the Government must be prepared to sanction applications for the increase of native establishments, as the great amount of work entailed thereby could not possibly be disposed of without such an increase; but it doubtless entirely neutralises the effect of the chicanery and deceptions that have often transpired connected with sales, where a rich shareholder, in order to become possessed of the share of a poorer one, has suffered his own share to fall in arrears, and when the estate has been put up for sale, has purchased the whole benamee. With reference also to the scale of fees as entered in Schedule B., it would be as well to define whether or not the Schedule in question was intended to interfere with such portions of Regulation XV. of 1797, as define the amount of fees to be levied for the registration of transfers.

15. Sections

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* Sections II., III., IV., V., VI., VII., VIII., IX., of proposed law agree with corresponding ones of Act No. I. of 1845.

Containing new Matter.—X., XI., XII., XIII., XIV., XV., XVI., XXIX., XXXVI., XXXVII., XXXVIII., XXXIX., XL., XLI., XLVII., XLVIII., XLIX., L., and LI.

Sections of the proposed Law which correspond with Sections of Act I. of 1845:

New law.	Act I. of 1845.	New law.	Act I. of 1845.	New law.	Act I. of 1845.
XVII.	X.	XXV.	XVIII.	XXXIV.	XXV.
XVIII.	XI.	XXVI.	XIX.	XXXV.	XXVI. with slight alterations.
XIX.	XII.	XXVII.	XX.	XLII.	XXVII.
XX.	XIII.	XXVIII.		„	XXVIII.
XXI.	XIV.	XXX.	XXI.	XLIII.	XXIX.
XXII.	XV.	XXXI.	XXII.	XLIV.	XXX.
XXIII.	XVI.	XXXII.	XXIII.	XLV.	XXXI.
XXIV	XVII.	XXXIII.	XXIV.	XLVI.	XXXII.

15. Sections XV. and XVI. accord permission for the deposit of Company's paper for the protection of estates from sale, a measure which must obtain the sanction and approbation of all revenue officers, as protecting zemindars from the misconduct of their agents and enabling them to travel on pilgrimages, or with any other object, without finding themselves sold out on their return, in consequence of a few rupees not having been paid into the collectorate treasury on their account.

16. Although Section XXIV. of the proposed new Act is, in every respect, to the same effect as Section XVII. of Act I. of 1845, I consider it proper, whilst new measures are in contemplation, to call your attention to the fact, that although by the section in question the Commissioner is empowered to cancel any sale, and award compensation and moderate damages to the purchaser, yet no provision is made for the payment of any such damage or compensation, as justice may require, when a sale has been unwarrantably effected through any mistake of the omlah of the office.

17. Sections XXXV., XXXVI., XXXVII., and XLII. treat of the rights of the purchaser of an estate under the new law to receive it free from all incumbrances, which may have been imposed upon it after the time of original settlement, and of the exceptions that are to be observed to this rule; also of the registration of old talookdaree tenures so excepted, and likewise the registration of similar tenures created after the passing of this Act. In these sections the principal new matter is the requirement of the holder of the tenure not to be in arrears on the latest day of payment of revenue, as fixed under Sections III. and IV. of this Act, and the prescribing the registration of old and new talookdaree tenures. However judicious these provisions may be, for the definition of the respective rights of parties concerned in the sale of an estate, and as such, I consider them worthy of all approbation, I cannot but consider the carrying out of the rules under Sections XXXVI. and XXXVII. as transforming the Collector's cutcherry into a civil court, and that, subsequent to the passing of this law, the Collector will find his time entirely taken up with investigations as to the rights of every petty talookdar in the zillah. In most districts of Bengal, such as Rajeshye, Moorshedabad, Pubna, and Furreedpore, where I have myself held appointments in the fiscal department, holders of the tenures defined in Section XXXV. of the Act under review, possess documents defining their rights; but in the zillah of 24-Pergunnahs these documents are rare, as the zillah was measured in 1793, and no further definition of an under-tenure granted, than the entering of so much land against such and such a ryot's name in the jummabundee papers; and upon this frail tenure has the land gone down from father to son in the same families, but no separate pottah was granted by former zemindars to the holders of such lands, who nevertheless, in cases of arrears of rent, in accordance with the established practice of the zillah, sell these tenures under Act VIII. of 1835, which sales are recognised by the civil courts. These rights, also, are moreover frequently sold by the holders thereof in private transactions; it remains, therefore, to be considered whether the Board of Revenue will recognise these amongst the shikmee tenures designated in Section XXXVI. Further, it appears that the putnee tenures under Regulation VIII. of 1819 are not specifically mentioned in the list of those entered in Section XXXV. of the new Act; and though, from the specification of the particulars that the application for registration is to contain, it may be presumed they are included in the category, yet it would be more satisfactory to have the point defined.

18. In Section XXXVI. it is provided that, in case the Collector's proceeding be not satisfactory to the applicant for registry, the party is at liberty, within the space of one year from that officer's decision, to refer to the civil court. If such be the case, of what use are the provisions of Section XXXIX., which declare awards of Collectors to be open to appeal to superior revenue authorities? and should this continue in force, then must Section XXXVI. be slightly modified in this respect.

19. Section XLI. provides that, unless within 60 years from the date of registry a decree be passed at the suit of Government by a civil court pronouncing the registration to have been obtained by fraud, the entry in the permanent registry book shall be considered an effectual protection of the tenure. It appears to me that the intervention of the civil courts is unnecessary in such a case, and that, as the Board of Revenue has the power under Regulation XIX. of 1814 to quash a butwarrah fraudulently effected, so might it also take upon itself to nullify a fraudulent or otherwise erroneous registry, and without specifying any limit within which the discovery should be made.

20. On comparing Section XLIII. with Section XIV. of this Act, it appears to me that the provisions of the former neutralise those of the latter, inasmuch as Section XLIII. specifies that the purchaser of an estate under its provision will acquire it subject to all its incumbrances, whereas Section XIV. declares such a purchaser to obtain the estate free from them. I may have misconceived the terms of Section XLIII., as they are a little obscure, and in that case, I trust, I shall be undeceived.

21. None of the remaining sections of this Act appear to me to call for special notice, but there are one or two suggestions connected with the working of the whole law, that I trust I shall not be considered as trespassing too much on your attention in laying them before you.

Appendix, No. 7.

First.—It appears to me that the fees prescribed to be levied are excessive, and will effectually prevent the holders thereof in zillahs, where the under tenures are held at rents under 500 rupees per annum, from profiting by the security held out to them by registry; and I would recommend a scale of fees for tenures paying under 500 rupees per annum.

Secondly.—In event of an individual petitioning for registry on acquiring land by purchase, gift, inheritance, or in any other mode, are the fees to be levied in conformity with the new law or Regulation XV. of 1797? Mutations, likewise; are they to be continued under Section XXI. of Regulation VIII. of 1800, or under the contemplated law?

Thirdly.—There is no specification in the Act under review for the sale of land, save of estates paying revenue to Government; and the Act in no place provides for the sale of any kheraj or lakheraj tenure that may have been pledged as security of good conduct by those who may have subsequently forfeited the same.

Fourthly.—The words "right and interest," hitherto intended to specify the amount of proprietorship to be disposed of, are entirely omitted in the phraseology of the new Act, as likewise mention of the validity, or otherwise, of a sale of an estate if subsequently discovered to have been purchased by an omlah of the Collector's office or one of his deputy collectors. These remarks have been, I am aware, extended to an unwarrantable length, but I have deemed it expedient to notice every point connected with the working of the proposed law that has presented itself for my consideration, or that may have been suggested, and I trust that this will be deemed sufficient apology for their prolixity.

I have, &c.
(signed) *F. A. Lushington*,
Officiating Collector.

From the Deputy-Collector of the Twenty-four Pergunnahs to the Officiating Collector of the Twenty-four Pergunnahs, No. 65, dated Allipore, 22 April 1856.

Sir,

With reference to your office memorandum, No. 242, dated 9th instant, forwarding copy of a letter from the Officiating Commissioner, No. 122, dated 8th instant, I have the honour to submit, as follows, my humble opinion as to the practical working of Sections XXXVI. and XXXVII. of the draft Act, to improve the law relating to sales of land for arrears of revenue.

2. These two sections contain rules for the registration of the first three classes of under-tenures described in Section XXXV. The tenures forming the first and second classes are those which existed at the time of the decennial settlement, and are called the old talookdaree tenures, and the tenures constituting the third class are those created subsequent to that settlement, and are called the new talookdaree tenures and farms.

3. The object of Section XXXV. is to protect the rights of under-tenants on the sale of the parent estate on account of arrears of revenue. To attain this object without any prejudice to the interests of Government, it is provided, that if the tenures are duly registered under Sections XXXVI. and XXXVII., and no arrears of rent are due from them on the latest day of payment, they are secured against any risk whatever.

4. I shall now proceed to consider how far the rules laid down in Sections XXXVI. and XXXVII. are sufficient to answer the purpose for which they are proposed to be enacted. In doing so, I beg to be understood that my remarks have reference to the under tenures of this district only, and may not therefore apply to the other districts of Bengal.

5. Section XXXVI. lays down the following rules for the registration of the old talookdaree tenures. The holder of such a tenure shall apply to the Collector for registration, who shall issue notices requiring the proprietor of the parent estate or any other party interested, within 30 days to file any objection he may have to the registry of the tenure. In the absence of any objection, the Collector, if, after making due inquiry, he is satisfied of the applicant's claim, shall register the tenure. If any objection is made, he shall make a summary investigation of the case, and grant or reject the application according to the result of that investigation.

6. From the above it appears that, in the cases of old talookdaree tenures, the Collector's inquiry shall be confined to the claim of the applicant so far as the rights of the proprietor and other private parties are concerned; and if that claim is established, the registry of the tenure shall be allowed without any inquiry as to the adequacy of the rent payable by the holder.

7. In this district the tenures of the above description are chiefly those called the ticcadaree lands. These tenures were granted by former zemindars to private individuals generally at a quit rent, for some service done, or for clearing jungle or breaking up a new soil, but seldom for pecuniary consideration. Few documents of these tenures are to be seen, the only proof of their existence being the mention made in the measurement and assessment papers of 1190 B. S.

8. But

8. But most of these lands have since been resumed, or have lapsed in default of heirs, and are now held by the proprietors in the names of their sons and relations. With a view of making a provision for their families, in the event of their estates being sold for arrears of revenue, the zemindars have not only transferred the tenures to their children at an inadequate rent, but have in many cases made a complete exchange of those lands; that is, the integrity of the tenures, as far as the quantity is concerned, has been preserved; but parcels of good land, in lieu of bad ones held by the original grantees, have been substituted.

9. It is most probable that these proprietors will take advantage of the proposed enactment, and get the lands registered in the names of their families and dependents, thereby reducing the hustbood of the mehals to a great extent; and the summary inquiry prescribed by Section XXXVI. will hardly enable the Collector to detect the fraud.

10. For the registration of the new talookdaree tenures and farms, the rules given in Section XXXVII., in addition to those prescribed in the preceding section, are that the Collector shall cause such measurement, survey, and local inquiry to be made as he may deem necessary for the security of the Government revenue. He shall satisfy himself that the tenure was created in good faith, so far as the interests of the Government revenue are concerned, and that the rent payable by the holder is not less than is fully sufficient to afford a fair proportion of the revenue assessed upon the parent estate.

11. To ascertain this latter point, it will be necessary, in many cases, to measure and survey not only the tenure to be registered, but the entire estate in which the tenure may be situated. For the tenure may contain land of a superior description, so that, although the rent payable by the holder may be equal to the average rate of the estate, yet it may be very inadequate with reference to the quality of the soil.

12. Under such circumstances, unless the total area of the estate be measured and a jummabundee prepared, after ascertaining the rates current in the mehal for the different sorts of land contained in it, it is next to impossible that any satisfactory opinion can be formed on the above point. I need hardly say that such an inquiry must entail on the Collector much loss of time, and on the parties concerned trouble and expense.

13. There is another circumstance connected with the zemindarees of this district which makes an inquiry of the above nature peculiarly difficult. It is this: almost in every pergunnah there are villages, the lands of which are held jointly by the proprietors of two or more separate estates. For instance, the lands of mouzah Kouchpookhurea in pergunnah Magoorah are possessed, ijmalee, by the proprietors of no less than fifteen different estates, as per margin, according to their respective shares.

No. on the Towjee.	NAME OF ESTATE.	Amount of Share in the Village.					
		R.	*a.*	*g.*	*c.*	*k.*	*t.*
1	Kist Chetlah and others - -	0	1	13	1	1	0
2	,, Rungunberya, &c. - -	0	0	16	3	1	1½
3	,, Naskurpore and others -	0	0	17	3	0	1
4	,, Kudumtollah and others -	0	0	17	3	0	1
5	,, Angaberya and others -	0	0	17	3	0	1
6	,, Roynuggur and others -	0	2	13	1	1	0
8	Mouzah Joolphia and others -	0	2	13	1	1	0
9	Kist Chetlah and others - -	0	0	5	1	1	0
10	Ditto - - - - -	0	0	5	1	1	0
11	Mouzah Suntoshpore and others -	0	0	5	1	1	0
12	Kist Chetlah and others - -	0	0	5	1	1	0
13	Ditto - - - - -	0	0	5	1	1	0
14	Ditto - - - - -	0	2	13	1	1	0
15	Kist Khureaberya and others -	0	1	6	2	2	0
16	,, Chetlah and others - -	0	0	3	0	1	1½
	TOTAL - - -	1	0	0	0	0	0

14. Now, it is easy to guess how difficult it would be for the Collector to prosecute the inquiry prescribed by Section XXXVII., if an under-tenant of any of these estates were to apply for the registration of his tenure; and it is well known that, owing to this circumstance, some of the mehals above alluded to, have been under butwarrah for upwards of 20 years, and the partition remains unfinished up to this date.

I have, &c.

(signed) *Sibchunder Deb*,

Deputy Collector.

FROM the Collector of Behar to the Commissioner of Revenue for the Division of Patna, No. 39, dated Gya, the 10th May 1856.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 1254, of the 12th of March, with its enclosures from the Sudder Board, regarding the draft of a Bill for improving the Revenue Sale Law, and in reply to state as follows:—

2. I have carefully perused the Bill in question. I have compared it with Act I. of 1845. I have studied attentively the several new clauses which have been introduced, especially Sections X. to XVI. and XXXVI. to XLII.; and with every desire to weigh impartially the advantages which the contemplated Bill is presumed to involve, I am forced to the conviction that the advantages which may in some instances be conveyed to small farmers and petty shareholders by the operation of these new clauses are not of so paramount a nature as to necessitate the passing of a special Bill for their benefit, and am also of

Appendix, No. 7.

opinion, allowing advantages by the proposed changes may be secured to certain parties, that the same object, with perhaps a little more difficulty, is equally obtainable by legal process under the laws now in force, and I feel, moreover, forcibly convinced that the new law, if thoroughly acted up to, will so multiply the present arduous duties of the treasury department in a Collector's office, as to render it impossible to carry on the duties with the limited establishment now entertained; and it seems desirable, before passing the draft into law, that Government should well consider whether the advantages supposed to accrue to the petty shareholders by the new Act are commensurate with the immense increase of work its provisions will entail on their revenue officers and the expenditure and enlarged establishment will impose upon the State.

3. Act I. of 1845 has been in force now for more than 10 years, and as far as my experience goes, has worked admirably; it is thoroughly understood and appreciated by all classes of shareholders, and has stood the test of time to the thorough satisfaction of both Government and the people. Where then and what are the overwhelming motives that render it necessary to set aside an Act that not only works well, but is acceptable to the landed proprietors? No doubt some slight alterations might advantageously be effected in the old Act, such as substituting three periodical days for payment of revenue instead of four, and fixing the dates, not arbitrarily, but conformably with the three periods in the year in which the landlord collects his principal rents, namely, at the time of the Bhudree, Khurreef, and Rubbee crops, apportioning the kists according to the relative value of the said crops. Attention should also be paid in fixing the days of payment to the period of opium advances; the latter affords immense facility to the landlord in the payment of his Government revenue, and Government should bear in mind (I am speaking of Behar), that the ryots pay their rents to the zemindars from those advances, and that the latter are then in a position to pay Government. If the opium advances and fixed dates for paying in revenue are far removed one from the other, the smaller landholders, who compose the greater part of the class in this zillah, are compelled to borrow money at exorbitant interest to meet the Government demands; so that, if feasible, some attention should be called to this point.

4. But to revert to the Bill under discussion. If passed, its tendency will be to cause all ijmalli estates to become mouzawarry, and all mouzahs, or a large portion of them, now held under one or two or more recorded proprietors, to be subdivided into as many shares as there are shareholders; for, if not recorded proprietors, a dakhil kharij suit can make them so, and it is natural to conceive that every one possessing a distinct interest in a mouzah will prefer paying in the amount of his share direct to Government, and when, as frequently occurs in this zillah, some 80 or 100, or even more proprietors of a small estate, possessing infinitesimal interests in it, take advantage* of the proposed Bill to pay in their minute portions of the revenue direct into the Government treasury—and if no one oppose them there is no reason why they may not—what increase of labour will it not entail? What innumerable petty interests in estates must be entered in the treasury books? What an enormous aggregate of chellans and their counterparts? What a confusion of accounts? What difficulty in regulating the fractional portions some 40 or 50 shareholders, possessing a small mouzah paying a small Government jumma, will have to pay separately into the treasury? and what insuperable difficulties will present themselves at the last day of payment, when all these vast numbers of minute shareholders shall rush to the treasury to pay in their portions of the Government revenue? How impossible for the establishment, which under existing circumstances can scarcely during that period keep head against the current, to contend against the torrent which will pour in at the moment? It will fairly swamp them.

5. Such views may appear distorted and exaggerated, but it is only by putting forth an extreme case that the possible results can be gathered; and I am of opinion if Sections X. to XVI. are allowed full play, and are thoroughly acted up to by the petty shareholders of small estates, that a consummation such as I have hinted at may not be impossible, and the necessary consequence must be a large increase to the present treasury establishment, great delay in preparing and transmitting accounts, and a labour altogether incommensurate with the advantages proposed.

6. By the laws in force any recorded proprietor, if he wishes to separate his interest from the main property, can do so under the provisions of Regulation XIX. 1814, and his share becomes a distinct mouzah and is protected against sale as long as the Government revenue assigned upon it is regularly paid up; and as no restrictions, except that of insisting on the land so divided being compact and well defined, are imposed by the butwarrah laws. every part proprietor of an estate, if so disposed, can become independent, and I do not see why a law enabling a shareholder to pay in his rent separately, but not preserving his share from sale, is called for; it only creates and accumulates work without effecting anything that the laws in force could not with greater security convey.

7. In

* I do not say they will, for Schedule B. will prevent them. I am only representing the legitimate result of the Bill, if carried out to its full tenor and extent.

7. In this zillah a vast number of estates are held in common tenancy, not of land but of produce; the system is bowlee or payment in produce instead of money. On the crops being cut they are appraised, and each shareholder, after deducting the ryotty hissa, gets his share of the remainder according to the amount of interest he holds in the mouzah. I conceive that in such a case the purchaser of a share under Section XIII. of the new Act, would experience great difficulty in getting his acquired rights assigned over to him; he has no land to take possession of, but a share in the produce, which fluctuates continually and to an interloper is almost intangible. A case of this nature would come under Section X., but does not that section apply rather to nugdee than to bowlee interests? The one is fixed, the other fluctuating; one is easily defined, the other varies so much as to render it impossible to assign a true valuation.

8. I am not aware that any instances occur in this zillah of shareholders in an estate possessing defined and distinct portions of land, so that Section XI. is hardly applicable to Behar; but I conceive, if any such instance exists, the question of separation could be more satisfactorily settled by the butwarrah than by the proposed law.

9. The matter of possession enjoined to be inquired into by the Collector in Section XII., is not so susceptible of proof as may be imagined; the evidence of the puarree and the statement of a nizamut peon, corroborated by witnesses, would constitute the grounds of decision, and nothing could be more untrustworthy or unsatisfactory; and in 90 cases out of 100 litigation would ensue, appeals would be preferred to higher authority, and the labour of both offices be indefinitely, and, to my notions, unnecessarily increased.

10. Sections XIII. and XIV. lay down rules for the sale of such share or shares as may fall into arrears, and are of such a nature as virtually to subvert and demolish the superstructure raised in the preceding clauses; for cases may, and will occur, where the highest offer for the ijmali share exposed to sale shall not cover the amount of arrear due thereon; the consequence is that the shareholder who, under Sections X. or XI., has obtained the privilege of opening a separate account, and who has, under Section XLVIII., been heavily mulcted to secure the said privilege, finds, through no fault of his own, that neither the fees he has paid under Schedule B., or the regularity with which he has scrupulously paid in his share of the Government revenue, in any way absolve or exonerate him from the calamity, neglect, wilful or unavoidable, on the part of the ijmali shareholders has plunged the entire estate. The shares of the insulated, as well as those of the united proprietors, become equally involved in the final catastrophe, and the only party benefited is Government, who appropriate the amercement* enjoined by Schedule B., and which was only paid in under a delusive hope that some corresponding advantage might result from it.

11. Sections XV. and XVI. are in every way just and appropriate, as there are many absentee shareholders of estates who are at the mercy of their local agents; and instances have been known where these latter, taking advantage of their position, have, through collusion or remissness, involved their principals in great difficulty. The proposed section enables such absentees to secure their interests unsubjected to risk or intrigue.

12. Section XVIII., corresponding with Section XI. of Act I. of 1845, has a tendency, I think, to make landholders procrastinate, an evil to which they are intuitively disposed; and instead of regarding the quarterly day of payment as the real arbiter of their fate, they look more to the character of the Collector, and pay in or adjourn payment accordingly. Some Collectors, as I know, confine themselves strictly to the letter of the law, and these rarely have an estate in arrear; others, more lenient or supine, find their sale-roll incumbered with applications for indulgence, and the consequence is, the rule being undefined, an immense latitude is left to the arbitrary will of the Collector. He may or he may not exempt an estate from sale, and it is possible that human frailty as much as stern impartiality may decide the point. I think, if certain periodical dates are specified, full and timely notices promulgated, and the landholders given to understand that from one year after passing of the Act no margin or latitude would be attended to; that, except an appeal to the Commissioner, no door of escape or retreat was open to them; that then, without any undue harshness or injustice to the landholders, the Government revenue would be paid in on the fixed dates with the greatest punctuality; and that there would be but few occasions for special consideration, if they did arise, and good and creditable reasons assigned. There would be ample time for the Commissioner to exempt such cases from sale; procrastination being a disease amongst the natives, strong remedies should be applied to correct the evil; there can be no hardship when every man knows beforehand that he has got three months to collect and pay in his rent.

13. Section XXIII., corresponding with Section XVI. of Act I. of 1845, requires one or two words of comment. A case occurred when I was Collector of Berhampoor, which presents a curious illustration of the working of this rule. An estate with an arrear of 21-10-6, and bearing a Sudder jumma of 31-14-11, was knocked down for 1,810 rupees, of which sum 25 per cent. or 452-8 was paid in as deposit. The purchaser, disapproving of his

* I call it a fine, because if the share is sold, and the fees, instead of being returned, are forfeited, the natives will regard them in the light of a fine.

Appendix, No. 7.

his bargain, failed to pay up the full amount of the purchase-money; the estate was re-sold, the defaulter purchased it himself for 29 rupees. The question was whether the balance of the original purchase amount was to be collected from the defaulting bidder or not. I was of opinion that Section XVI. only provided for levying a difference in case the price realised at the re-sale was less than that acquired at the first sale, and referred the point for the consideration of the Commissioner, who referred it to the Board, the result of which was, that the difference of price was to be levied from the defaulting bidder and paid over to the proprietor. Now this is an extreme case, and I opine one hardly contemplated by the framers of the law. I conceive some distinction might be drawn between cases where the re-sale exceeds the amount of the first sale, and where there is a declension of price. A compulsion of payment in the latter case seems equitable, but barely so in the former, where the proprietor is himself the purchaser. The mulct paid in as deposit is amply sufficient to preclude any reckless speculation.

14. Passing on to Section XXXIV., we come to rules for registration. I am of opinion that very few tenures referred to in the first and second clauses, and possessing the peculiar qualifications enumerated in Section XXXVI., are to be found in Behar. Talookdaree tenures, distinct and apart from those referred to in Regulation II. of 1819, may exist in nizamut mehals, and if so, the option of effecting their registration is very properly conceded.

15. It also seems to be very desirable that farming leases and tenures of the description referred to in Clause 3 should be secured against any interference on the part of a purchaser of the parent estate; but at the same time, I think it possible for the Collector to be deceived in the inquiries he is called upon to make under Section XXXVII. He is there enjoined to satisfy himself that the tenure or lease was created in good faith as far as the interests of the Government revenue are concerned, and that the rent payable by the holder bears a fair proportion to that assigned on the parent estate. Now, as far as the interests of Government are concerned, I admit that fraud can scarcely be practised with impunity, as (supposing the Collector to have been deceived) the power of selling the whole estate if it falls into arrear, guarantees the Government from loss; but it is possible that a landholder possessing two mouzahs constituting one lot or estate, one of which mouzahs is good and the other bad, may effect a fictitious transfer of the good mouzah to his wife or son at half the Sudder jumma of the whole estate, and obtain registration under this Act. Now, supposing 500 rupees to be the Sudder jumma, the Collector would see, especially if warranted by the deposition of the putwarree and other testimony, no unfair proportion, if the villages possessed nearly the same area, in assessing each at 250 rupees; whereas one might be * worth 450 and the other only 50 rupees. Such instances are not uncommon. The landholders might then wilfully permit the estate to fall into arrear, and allow it to be sold. The purchaser in that case, bound by this Act to respect and not to interfere with the registered tenure, would find himself in the position of having to pay 250 rupees Government revenue for a mouzah which only yielded 50 rupees; and though by a regular suit under Section XLI. he might get the lease annulled, yet it would be a work of time. I entertain no doubt but that frauds of this and other unforeseen natures will arise out of this Act, and cause a great deal of trouble.

16. It is very difficult to foresee and anticipate all the possible results that may arise from the working of a Bill of the nature under review. Many of its provisions are doubtless admirable; but as my opinion is asked, I trust I may be absolved from impertinence or presumption if I venture the remark that the Bill does not appear absolutely called for. I think it will lead to abuses which, though dimly foreshadowed in my mind, are not sufficiently potent to authorise the expression of them. I think the Bill will conduce to great litigation, to a large increase of labour, to great confusion and trouble in the treasury department of a Collector's office, and that there is nothing introduced which the laws now in force do not, with perhaps a little more delay and difficulty, equally provide for.

17. The main objects to be obtained are set forth in the preamble: the first is that persons having liens upon estates should, by paying the money necessary to protect it from sale, have their rights secured. Does not Section IX. of Act I. of 1845 convey the same right? The second object is to afford shareholders easy means of paying in their share of Government revenue; can the means be called easy which are shackled† with such fees and charges under Schedule B. as of themselves tend to render the Bill abortive? for not one petty shareholder in 50, unless influenced by party discord or some peculiar and hidden motive, will incur the expense of obtaining a registration, especially when he knows beforehand that he does not thereby protect his share from subsequent sale, nor, if it did, is a special law on the subject requisite. Where there are many shareholders in an estate, the general interest requires that each shall pay up his quota of the Government revenue; if one fails, another pays it in under protest, and has his remedy in a civil action. The third motive

* The Sudder and Mofussil jummas are of course quite distinct, the latter is always in excess of the former; but I am only here putting a case, and the amount of the Sudder jumma is qute sufficient for the purpose.

† In the former part of this letter, I have attempted to point out the disadvantages the provisions of the Bill would entail if really carried out, but I am of opinion that, if passed, it will become a dead letter, as no petty shareholder will pay in the fees and expenses enjoined under Schedule B.

motive is to protect absentee landlords against the sale of their estates through neglect or fraud of their agents. The Sudder Board's circular, No. 3, of the 21st of March 1854, moots the same question; it is one of considerable importance, and the justice of such a measure cannot be denied; but it may be asked what impediment exists at present, without any special law, to a Collector's receiving and crediting payment of revenue from recorded proprietors in anticipation? I know of none, and I doubt very much whether a Collector would be justified in refusing such advance payments; if the case refers to a farmer who holds land in lease from the zemindar, and, as an absentee, desires to protect himself from loss, then some law is desirable to effect it; but surely it cannot be urged that to secure this one point a new sale law was imperatively called for. The fourth motive is to enforce the registration of dependent talooks existing at the time of settlement, and to give security to such talooks when registered. I submit that the Bill does not enforce registration, but leaves it optional with the talookdar to effect or not as he likes, and my opinion is that Schedule B. operates as a serious impediment to any such registration. If registrations are effected, security is doubtless afforded by the Bill; but as regards Behar,* I doubt whether any of the nature implied exist, or if existing, that they will be registered; but, whether registered or not, they were protected against interference on the part of a sale purchaser by Section XXVI. of Act I. of 1845. The fifth and last motive is to protect farming tenures from loss or interference on the part of the purchaser in case the parent estate is sold for arrears of revenue. I say farming tenures, for none other could fall into the category of having rents fixed on them proportionate to those assigned on the parent estate —and if right in this view, the section above quoted affords the protection here set forth, so what necessity for a new law?

18. Having thus very imperfectly, and under the drawback and difficulties attending severe sickness, endeavoured to represent my views of the Bill in question, I would desire in conclusion to state a case existing in this district, for which no provisions have been suggested in the Bill under review. I allude to the case of the Belounjah Rajah, one well known to Government, and one which, notwithstanding repeated references from me, has not hitherto been finally disposed of; and as in the course of events it may entail much misery upon an impoverished but ancient house, I think the matter demands careful consideration.

19. The case is briefly as follows.—The father of the present Rajah, heavily involved in debt, and apprehensive that the sale of his entire raj would entail ruin upon his house, applied to Mr. Commissioner Smith, who proceeded to Bellonjah, and effected an arrangement whereby certain mouzahs, some 30 or 40, were made over to the creditors in mokurree, conditionally on the debts being remitted, and Government revenue to the extent of 7,391 rupees being paid in by them, and Mr. Smith ruled that the said mokurreedars were responsible for this portion of the Government revenue, and that the raj was only liable for sale in case the proceeds from the defaulting mokurreedars was insufficient to cover Government arrears. This order, illegal as it was, was confirmed by the Board in their letter No. 39, of the 28th March 1834, and on the strength of their confirmation, no less than 19 of these tenures were, up to 1843, sold for their own arrears. During the incumbency of Mr. Collector Taylor, a question of sale arose. Mr. Taylor saw the illegality and declared his inability to sell the defaulting tenure, and that the entire raj must be advertised for sale. Mr. Commissioner Gough acknowledged the dilemma, but urged distraint and less violent measures, and from that time to this, distraint and dustucks through the Nazir have been in force to collect the revenue; but the present rajah feeling the insecurity of his raj, petitioned to have Mr. Smith's provisions legalised. I recommended the introduction of Regulation VIII. of 1819 into this zillah, so as to treat these mokurrees as putnee talooks. The Board declined, and directed that the revenue should be collected from the mokurreedars under the provisions of Section XXV., Regulation VII. of 1799 and Regulation VIII. of 1835; but with all deference, I submit that these laws do not apply, and that the Collector could not, under one or the other, bring one of these mokurreree to sale, and that, in case of default, the existing law requires and enjoins that the entire raj should be advertised for sale.

20. Such is the case, and in a new sale law, was it not possible to introduce some clause whereby mokurree tenures in Behar should be placed in the same category as putnee talooks in Bengal? This would have been an essential boon, and one not only urgently required, but one which would have found great favour with the large landed proprietors of this district. I do not say or think that mokurree tenures in every respect correspond with putnee talooks, but the same rules might, I conceive, be brought to bear on both. The two tenures, with the exception of difference of local custom, possess strong features of resemblance; but, if Regulation VIII. of 1819 was not deemed applicable, some special clause or clauses might have been introduced elucidating and settling this vexed question.

I have, &c.
(signed) *R. F. Hodgson*,
Collector.

* As Collector of Behar, I only write of my own district. I do not presume to infer that the putnee talooks in Bengal may not benefit by this and other clauses.

Appendix, No. 7.

From the Collector of Dinagepore, to the Commissioner of Revenue, Rajeshaye, No. 144, dated, Dinagepore, 8 April 1856.

Sir,

I HAVE the honour to acknowldge the receipt of your letter of the 11th March, calling for a report on the Bill for the improvement of the law relating to sales of land for an arrear of revenue, published in the Gazette of the 30th January last. The Bill to be reported on, embodies (a single section excepted) the whole of the present Sale Law, Act I. of 1845. It contains additional provisions for the protection, first, of the interests of the recorded sharer of a joint estate held in common tenancy, second of a recorded sharer of a joint estate whose share consists of a specific portion of the land of the estate. It protects also, first, Istemraree or Mokurreree tenures which were held at a fixed rent 12 years anterior to the permanent settlement. Second, tenures existing at the time of settlement not liable to increase of assessment. Third, tenures of whatsoever description created since the time of settlement. The provisions embodied in this Bill from Act I. of 1845 have worked so well for these last 10 years, and are acknowledged to be so well adapted to the requirements of our revenue system, as to render any interference with them in my judgment unnecessary and uncalled for. Their incorporation in the present Bill is sufficient evidence of the opinion entertained of their value. I may, therefore, be permitted to pass over this portion of the Bill, merely expressing my regret that, since additional provisions on the subject were considered necessary, they were not made the basis of a separate and distinct Act, instead of being incorporated in the present Bill. Reverting to the more specific provisions of the present Bill, the first and second relate to the protection, first, of a recorded sharer in a joint estate held in common tenancy; second, of a share which consists of a specific portion of the land of the estate; and I do not hesitate to state that the provisions are not only imperatively called for in justice to the co-sharer who has paid up his portion of the Government revenue, but that the mode proposed is, in my judgment, effectual, without in any way compromising the interests of the Government, or causing any loss or inconvenience to the zemindars. The idea appears to have been taken from the rules which obtain under the butwarrah regulation, and it may occasion surprise that a principle so distinctly enunciated nearly half a century ago, should hitherto have escaped the attention of our Legislators. The next division of the subject comprises under-tenures, as already shown.

1. The istemrare or mokurreree tenures which existed 12 years anterior to the permanent settlement.

2. The tenures existing at the time of the settlement.

3. Tenures of whatever nature, created since the settlement. I see no objection to the provisions of the Bill regarding the first and second descriptions of tenures. They are already in some measure protected by the conditions of the permanent settlement; the difference being that the permanent settlement consists simply in a declaration in favour of all such tenures generally, whereas the provisions of the present Bill are calculated to identify them. With reference to the third description of under-tenures, namely, those created since the permanent settlement, the question is no doubt one of great difficulty. I admit the necessity for protecting them in the event of a sale of the parent estate; and the scheme proposed in the Bill would perhaps be the best that could be devised, did it not appear in my judgment to be, under existing circumstances, hardly practicable. The difficulty springs from the obvious necessity (as proposed in the 27th Section of the Bill) for not only measuring and surveying the under-tenures, which operations are obstacles sufficient in themselves, but for the Collector satisfying himself that the rent payable by the holder is not less than is sufficient to afford a fair proportion of the revenue assessed upon the parent estate. To do this, it will be necessary, first, to ascertain what the actual assets and profits of the parent estate may be. But all revenue officers know the difficulty of ascertaining accurately, even in a case of butwarrah, the assets of an estate, and the time which elapses ere it can be tested, classified, and made available for that purpose. In no case can the inquiry be brought to a close in less than two years; but in cases where the zemindarees are large, three, or even four years may elapse, or a proximate period. Such being the state of things in butwarrah cases with respect to a single zemindaree, what labour and time will it not involve when brought to bear upon the zemindarees of an entire district. Added to this labour, will be the inquiry regarding the assets of the under-tenures, of which will be found, I surmise, nearly four or five thousand in most districts, and in no district less than two thousand. If the applications for registration of these under-holders come in nearly together, which will unavoidably be the case as I apprehend, the number of ameens that must be employed may be imagined, the numerous reports that must be made by them, the interlocutory orders in numbers that must be passed, and the lapse of time which all this work will involve. Supposing that, at the end of the first six months, a thousand cases are ready for decision by the Collector, and that that officer is able to dispose of as many cases per mensem as the Civil Court, namely, 25, he will only have decided 300 by the end of the year, or 1,800 in six years, or 3,600 in 12 years, unless the Government greatly increase the number of Collectors employed in Bengal, and thereby the expense to Government. Desirable, therefore, as the object of the Bill may be, I much fear that the difficulty of compassing it is of such a nature as to place it beyond our reach. I should, for these reasons, be disposed to prefer the scheme formerly

formerly proposed by Government, namely, that "all under-tenures in an estate, without exception or inquiry, should be allowed to hold as good against an auction purchaser as they were against the former proprietor, as long as the parent estate should be saleable at a price that would cover the arrears of revenue due from it; that as soon as the parent estate should fail to be saleable at such a price, it should be forfeited to Government. The Government scheme is recommended by the hope it affords of eventually repairing the injury inflicted by the permanent settlement of Bengal. For the lapse of the zemindarees to Government on account of arrears of revenue, will afford Government the opportunity for restoring to the actual cultivators of the soil the status, of which that settlement unfortunately deprived them, and transferred, apparently under a misconception, to the mere tehsildars of the Mogul Government, who were mistaken for a body analogous to the landed proprietors of England. I am aware of the outcry which is raised against any measure which is supposed to have the slightest tendency to trench upon that settlement. But to remove the evils of a system acknowledged to have proved most disastrous to the great body of the people is, in my judgment, not merely advisable, but a duty imperative upon Government. I have to notice two other points of the present Bill, namely, first, that provided for in the last paragraph of Section IX.; and second, that composing the entire paragraph of Section XV. The first is a provision for refunding to the mortgagee, who may have discharged the arrears of Government revenue, to protect himself against the sale of the estate before the mortgage has lapsed. The second is the chance afforded to the proprietor of a zemindaree to protect his estate from sale by making a deposit of public securities, the interest of which shall be sufficient to pay the Government assessment charged upon the estate. Both of these provisions are based upon obvious justice, which demands their implicit adoption.

I have, &c.
(signed) *F. A. E. Dalrymple*, Collector.

FROM the Officiating Deputy Collector of Maldah to the Commissioner of Revenue, Rajshahye Division, Beauleah, No. 447, dated Maldah, 28 April 1856.

Sir,

I HAVE the honour to furnish the report required by the Board's Circular, No. 2, dated 26th February, and your letter, No. 71, dated 11th ultimo, on the Bill for the Improvement of the Law relating to Sales of Land for Arrears of Revenue, published in the "Gazette" of the 30th January last.

2. The main points in which this Bill differs from the law, as it now stands, appear to be these:—

First. It is proposed to secure parties having an interest in an estate against loss in protecting that interest, in case of its being imperilled, by the estate being allowed to fall into arrears, and so become liable to sale.

Secondly. To enable sharehholders in estates, duly paying their shares of the Sudder jumma, to protect their shares in case of the estate becoming liable to sale through default of their co-sharers.

Thirdly. To enable proprietors to secure their estates from sale through the neglect or fraud of their agents.

Fourthly. To enforce the registration of dependent talooks existing at the time of settlement, by giving security against the consequences of the sale for arrears of revenue of the parent estate to talooks so registered.

Fifthly. To protect the holders of under-tenures, created in good faith, from loss by the avoidance of their tenures through sale of the parent estate for arrears of revenue.

3. With a view to the attainment of the first object, Section IX. of the Bill permits persons, not being proprietors, to deposit the amount of arrears due from any estate, with the view to its being carried to the credit of the estate, and so of saving it from sale in case of the proprietor defaulting; the amount so deposited and credited being recoverable by suit in the Civil Court, or in case of the party holding a lien upon the estate, being added to the amount of that lien.

4. I think it impossible to take exception either to the object here proposed, or to the means by which it is to be attained; I think it most just and right that parties having interests in estates should be enabled to protect those interests, and that they should at the same time, as far as possible, be secured against loss in so doing; and I know of no method whereby the object would be attained so simply and effectually as it is by that proposed in this Bill. As the law now stands, what security have such persons? None whatever. The recorded proprietor is the only person whom the law recognises in connexion with the estate; all revenue paid on account of it must be paid in and credited in his name; the existence of other parties is absolutely ignored; and they have consequently no safe method whatever of protecting, against the consequences of the neglect or fraud of the proprietor of an estate, interests in it which may possibly be greater than his. This is not as it should be;

Appendix, No. 7.

be; where an interest can be legally created, there should also be the means of protecting it legally; these means the Bill before us proposes to provide, and, as I have already said, in, I think, as simple and effectual a manner as possible.

5. In the next place, Section X. of the Bill proposes to empower the Collector to open a separate account with any shareholder in a joint estate held in common tenancy, who may desire to pay his share of the Government revenue separately; the form of application and course to be pursued by the Collector on receipt of it are prescribed in the Bill.

6. I am of opinion that this is also an excellent provision, and one calculated greatly to increase the security and enhance the value of landed property. It provides for a want hitherto, I believe, greatly felt, that namely, of security against the neglect or fraud of a co-sharer. As the law stands, the whole of a joint undivided estate is answerable for the whole of the revenue due from it; the smallest arrear remaining due after the last day of payment, renders the whole estate liable to sale; where the property in an estate is, as in this country so frequently happens, vested in a body, often a large one, of proprietors, great inconvenience must frequently be occasioned by the operation of this rule. I remember one case which I may quote as an instance of this; an estate in Chittagong, of which I now forget the name, was the property of a considerable body of shareholders; one set of shareholders invariably failed to pay in their share of the revenue when it became due, and the other set found themselves consequently compelled to find the whole amount, to raise the balance perhaps at an hour's notice or allow the estate to go for sale, and this happened not once, but regularly every quarter-day. It can easily be imagined how much annoyance and actual loss was caused by such a process of paying in the revenue, and how much the value of a share in such a mehal would be deteriorated by it. If the Bill under report become law, such a thing could not occur; the body of paying shareholders would at once apply for the opening of a separate account with them, and their interests would then be safe from the consequences of their co-sharers' default. I have no doubt whatever that this provision of the Bill will be taken advantage of to a great extent, should it become law.

7. And it cannot, I think, be doubted that the permission contained in this section may be granted with perfect safety to the Government revenue. In respect of the liability of the land for the revenue assessed upon it, no change whatever is made in the existing practice; all that it is proposed to do is to allow butwarrahs being made of jumma, as they now are of land; the object to be attained is the same, and the process by which it is to be attained infinitely more simple and inexpensive; while at the same time all risk to the Government revenue is avoided; I think it highly probable that one effect of this provision of the Bill will be to put a stop, in a great measure, to butwarrahs of lands for the future; by no means an undesirable result.

8. I now come to one of the most important of the alterations in the law which the Bill proposes to effect; by the section last referred to, shareholders are enabled to protect their interests against the fraud or neglect of their co-sharers; Section XV. of the Bill provides for the protection of the proprietor against the neglect or fraud of his own agent, by permitting him to deposit money or Government securities to meet any demand that may accrue against the estate.

9. The importance of this provision consists in this: that, as has, I believe, already been pointed out elsewhere, it virtually sanctions the redemption of the land-tax; it does so most undoubtedly; a proprietor of an estate has only to deposit Government securities to the value of 20 or 25 years' purchase of the revenue payable by the estate, according to the rate of interest which the securities bear, and his estate is secured against sale for ever.

10. The change in the nature of land tenure in this country which the enactment of this provision will involve, is unquestionably one of the utmost consequence; the object which the Bill proposes to attain is merely the securing of the proprietor against the fraud or neglect of his agent; the actual consequence may be the gradual conversion of all the zemindarees, independent talooks, and estates, under whatever denomination, paying revenue direct to Government, into virtually freehold tenures. Are the Legislature prepared to sanction this change? for my part I see no reason to dread it; on the contrary, the insecurity of landed property in this country has hitherto, I believe, been one of the causes which have chiefly retarded its advance in material prosperity; it is the cause which has mainly deterred from entering largely into zemindaree business Europeans, the men of capital, and what is perhaps more important, the men of energy.

11. One chief cause of this want of security in the case of estates paying revenue direct to Government, is the impossibility of reposing full confidence in native agents, mooktears, &c., and under the present system the least neglect,—it is unnecessary to suppose fraud on the part of any one of these men,—might throw the most valuable estate in the country into the market; security is possible only so far as actual personal supervision is possible; I know that now no European zemindar thinks it safe to be absent from his property as the quarter day comes near; I have frequently heard complains of the inconvenience thereby caused, and suggestions of the identical remedy which it is now proposed to provide. No provision of the Bill will, I am certain, be more popular than the one which enables the proprietor to dispense with the services of agents of all kinds, of whose honesty he can never

never feel fully assured. If, to enable him to do so, the law is compelled at the same time to empower him virtually to alter the nature of his tenure, and secure it to himself and his heirs for ever, free of all demands, I see no reason why it should hesitate to do so; he is entitled to the fullest security for his property, compatible with the safety of the public revenue, and I do not see how anything can be urged against the provision of the Bill under consideration on the score of danger to the estate's income.

12. The sections of the Bill last noticed provide for the security of the Sudder malgoozar. I now come to those sections by which it is proposed to insure that of the subtenant also. This is to be effected by means of registration; the mode in which this registration is to be effected is prescribed in Sections XXXVI. and XXXVII. Sections of the Bill.

13. There can be no doubt that nothing has tended to shut out capital from land more than the insecurity of under-tenures; under the law, as it has hitherto stood, the great mass of under-tenures on an estate are quashed as soon as the estate is sold for arrears of revenue. It is needless here to do more than refer to the great amount of injustice, oppression, and fraud hereby rendered possible; every man who has had any experience in Mofussil practice knows what a powerful weapon this power of annulling under-tenures whenever he pleases is in the hands of a zemindar, and it is not allowed to rust for want of use. The question as to the best means for putting a stop to the improper exercise of this power, and for securing the under-tenant in the enjoyment of what is indisputably his property, has long attracted much attention, and various modes of solving it have been proposed at different times; so let us see how the Bill proposes to deal with it.

14. It proposes to except from avoidance and annulment, through sale of the estate, all under-tenures which may have been duly registered in one or other of the modes prescribed by Sections XXXVI. and XXXVII. of the Bill, according to the nature of the under-tenure. Security is to be obtained by registration, the process being as follows.

15. In the case of old talookdaree tenures existing for a certain period before, or at the time of settlement, the tenant must first present his application to the Collector, stating all particulars with regard to his tenure as far as they are ascertainable; on receipt of this application, the Collector is required to serve a notice on the recorded proprietors of the parent estate, and otherwise publish one, calling on all parties interested to appear within 30 days and prefer any objection he or they may desire to make. If no objection be preferred, nothing, of course, remains but to complete the registration; but if an objection be preferred, then an inquiry must be made; this inquiry will be summary, and the Collector's award is liable to be reversed by a decree of court.

16. In the case of new talookdaree tenures and farms for terms of years, the same course must be adopted, and in addition thereto, the following process must be gone through. On receipt of the application, the Collector is to cause whatever measurement, survey, or local inquiry he may deem necessary for the security of the Government revenue to be made, in order that he may be enabled to satisfy himself that the tenure was created in good faith, so far as the interests of Government are concerned, which he is bound to do before completing the registration.

17. The process of registration in the case of old talookdaree tenures is no doubt simple enough, and it may therefore be passed over without further remark, especially as it will be comparatively seldom employed, and will cease to be so after the lapse of three years from the passing of the Act; the mode of procedure, prescribed in the case of new talookdaree tenures and farms, requires some notice.

18. This process of registration differs from the other chiefly in this: that the Collector is bound, before completing the registration, to satisfy himself that the interests of Government are not endangered by the creation of the tenure; this, of course, he cannot do without a local inquiry. The Bill accordingly directs him to institute such an inquiry, and to make such survey, measurement, &c., as he shall deem necessary; but it does not say who is to bear the expense of such survey and measurement, nor does it in any way provide for the performance of the work by competent persons.

19. Looking at the instruments which the Collector must perforce employ in the conduct of this inquiry, and the manner in which such an opportunity is likely to be taken advantage of by them, it would, I think, be much better, if possible, to dispense with it altogether; the question is, is it possible to permit registration without such grievous inquiry? I think it is. The sole object of the inquiry prescribed by the Bill is the protection of the public interests; private interests, it is presumed, will be sufficiently well guarded by the parties themselves; the Collector must watch over those of the public, and his superintendence must be no mere thing of form, but close and vigilant; for this reason the Bill declares that, in case of an estate being at any future period thrown upon the hands of Government, it shall acquire the property subject to the provisions of the Bill, that is, in the case of permanently settled estates, subject to all encumbrances which may have been imposed upon it by the creation of under-tenures the permancy of which has been secured by registration. Such being the case, a really close and vigilant superintendence must be exercised by the officer who conducts the inquiry; otherwise the interests of Government will certainly be liable to suffer.

Appendix, No. 7.

20. The sole object of the inquiry being the protection of the public interests, it follows that, if any other sufficient means of protection can be discovered, the inquiry may be dispensed with, and it is not necessary to go far in search of them: let the present system of annulment of under-tenures on sale of the estate be continued in all cases in which an estate is thrown upon the hands of Government; and the Government interests are at once protected in the most efficient manner; they are secured in a way in which they never will be under the Bill. Nor would there be any injustice whatever in exempting the estate from the operation of the provisions affecting private purchasers; the original agreement made between the Government and the zemindar was that, so long as he continued to pay a certain amount of revenue, so long he should remain in undisturbed possession of the estate; the under-tenants are bound to the tenant-in-chief, and through them to the Government by similar agreements: there can be no injustice whatever in declaring that, if they fail in their part of the contract, they must pay the penalty; that, if one set of tenants fail in paying the stipulated amount of revenue, the Government will cancel the agreement made with them, and proceed to oust them and induct another set who will pay it.

21. To sum up briefly, I think all the provisions of the Bill excellent, with the exception of those which declare registered under-tenures not liable to annulment on sale of the parent estate to Government, and prescribe a local inquiry as the means by which Government interests are to be protected against any fraud in the creation of those under-tenures. In lieu of these, I would propose to substitute a clause declaring all under-tenures liable to avoidance in case of the estate being thrown on the hands of Government, and to allow the mode of registration prescribed in Section XXXVI. of the Bill to be adopted in all cases.

I have, &c.
(signed) *E. C. Craster,*
Officiating Deputy Collector.

(No. 5.)

PETITION of Rajah Sutt Shurn Ghosaul, dated 19 November 1856.

To the Honourable Members of the Legislative Council of India.

The humble Petition of Sutt Shurn Ghosaul of Bhookoyloss, Zillah 24-Pergunnahs, a Zemindar in the Presidency of Bengal.

Most respectfully showeth,

THAT in continuation of his petition dated the 19th September last,* your petitioner begs to suggest to the Honourable Council to introduce in the proposed law a section to the effect that holders of under-tenures created since settlement, from whom no balance was due on the latest day of payment, should be entitled to damages from the defaulting proprietor, his successors, &c., in proportion to the loss sustained by them, by the avoidance of their tenures on the occasion of a sale of the zemindaree in arrear within a period to be judiciously and wisely limited by the Honourable Council.

Such a provision in your petitioner's humble opinion will tend much to realise the laudable object of the Honourable Council to protect the interests of the tenure-holders contemplated in the latter part of the Bill, and will not only suppress fraud and collusion, but it will also prove a preventive as well as a remedial measure.

And your petitioner, as in duty bound, shall ever pray,

Bhookoyloss, 19 November 1856. *Sutt Shurn Ghosaul.*

No. (6.)

From the Junior Secretary to the Government of Bengal, to the Clerk of the Legislative Council, No. 864, dated Fort William, 8 December 1856.

Sir,

Revenue.

IN continuation of this office, letter No. 671, dated the 19th September last, I am directed to forward herewith, a copy of a letter No. 433, dated the 18th ultimo, and of its enclosure, regarding the proposed new sale law, from the officiating secretary to the Board of Revenue.

I have, &c.
(signed) *C. T. Buckland,*
Junior Secretary to the Government of Bengal.

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* See further Papers (No. 3) relative to the Sale Law Improvement Bill.

From the Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, Revenue Department, No. 433, dated Fort William, 18 November 1856.

Sir,

In reply to your letter of the 1st ultimo, No. 696, I am directed by the Board of Revenue to forward, herewith, copies of the Minutes * of the Members on the Lieutenant-Governor's printed Minute on the subject of the proposed new sale law.

*Mr. Dampier's, dated 31st ultimo. Mr. Stainforths, dated 17th instant.

I have, &c.
(signed) *E. T. Trevor*,
Officiating Secretary.

Mr. *Dampier's* Minute.

I have looked over the Minute of the Lieutenant-Governor regarding the proposed new sale law. I do not think any lengthened or detailed remarks on it necessary or called for from the Board.

I quite concur in the opinion expressed by Mr. Halliday as to the advisability, to use the least strong term, of fixing a limit to the amount of revenue paid by a shareholder which would give him the privilege of opening a separate account with the collector. Even under the present system of separation by butwarrah, several officers (the late Commissioners† of Bhaugulpore and Cuttack being, I think, amongst them) have represented the necessity of confining the operation of the butwarrah laws to sharers in estates paying not less than 50 rupees annual revenue to the Government.

† Messrs. Brown and Samuells.

I would also confine the use of this privilege to recorded proprietors, and not have any inquiry as to possession by the collector as a rule. Possession and registration may be said always to go together; but where an heir was not registered and is in possession, there can be no injury done in making the registry of his name necessary before he can open a separate account; and this measure would also tend to check the entry of fictitious names or of benamee holders on the register.

I conceive it to be impossible that the intent of the proposed law is to alter the status of the dependant talookdars and other holders whose tenures' rents or revenue were fixed by the permanent settlement. If it is necessary to have a penalty for the non-registry of such tenures, it should be of the nature laid down in Section XXI. Regulation VIII. of 1800, to be inflicted on zemindars for non-registration of mutations in their holdings. The zemindars and these talookdars and others are alike protected by the laws of, and declared permanent by, the decennial settlement; and we have no more right to avoid such tenures for an arrear of rent, than we have to break up the permanent settlement of a zemindaree on the occurrence of an arrear of revenue.

I must say that, granting the expediency of rendering post settlement under-tenures more secure, it appears to me that this measure is proposed to be done without much reference to the right of the zemindars. It may be said that, as the zemindar cannot profit (excepting by fraud) by the annulment of such tenures by the sale of the estate for arrears of revenue, he is not actually injured, or a loser, but certainly the pecuniary value of such holdings is vastly increased by this measure; and had this permanency of tenure existed or been even thought likely to exist when the tenure was given, or if he had now the power of withholding the permanency, excepting on payment of an additional fine, a much higher price or consideration would have been or might now be levied by the zemindar—which he now is deprived of.

I must say that I am very much inclined to concur in the plan proposed by the Lieutenant-Governor; and even with that, and limiting the provisions of the law to tenures holding direct from the zemindar or other person paying revenue to the Government, I still think that the inquiries proposed by Sections XXXVI. and XXXVII. to be carried out by the collector will present difficulties almost, if not in many cases completely, insuperable.

It may also be a question by whom are the expenses attendant on such inquiries to be paid. By the Government who is not interested in the matter: by the zemindar whose interests are, if anything, injured by this security given to his under-tenant; or by the under-tenant himself? The last is the just course; for if, as a necessary part of the scheme, the under-tenure is to be protected from the time of application for registration, it will not be an object for even honest claimants to hasten the conclusion of the summary inquiries, whilst to dishonest or false claimants it would be an advantage to delay by any means their conclusion. The expenses of all kinds should, I think, in the first instance be levied from the claimants to registration, leaving the deciding officer the power of adjudicating any portion of them to be refunded by opponents and counter claimants.

31 October 1856. (signed) *W. Dampier.*

Mr. *H. Stainforth's* Minute.

It certainly seems necessary to limit the separation of accounts in joint undivided estates, if the project of separating them is to become law. But I venture to recommend that it be abandoned, as the objects sought may, apparently, be more easily and effectually attained by allowing the collectors to receive petitions, presented within seven days from the latest

Appendix, No. 7.

date for payment, by registered proprietors who have paid their quotas of the revenue (which should be ascertained, in order to carry out Section III. Regulation XV. of 1797, and are not liable to alteration saving in cases of specific portions of mehals under the butwarrah law); and to exempt from sale, at the time thereof, such portions as they may find, on such petitions supported by dakhilas, to be free from arrears of revenue.

Such a system would prevent influx, into the collector's offices, of work with which it might be impossible to cope, and it would at all events save a large amount of inconvenience, labour, and expense which it is difficult to estimate before-hand; moreover, it would be quite as effectual, as that proposed in the Bill, in preventing minute sub-division of estates by butwarrah.

It would also avoid the obvious conflict between Sections X., XI., and XII. of the Bill, and Sections IV., XXXIII. and XXXIV. of Regulation XIX. of 1814, which latter sections must apparently be rescinded if the former pass into law.

The remarks of the Lieutenant-Governor on the ante-settlement talookas have my entire concurrence. The talookadars were certainly required, by Clause 8, Section XV., Regulation VII. of 1799, to register all transfers of their talookas in the zemindar's cutcherry; but it was also incumbent on the zemindar to keep up such registers. This, however, it was not their interest to do, as it would have given firmness to the independent tenures, detracting from the value of their own, and there can be no doubt that both parties have failed in their duty in respect to these registers. Under such circumstances to require the talookadars to register their talookas in the manner proposed in the Bill, after so great a lapse of time, in a country in which the means of preserving documentary evidence are extremely defective, seems to me only another term for compelling them, in the great majority of cases, to expose their inability to defend themselves against claims for higher assessment, and most unjust.

I am strongly adverse to alteration of the law, so as to maintain post-settlement tenures after a sale for arrears of revenue and to cause the creation of such tenures in places where they do not exist at present, because I believe them to be, as I have already stated, bad for ryots. Moreover, I doubt whether even the plan, proposed by the Lieutenant-Governor in the 51st paragraph of his Minute in respect to such tenants, can be adopted with safety to the public revenue, for it strikes me that a zemindar may, by fraudulently creating several tenures in subordination, intercept such a portion of the rent payable by the ryot as will leave little receivable by the Government. It was found necessary to supersede Section VIII. Regulation V. of 1812, by Section XXIX. Regulation XI. of 1822; and we should, I submit, be most cautious in our proceedings now.

I trust that I may, without impropriety, add to the foregoing remarks on the Lieutenant-Governor's Minute, some further observations on the details of the Bill.

Section XII. I do not perceive why a collector should wait till an estate be notified for sale under Section VI., before he issues the proclamation prescribed in Section VII. Apparently the latter should be issued as soon as possible after the estate is ascertained to be in balance.

Sections X., XI., and XII. Referring more specially to the fact that $\frac{1}{16}$ of the sharers in joint undivided estates are notoriously unregistered, it seems to me that objections should be received from any persons who can show themselves to be sharers, whether they are registered or not.

Section XIV. I do not see how a collector is to proceed if two or more co-sharers are ready, each simultaneously, to pay up the arrears of a defaulting co-sharer.

" Section VII." should apparently be added after " Section VI." in the 14th Section.

Section XVIII. In the 18th Section I would prescribe a proclamation notifying to the ryots the removal of the attachment.

Sections XXXV. and XLIII. Section XLIII. of the Bill, founded on Section XXIX. Act I. 1845, contemplates giving to shareholders in estates under butwarrah, who may have saved their shares under Sections XXXIII. and XXXIV. Regulation XIX. of 1814, and who may purchase portions of estates sold in realization of arrears of revenue, greater rights than it allows to other shareholders who may purchase, but it does not explain what excess of right the former class of purchasers is to be held to acquire.

Section XXXV., too, of the Bill specifies the rights of purchasers of " entire estates," but neither in it, nor in any other part of the Bill, is there any specification of the rights of purchasers of portions of estates.

In the absence of such specification, it seems to me that purchasers to whom its 10th Section relates, can obtain no greater rights than those conferred on them by Section XXXIII., Regulation XIX. of 1814, which is recognised as living law by the 43d Section of the Bill, and yet it seems unquestionable that the framer of the Bill must have intended to give them rights not inferior to those which he intended to give to non-defaulting sharers who may purchase. What, however, he intended to give to these latter, he has left in doubt and uncertainty.

Obviously there should be a clear specification of the rights acquired by all descriptions of purchasers of portions of estates inserted in the Bill; and, in my judgment, these rights should be, in all cases, equal, even when the purchasers are non-defaulting sharers or persons previously unconnected with the estate.

No

No law hitherto passed has authorised annulment of tenures (not being farms) throughout an estate, on account of the sale of a portion of it; and I do not suppose that the author of the Bill intends to allow this. But application of the powers given in Section XXXV. of the Bill, so as to annul pottahs to the extent of purchase, will, I submit, give rise to much confusion and inconvenience.

It may happen, for instance, that the holder of a tenure, asserted to have existed more than twelve years before the decennial settlement, may have a decision passed against him in favour of a purchaser of a portion of an estate, cancelling his tenure quoad such portion; under such circumstances, I do not see how we could make a butwarrah of the estate. Section XXX, Regulation XIX. of 1814, tell us how to proceed in respect to two descriptions of estates, that is, those held by sharers in common right and interest, and those in which the shares consist of separate mehals; but the case contemplated would be of neither kind. We should have one portion in which the assets for allotment of the jumma would be a share of the rent payable by the ryots, and another portion in which they would be the rent paid by the intermediate tenant, which the proprietors of the unsold portion cannot alter, and for questioning which, until a further sale, there is no mode of proceeding whatever.

To me it seems that the only rights which should be conferred on purchasers of portions of estates are those granted by Section XXXIII, Regulation XIX, 1814. If, however, greater rights are given to them, it will apparently be necessary to alter Section X, Regulation I, of 1793, Section VIII, Regulation VIII. of 1801, and Section XXX, Regulation XIX, of 1814.

(signed) *H. Stainforth.*

17 November 1856.

(No. 7.)

PETITION of certain Zemindars of the 24-Pergunnahs.

To the Honourable the Legislative Council of India.

The humble Petition of the undersigned Zemindars of Zillah 24-Pergunnahs.

Showeth,

THAT your petitioners have viewed with deep concern the project of an organic change in the constitution of the landed system of this country contained in Sections XXXV. to XLI., XLVII., and XLIX., of a Bill entitled, "A Bill to improve the law relating to sales of land for arrears of revenue in the Bengal Presidency," read a second time before your Honourable Council on the 26th January 1856.

That your petitioners observe that the effect of the operation of the proposed law will be to ultimately dissolve the permanent settlement, and to destroy with it the various interests which have grown upon it.

That your petitioners submit with all due respect that your Honourable Council is not competent to entertain a project of law of this purport and tendency.

1. Because it is contrary to the spirit of the Statute of Parliament 24 Geo. 3, c. 24, s. 39, and to the command therein conveyed, the said section running as follows:

"And whereas complaints have prevailed that divers rajahs, zemindars, polygars, talookdars, and other native landholders within the British Territories in India, have been unjustly deprived of, or compelled to abandon and relinquish, their respective lands, jurisdictions, rights, and privileges, or that the tributes, rents, and services required to be by them paid or performed for their respective possessions to the said United Company are become grievous and oppressive. And whereas principles of justice and the honour of this country require that such complaints should be forthwith inquired into and fully investigated, and if founded in truth, effectually redressed. Be it therefore enacted that the Court of Directors of the said United Company shall, and they are hereby accordingly required forthwith to take the said matters into their serious consideration, and to adopt, take, and pursue such methods for inquiring into the causes, foundation, and truth of the said complaints, and for obtaining a full and perfect knowledge of the source and of all the circumstances relating thereto as the said Court of Directors shall think best adapted for that purpose, and thereupon according to the circumstances of the respective cases of the said rajahs, zemindars, polygars, talookdars, and other native landholders, to give orders and instructions to the several Governments and Presidencies in India, for effectually redressing, in such manner as shall be consistent with justice and the laws and customs of the country, all injuries and wrongs which the said rajahs, zemindars, polygars, talookdars, and other native landholders may have sustained unjustly in the manner aforesaid, and for settling and establishing upon principles of moderation and justice according to the laws and constitution of India, the permanent rules by which their respective tributes, rents, and services shall be in future rendered and paid to the said United Company by the said rajahs, zemindars, polygars, talookdars, and other native landholders."

2. Because your Honourable Council are in fact as well as in the eye of the law, the Governor-General of India in Council, that is to say, the same authority which guaranteed in the most solemn manner the maintenance in perpetuity of the settlement made in 1790.

Appendix, No. 7.

That the proclamation of the Governor-General of India in Council, by the which the permanent settlement was inaugurated, contained among other provisions the following:

ART. 6. "In the event of any zemindar, independent talookdar, or other actual proprietor of land with or on behalf of whom a settlement has been, or may be, concluded, or his or her heirs or successors, failing in the punctual discharge of the public revenue which has been, or may be, assessed upon their lands under the abovementioned regulations, a sale of the whole of the lands of the defaulter, or such portion of them as may be sufficient to make good the arrear, will positively and invariably take place."

ART. 9. "The Governor-General in Council thinks it necessary further to notify, in elucidation of the declarations contained in this article, (which are conformable to principles of the existing regulations,) that if any zemindar, independent talookdar, or other actual proprietor of land shall dispose of a portion of his or her lands as a dependent talook, the jumma which may be stipulated to be paid by the dependent talookdar will not be entered upon the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever, nor will it be allowed in any case to affect the rights or claims of Government, any more than if it had never taken place."

The proposed law, therefore, militates in letter as well as in spirit against the law which established the permanent settlement.

That the power reserved in Article 7 of the abovementioned proclamation to the Governor-General of India in Council to enact such regulations as he may think necessary for the protection and welfare of dependent talookdars, ryots, and other cultivators of the soil cannot be so construed as to mean that the Legislature of India is at liberty to enact a law or regulation for the protection of any class of under-tenants that would endanger the permanence of the settlement of 1790.

That the argument founded on the plea that default on the part of a zemindar in the payment of the revenue assessed upon his estate dissolves the contract between him and the Government, and sets the latter at liberty to make any arrangement it chooses for realising the public revenue from the lands comprised in such estate, is equally untenable.

1. Because the defaulting zemindar is entitled to the full value of his estate, except so much of it as he may have parted with by his voluntary acts or the voluntary acts of those he represents or has succeeded, and any act of Government which would diminish the value of this interest of the zemindar would be an act of confiscation.

2. Because the dissolution of the contract between the defaulting zemindar individually and personally and the Government cannot alter or otherwise affect the zemindary character or tenure of his estate any more than default on the part of a putneedar can, by dissolving the contract between him and his zemindar, alter or affect the character or tenure of the putnee estate.

3. Because the argument, if allowed to be valid, would destroy the institutional character of the permanent settlement as apart from its fiscal character; and that the settlement had such an institutional character apart from its fiscal character is a fact notorious and recorded in history and in State documents.

That your petitioners further deny that the proposed law is justifiable on grounds of expediency.

That the ostensible object of the proposed law is to give security to under-tenures of all sorts.

That the tenures enumerated in what are called the exceptive clauses of Section XXVI. of Act I. of 1845 do not stand in need of such security, and these comprise the tenures by which the vast mass of cultivators hold the lands they cultivate, and almost all resident tenants hold the lands on which they reside.

That the supposed benefit of the proposed law is therefore chiefly intended for the holders of tenures intermediate between the zemindar and those referred to in the preceding class.

That the middle-tenures do not practically stand in need of greater security than the tenures of resident cultivators, a fact apparent upon the face of the official lists of zemindaries sold for the realisation of arrears of revenue since the law now in force for the realisation of the public land revenue was enacted, and clearly deducible from the circumstance of middle-tenures having been since the date of the permanent settlement continually increasing in number and value.

That the proposed law, if enacted, will not even give to middle-tenures that theoretical security which is said to be wanted for them; for the Bill among other things contemplates and provides for the contingency of a state of things in which middle-tenures in defaulting zemindaries will have to be destroyed without any compensation to their owners.

That the immediate effect of the enactment of the proposed law will be the multiplication of these middle-tenures.

That the multiplication of middle-tenures is an unmitigated evil, a fact proved by the circumstance that rent is highest and the rights of the resident tenantry have suffered the most in those districts of Bengal in which middle-tenures abound, it being notorious that middlemen are the most oppressive and extortionate of landlords all over the world.

That

That the proposed law is unnecessary to the reasonable protection of under-tenures, the owners of which can under the law now in force obtain from the executive authorities, on cause shown, exemption from the consequences of a sale of the zemindary in which they hold.

That the proposed law is not called for by any valid considerations of justice towards the owners of under-tenures.

1. Because the proposed law is framed only to benefit the owners of tenures held immediately of zemindars.

2. Because the interests of the holders of all under-tenures, whether held immediately or mediately of zemindars, will be better secured by a law declaratory of the right of the holders of under-tenures to compensation for the loss of their tenures by the sale of zemindaries for the realisation of arrears of revenue.

That, therefore, your petitioners pray that the Bill for the amendment of the law relating to the sale of lands for arrears of revenue be passed without the Sections numbered XXXV. to XLI., XLVII, and XLIX., and that instead of the last-mentioned sections others be inserted therein declaring the right of all under-tenants to sue defaulting zemindars for compensation for loss sustained by them in consequence of such default.

And your petitioners, as in duty bound, will ever pray.

Twenty-five Signatures.

(No. 8.)

PETITION of Protestant Missionaries residing in or near *Calcutta*.

To the Honourable the Legislative Council of India.

The Petition of the undersigned Protestant Missionaries residing in or near *Calcutta*

Respectfully showeth,

THAT your petitioners desire to express to your Honourable Council the satisfaction and gratitude with which they observed the introduction into your Honourable Council, on the 22d December 1855, by the Honourable J. P. Grant, of a Bill to improve the law relating to sales of land for arrears of revenue in the Presidency of Bengal; and their earnest hope that the leading principles and provisions of that valuable and important measure may be speedily embodied in a law.

2. That your petitioners beg leave to submit to your Honourable Council their views on the evils which that Bill is designed to meet; and generally, on the position of the cultivating classes in this Presidency; and they respectfully but earnestly solicit the favourable consideration of your Honourable Council to their representation of the claims of those classes of the community who are unable effectually to plead for themselves.

3. That your petitioners recognise in the perpetual settlement an important boon to the whole Presidency, in its limitation of the land tax, and they regard that settlement as the probable foundation of great national prosperity. But in the practical operation of the system, your petitioners observe two distinct classes of evils.

First. The under-tenures are insecure; the rents of the cultivating classes are capriciously varied; and the interests of those classes are virtually unprotected.

Secondly. The zemindars are armed with extraordinary and excessive powers.

4. That your petitioners believe it to be notorious that the intentions of the laws for securing leases to the tenants, for securing them receipts on their payments of rent, for limiting within just bounds the rents reserved in leases, and for checking the custom of exacting abwabs and other arbitrary additional charges and cesses, are commonly frustrated and defeated. On the other hand the power of the zemindars (as recognised in Regulation VII. of 1799, Section XV., Clause 8), to compel the personal attendance of their tenants, for the adjustment of rent and other purposes, is, practically, in many parts of the country, a substitute for the regular and ordinary processes of the law, and is virtually the subjection of the tenants to a state of slavery; and further, this evil is in many instances greatly aggravated by the estates being held in co-tenancy, so that several shareholders, who are often in a state of conflict, equally exercise an arbitrary and unrestrained authority.

5. That while this law thus presses severely on the tenants, your petitioners observe that, from the increased cultivation of the soil, and the greatly increased value of its produce, the zemindars, who were primarily regarded simply as collectors of the land tax or farmers of the revenue, entitled to a fair profit on the returns, derive now a revenue greatly in excess of the revenue which they pay to Government; and thus, contemporaneously, while the zemindar has been rising in wealth and power, the tenant has been sinking into penury and

Appendix, No. 7.

dependence, subject to illegal and exhausting exactions, harassed by contending proprietors, and oppressed by the exercise of extra-judicial powers.

6. That your petitioners submit that this result was neither designed nor contemplated by the perpetual settlement. By that arrangement certain great advantages were secured. A moderate assessment was levied on the land in substitution for uncertain and unlimited demands; and an important class in the community, who were regarded as foremost in intelligence and influence, were placed in a position of responsibility, usefulness, and honour. But these zemindars have, since that time, not only acquired by law the power of enforcing their demands by *ex parte* proceedings, commencing with the arrest and imprisonment of the tenants, but have also received the sanction of the law, as already stated, to their custom of enforcing the personal attendance of their tenants at their pleasure; and both these powers, but especially the latter, your petitioners believe, they often greatly and shamefully abuse.

7. That in the practical and extended development of this system, it is manifest that the tenants suffer from a lax administration of laws passed for their protection; that they are oppressed by the execution of other laws, which arm the zemindars with excessive power; that they do not share with the zemindars in the advantages derived from the development of the resources of the country; that the profits thus monopolised by the zemindars are already incalculably valuable; and that, year after year, the condition of the tenants appears more and more pitiable and hopeless.

8. That your petitioners are compelled to add, that other evils increase the wretchedness of the condition to which a tenant is thus reduced. The village chowkeydars are the servants of his landlord; the Government police are corrupt, and he cannot vie with his landlord in purchasing their favour; the courts of justice are dilatory and expensive, and are often far distant from his abode, so that he has no hope of redress for the most cruel wrongs; and he is frequently implicated in affrays, respecting disputed boundaries, in which he has not the slightest personal interest. Ignorant of his rights, uneducated, subdued by oppression, accustomed to penury, and sometimes reduced to destitution, the cultivator of the soil in many parts of this Presidency derives little benefit from the British rule, beyond protection from Mahratta invasions.

9. That your petitioners believe that, under these circumstances, the interference of your Honourable Council is urgently demanded by justice and benevolence; and they view the present Sale Bill as an important step in the right direction.

10. That the objections of the zemindars to the measure appear to your petitioners entirely futile. It appears to your petitioners unquestionable that your Honourable Council may justly protect the tenant, provided only it leave the zemindar ample means of paying the Government revenue, and a fair profit on his collections. The elevation of this zemindarry class, by extraordinary protective and fostering measures, is not a policy that can be wisely or equitably pursued, to the sacrifice of the great mass of the people.

11. That your petitioners confidently submit to your Honourable Council that the zemindars have not fulfilled the just expectations of the State, or the conditions connected with the perpetual settlement. The extension of cultivation in Bengal, for which they claim credit, your petitioners ascribe, not to the enterprise, capital, or public spirit of the zemindars, but to the great increase of population during the last hundred years of domestic peace. Far from accelerating the progress of the country, either in civilisation or material prosperity, the zemindars have generally checked the accumulation of capital by their tenants. They have not stimulated exertion by their own example, nor encouraged confidence by generosity and kindness. On the contrary, by arbitrary exactions, they have repressed the industry of their tenants, and by the exercise of their excessive powers under the Regulation VII. of 1799, they have destroyed every vestige of their independence.

12. That your petitioners are well aware of exceptions. They know that there are powerful middle-men, indigo planters and others, who have resisted and struggled with the zemindars, and against whom it is impossible to enforce the extraordinary powers which are mercilessly wielded against the poor. But your petitioners desire to be understood as speaking of the great mass of the cultivating classes constituting a large proportion of the entire population; and on these your petitioners believe that the oppressions of all the various grades of superiors, both middle-men and zemindars, have been practised, and are still practised, with lamentable effect, partly with legal sanction, and partly without it, but entirely, in nearly every case, without the slightest hope on the part of the tenant of legal redress.

13. That, in respect of the exactions of the middle-men, your petitioners believe that a considerable part must be ascribed to the uncertain tenures of that class. Having no permanent interest in the soil or the people, they are seldom the protectors of their dependent cultivators. If fixity or permanence of tenure were established, then, immediately, as your petitioners believe, the tendency would be to establish just relations between the landlord and the tenant from the highest to the lowest; and that principle your petitioners therefore earnestly desire to see adopted and carried out. At present it is infringed, in the first instance, by the right of the Government to sell the land for arrears of revenue, and thereby avoid the under-tenures with some few exceptions; and then, still more, by the entire

entire absence of protection to the tenants, and the undefined relations of landlord and tenant throughout the Presidency.

14. That in connexion with this subject, the Calcutta Missionary Conference, in the year 1852, requested one of its members, well acquainted with the subject, to prepare a paper on the redemption or commutation of the land-tax, and that document was published and circulated both in India and in England. Subsequently, the Missionaries of Calcutta, in their petition to Parliament in the same year, prayed for a measure having the redemption of the land-tax for its object, with the view at once to induce capitalists to invest in land, and to enable small holders to acquire permanent freehold rights.

15. That your petitioners have annexed to this petition a copy of the paper referred to, and respectfully submit its statements and arguments to the attention of your Honourable Council.

16. That your petitioners now find, with great satisfaction, that the Board of Revenue have unanimously approved of the 15th section of the present Bill, which provides that any recorded proprietor or co-partner of an estate, may, by deposit of Company's paper, secure his estate from sale for arrears of land revenue; and have distinctly recognised the expediency of permitting the complete redemption of the land-tax.

17. That your petitioners anticipate, from the adoption of the principle involved in that section, a powerful stimulus to exertion for the purpose of securing freehold rights; and as the result of the possession of those rights, the creation of that spirit of freedom which has always been the spring of enterprise, emulation, and social progress.

18. That your petitioners submit that the terms of the 15th section may be safely extended, by a provision for the payment of a definite rate of purchase money (which your petitioners apprehend might be twenty years' purchase of the recorded land-tax), in consideration of which that tax might be held to be absolutely redeemed for ever; and your petitioners further suggest that certain encouragements to such redemptions might be granted, in the form of partial remissions of arrears; an official survey of every estate redeemed, with an official certificate and record of boundaries; and a public notification, in the Government Gazette, of the names of all who avail themselves of this law.

19. That your petitioners believe that it is the interest of the Government both to facilitate and to encourage such redemptions, not only because an immediate saving will follow in respect of a reduction of the establishments for collecting revenue, but also because they will introduce a new and highly beneficial element into the landed system.

20. That your petitioners desire to express their conviction of the necessity for the provisions contemplated by this Bill for the protection of under-tenures by registration.

21. That, in respect of ante-settlement tenures, your petitioners submit that the security provided by the Bill is simply an act of justice and good faith, required by the perpetual settlement; and that, as the proposed registration will be voluntary on the part of the talookdars, no satisfactory objection can be urged to it.

22. That, in respect of some tenures, (both ante-settlement and post-settlement tenures,) your petitioners apprehend that they largely partake of the character of English copyholds, but with additional disadvantages attending them; and your petitioners submit that all the principal reasons which have been stated for the enfranchisement of those tenures in England, apply with greater force in support of the proposition for protecting and fixing tenures of the same nature in Bengal.

23. That, in respect of post-settlement tenures, your petitioners understand that the intention of the Bill is to protect, by registration, all which have been, or may be hereafter created *bonâ fide;* that is, on which the rent reserved is fairly and duly apportioned to the entire land tax of the estate.

24. That it is objected to this proposed law, that the inquiry into this apportionment will be attended with impracticable difficulties.

25. That your petitioners acknowledge that such might be the case, were the total land tax of the estates exactly, or nearly exactly, equivalent to their total rental. But in fact it is notorious that the rental of zemindaries is ordinarily more than double their total land tax or sudder jumma; and in all such cases it appears that it would be difficult to err. Any careful collector inquiring into a lease could, in such circumstances, form a sufficiently accurate estimate of the fairness of the rent reserved—the sole object of his inquiry being its proportion to the sudder jumma or land tax of the estate, and the aggregate value of the estate being, as already stated, so great, as to afford a large margin to cover all probable mistakes. Placing the case on the lowest ground, your petitioners submit, therefore, that fraudulent leases, sanctioned and registered by the collector, (created too in the face of the provision which renders them liable to be annulled and avoided, at any time within 60 years, on the ground of fraud), are not likely to be so numerous as seriously to endanger the Government revenue.

26. That your petitioners feel it to be unsatisfactory to argue the question on this ground,

Appendix, No. 7.

or to consider, in detail, the probable number of such frauds, or their united ultimate effect on the aggregate land tax. They respectfully submit that your Honourable Council may be expected to rely, for the security of the land tax payable to Government under the perpetual settlement, not on the exact accuracy of the collectors and ameens, but on the gradual improvement of the country and development of its resources. In most parts of Bengal the assessment was originally moderate; the progress of the country has rendered it light; and, with a further advance of society and a further rise in the produce, the fixed Government revenue will be trifling, compared with the value and extent of the cultivated soil. A country which, like Bengal, already feeds upwards of 40,000,000 of people already exports annually produce to the value of at least 15,000,000 *l.* sterling, and already receives annually upwards of 5,000,000 *l.* sterling in bullion, as the balance of its trade, after paying the greater part of India's tribute to England, and in which there are still boundless resources undeveloped, cannot long feel as a burden a land tax of three millions and a half.

27. That your petitioners believe that no part of that tax will be lost through the operation of the present Bill; but if some hazard is inevitable, they respectfully inquire, if fear lest part of this tax may possibly, under this Bill, be sacrificed by some fraudulent leases remaining undetected in their creation, and undisturbed during the whole succeeding 60 years, should be regarded as a sufficient bar to the enactment of a measure which not merely gives fixity and permanence to all under-tenures, old and new, and immediately encourages all improvement, but also affords the promise of an accelerated progress in wealth and prosperity, in the course of which all landlords may be expected to liberate their land altogether, without loss to the Government?

28. That when your petitioners inquire for the alternative if this Bill be rejected, they find a proposition to establish and fix under-tenures, but subject in the ultimate contingency of a Government sale to disturbance and re-settlement—a proposition which, in their judgment, differs from this Bill entirely in spirit and effect. The one condition and qualification annexed to this proposed amendment, must, they fear, check the operation and expansion of the system which they desire to see established, and tend to perpetuate the plague of doubt and hesitation, which is now effectual in restraining the investment of capital in land and development of the resources of the country. It interposes a possible partial loss of the Government revenue in a doubtful contingency, as an impediment to the destruction of a vicious system, which is ruinous to a large portion of the population and crushes them into degradation and misery.

29. That your petitioners regard another objection to this Bill, namely, that it will tend to the multiplication of small holdings, as altogether illusory. The existing system certainly has that tendency, because it checks the accumulation of capital in the farming classes; but the system contemplated by this Bill, if liberally expanded and carried out, will tend to the increase of wealth, and this, with other civilising causes, must lead to the investment of continually larger amounts of capital in land, and thereby to the consolidation of estates and the absorption of improvident and pauper proprietors.

30. That with these views your petitioners look with anxiety and earnest desire for the enactment of this proposed measure, but they are bound to state that they wish also to see additional measures carried with it.

31. That your petitioners believe that they have truly and accurately represented the condition of the cultivating classes. Your petitioners believe it to be true that, superadded to the evils they endure from a corrupt and inefficient police, and an administration of civil and criminal justice which confessedly requires extensive improvement, they are liable to be constantly harassed by the conflicting and unsettled claims either of contending shareholders of joint estates, or of contending neighbouring proprietors; by the severe laws of distraint and arrest; by the power of their superior landholders, whether zemindars or middle-men, to compel personal attendance at their pleasure; by illegal exactions; by the unfixed nature of their tenures; and by the prevalent custom of refusing both leases and receipts.

32. That for this class your petitioners believe themselves called upon to speak. Your Honourable Council receives petitions from many of those who consider their interests affected by this and other measures—particularly zemindars and indigo planters—and their representations reach the British Parliament. But the mass of the people—the cultivators of the soil, and those directly or indirectly dependent on them—are usually unheard and unrepresented. Yet your petitioners believe that the case of these numerous classes is such as urgently to demand consideration; and your petitioners, influenced by the desire that the British Government may be honourably distinguished in the blessed work of "showing mercy to the poor," and affected by a deep sense of the social wretchedness prevalent in the land, and the fearful obstacles which it presents, alike to the progress of enlightenment and truth, and the advancement of the material interests of the country, are constrained to appeal earnestly to your Honourable Council; and to entreat your Honorable Council so to legislate, as to afford hopes of new and better days; to secure, with the blessing of God, the public tranquillity, which is now endangered through the sufferings and

and the irritation of the people; and to lay the foundations of general prosperity and freedom.

33. Your petitioners therefore pray your Honourable Council to pass the Bill to improve the law relating to sales of land for arrears of revenue in the Presidency of Bengal, and to pass such other measures as shall be necessary for the emancipation and protection of the cultivating classes.

And your petitioners will ever pray,
(signed) *Alexander Duff,*
And 20 other Signatures.

APPENDIX

Referred to in the foregoing Petition.

On the desirableness of Commuting the Government Land Tax.

IT has long been the settled conviction of many missionaries labouring in Bengal, that the present condition of the rural population of that Province is not only a great impediment to the diffusion of Christianity in general, and to the development of a Christian character on the part of converts in particular, but also a social and political evil of great and growing importance, which, unless checked in time, must ultimately result in the universal prevalence of pauperism, servility, duplicity, and indolence. The causes to which the misery and degradation of the peasantry must be attributed are manifold; such as the long continued prevalence of Hindoo idolatry and Muhommadan oppression, of early marriages and the prejudices of caste; also the innate defects of the national character, and the density of the population. Causes like these cannot well be remedied by legislative enactments; but there is another which appears to admit of such a remedy, namely, the mutual relation between the zemindars and the ryots, to which the alarming deterioration of the peasantry must be in a great measure attributed, whilst at the same time it places the zemindars in a position which is calculated to prolong the evil to an indefinite period, without any prospect of improvement.

It would no doubt be an injurious as well as a difficult undertaking to attempt an abrupt and total abolition of the present zemindary and ryot system. The best means of providing a remedy for the actual state of things appears to be the application of a new principle to the tenure of land—a principle of such a nature that it should operate gradually and almost imperceptibly, and yet produce a beneficial change in the public mind, by leading the rural population to hope for that amelioration of their circumstances, of which at present they can see no prospect. It has long appeared to some men who have attentively considered the subject, that the principle of freehold tenure would be of such a nature, and that it might be introduced gradually, if an Act passed, allowing the commutation of the land tax; in other words, permitting capitalists to purchase estates, as opportunities might present themselves, by paying down, once for all, the capital which is represented by the Government land tax; with the understanding that estates, thus purchased, should never again be subjected to the land tax. The rate at which the capital might be calculated, could easily be fixed by a legal enactment. Supposing, for instance, that the land tax represents an interest of five per cent., the capital would be equal to 20 years' purchase. Or should it be thought that five per cent. is too low a rate of interest for India, the capital might be declared equal to the amount of sixteen years' purchase.

The capital represented by the land tax of Bengal is immense, amounting to more than 100,000,000*l.* sterling; and the number of capitalists ready to avail themselves of the contemplated arrangement would naturally be very small, especially at first. It is clear, therefore, that the operation of such an arrangement would be very gradual, and could not be productive of dangerous consequences.

The benefits would probably be considerable. The *bonâ fide* proprietors of freehold estates would naturally take a deeper interest in the profitable cultivation of the land and the general improvement of the neighbourhood, than can be expected of zemindars, whose tenure of estates is always more or less precarious, because if ever they fail to make the quarterly payment at the collector's office within the appointed time, the estate is put up to auction the next day, and disposed of to the highest bidder. The relation between *bonâ fide* landlords and tenants would be much less complicated, and therefore much less productive of animosities and disputes, than that between zemindars and ryots. Long leases might be given by a landowner, or portions of the estate sold out and out; and thereby a manly spirit of independence infused into the peasantry, to which at present it is an utter stranger. And if the boundaries of an estate, when thus sold out and out, were clearly defined by competent authority, the principal plea now advanced by zemindars in defence of their system of keeping up a body of clubmen would be neutralised; for they generally profess to hire these men, in order to settle, by physical force, the boundaries which the law has hitherto left unsettled in many parts of Bengal.

Appendix, No. 7.

It is very probable that a class of landholders, of a much better character, would be brought into existence.* At present, to become a landholder or zemindar is tantamount to involving one's self in endless litigation, besides running a great pecuniary risk. The purchaser of an estate must be prepared to contest numerous lawsuits with his neighbours, to keep in his pay a body of clubmen sufficiently powerful to overawe theirs, and to make two or three quarterly payments to the collector, before the estate has yielded him any income. It is owing to these difficulties that so few English capitalists have laid out their money in the purchase of land in Bengal, and that the few who have done so do not differ more in their character from native zemindars. These difficulties, again, have proved a great obstacle to persons who have wished to form Christian settlements, and from the nature of things they must continue a great hindrance to such designs. It is supposed that the introduction of the principle of freehold tenure would be very beneficial in this respect.

A commutation of the land-tax would not deprive the Government of any part of its revenue. The capital paid into the treasury by purchasers might be laid out in a number of ways equally productive. It might be applied to the reduction of the public debt, or to the construction of canals and railways, on which tolls might be levied: not to mention ordinary roads and bridges, in which Bengal is still so lamentably deficient.

There would, probably, be found some difficulties, at first, in the working of such a plan as that which is here suggested, but it is supposed that these would not prove very serious, much less insurmountable. The greatest difficulty, perhaps, would be that of dealing justly with the fair claims of those ryots who hold what is called paitrik (ancestral) land. It would perhaps be desirable to fix a rate at which such ryots might redeem their land from the zemindars.

Whatever may be thought of this particular proposal regarding the commutation of the land-tax, the following considerations will show that a change in the present system is desirable, or rather imperatively required.

The rent or land-tax which the ryots have to pay to the zemindar amounts on an average to about two rupees per beegah, or taking the beegah to be one-third of an English acre, to about 12*s.* per acre. Those who hold only paitrik land are more favourably circumstanced, because the rent for that does not generally exceed one rupee per beegah. But most of those ryots who hold paitrik land also hold land of a different description, for which they have to pay at the higher rate. And the rent for land which is fit for gardening or for being built upon, is higher than two rupees; so that this rate may fairly be considered as the average. It constitutes about 40 per cent. of the gross return in a good year. A beegah of land in a favourable year yields about five rupees. If the two rupees for rent are deducted, there remain three, which the ryot can call his own. It is believed that 12 beegahs is about the average amount which a Bengali ryot holds. The proceeds of that, after deducting the rent, amount to 36 rupees per annum. Out of this sum he has to provide food and clothing for himself and family, to keep his houses in repair, and to maintain the necessary stock of cattle and implements, besides paying for extra labour during the seasons of ploughing and reaping. Now it is barely possible for him to provide food and clothing with three rupees a month; but the means of meeting all other expenses must be derived from other sources, such as fishing or jobwork of various descriptions. All such sources are precarious and almost invariably insufficient. The consequence is, that the ryot is compelled to incur debt. The most common rates of interest at which he can borrow money from the zemindar or the money-lender, are three and four pice for the rupee per month, which are respectively an annual interest of 56 and 75 per cent. When about to plough his land, he is usually under the necessity of obtaining an advance of seed corn from the zemindar, to whom he has to repay it at the season of harvest with 50 per cent. interest, or for the twelvemonth with 80 per cent. interest. In this way he becomes more and more deeply involved in debt. And yet the basis of this calculation,

* The circumstances under which the writer originally drew up this paper, compelled him to confine his remarks exclusively to one subject. But he embraces the present opportunity for throwing out a few hints on some collateral topics. If Government really wish to encourage honest and conscientious men, and especially Europeans, to purchase estates in Bengal, the following improvements, among others, will be indispensable.

1. A comprehensive system of registration, the working of which should be entrusted to really able men. All documents relative to landed property should be registered; and when thus registered they should be regarded as authentic. Such a system has long been contemplated, but in order to be efficient, it should be accompanied by—

2. A thorough survey of the country, especially for the purpose of ascertaining the numberless disputed boundaries of estates. An able Government officer once remarked in a conversation with the writer, that "the reason why the Lower Provinces are called settled, must be, because everything in them (concerning boundaries) is unsettled, just as *lucus* is so called a *non lucendo*."

3. A "statute of frauds" should be enacted, declaring the prevalent practice of *benami* (anonymous or pseudonymous) possession to be illegal. The ostensible owner should be treated by the law as the real owner to all intents and purposes. The system of secret trusts, now prevalent, is a gigantic fabric of iniquity and fraud, to which the world probably cannot furnish a parallel.

4. The village police should be reformed. Its present state is infinitely worse than a state of utter inefficiency; it is so bad that one can scarcely venture to describe it.

A sub-division of the judicial districts is required. The scantiness of the means of communication throughout Bengal greatly increases the obvious disadvantages arising from the overgrown size and population of the present districts. Thousands of villages are situated at a distance of two or three days' journey from the magistrate's or judge's office.

The writer believes that the introduction of all these and similar reforms would be facilitated, and their efficiency increased, by the commutation of the land-tax.

calculation, five rupees as the gross return of a beegah, is, if anything, too high rather than too low. In the majority of years the amount realised is considerably less; for storms and inundations and droughts and murrain among cattle are calamities of frequent occurrence in Bengal; and seasons of sickness in the family are an additional source of difficulties.

The position in which the ryot stands to the zemindar is disadvantageous to both parties; but certainly more detrimental to the former than to the latter. The payment of rent for the current year, or of arrears, the repayment of advances of various kinds, and the payment of interest, constitute so many different heads of accounts between the two parties. Many estates are the joint property of a number of zemindars, of whom one may be entitled to one-half, another to a quarter, a third to the twelfth or sixteenth part of the proceeds. In such cases it is the usual practice for each shareholder to maintain a separate agency, and to keep separate accounts, so that every ryot has transactions with a number of landlords. In the majority of districts the zemindars give written receipts for the rent; but even there the ryot does not always find it an easy matter to obtain such receipts; and in some localities the zemindars never give them. It must be acknowledged that in innumerable cases the ryots are not only backward, but positively unwilling to pay; and the multiplicity or intricacy of their accounts, together with the fear (frequently well-founded) of being overcharged, constitutes an additional and very prolific source of disputes, which most commonly terminate in favour of the zemindar, although it is not denied that they occasion considerable loss to him also.

The position assigned to zemindars by the law is very peculiar. They are neither *bonâ fide* landowners, nor *bonâ fide* fiscal officers appointed to collect the land-tax. Perhaps the nearest approach to a correct description of their position would be to say that they are landowners, whose estates are mortgaged to Government, the mortgage being liable to be foreclosed, as soon as they fail to make their quarterly payments. They are almost all, however, in the habit of treating their ryots not merely as their tenants, but as their serfs. They call themselves rajahs or kings, and the ryots their subjects. They almost universally either claim more than their due, or else they claim it in an improper manner, for it is not easy to determine what really is their due. They exact contributions from their ryots when a marriage or a birth, or a death takes place in the family. They exact contributions for the avowed purpose of observing funeral rites in commemoration of their dead ancestors, and of celebrating the annual heathen festivals. These practices are almost universal. In numerous localities they exact from the ryots gratuitous labour in the field or at the oar; and compel the poor people to allow them, without payment, the use of their cattle or of their boats, if they possess any. It is not unusual, especially at a considerable distance from the civil stations, for zemindars to go still further in the abuse of their power, by inflicting imprisonment and torture upon any ryot who may have incurred their displeasure.

It is true that there exist laws of a most praiseworthy nature, which are intended to protect the ryot against unjust ejection from his tenure and against oppression generally; but these laws remain, to a great extent, a dead letter. Not to dwell upon the well-known fact that witnesses who will swear to anything can always be had in this country by the highest bidder, the ryot has very little money to spare for law suits. The advance which must be paid into court as a guarantee for the appearance—or *de facto* for the maintenance—of witnesses; the expense of a journey to the civil station, and of his own support, and that of his witnesses during their stay there, and the serious loss which such a stay must, at certain seasons, occasion to his property, and particularly to his crops: these are formidable obstacles to the ryot. He cannot, generally speaking, afford single-handed to contest a lawsuit with his zemindar, who possesses greater pecuniary resources, greater influence at head quarters, and greater experience in legal proceedings.

The powers with which the collector is armed, in order to enforce payment on the part of recusant ryots, are so great that they are a source of terror to the rural population. Some of the Government regulations, in which those powers are defined, are best known by the numbers which they bear. As an instance, that regulation which is usually called the seventh or huftum, may be mentioned. The enforcement of this regulation conveys to the Bengali ryot the same uncomfortable impression which is usually connected with the idea of being "quartered" or "decimated." When he sees that he is about to be "septimated," he makes every effort in his power to escape from his fate by flight, thereby risking the loss of all he possesses in the world. If these regulations were only enforced in those cases to which they were originally intended to apply, the evil would not, perhaps, be very great; but the zemindars frequently succeed in prevailing upon collectors (by false representations) to enforce them in cases to which they ought not to be applied at all.

In many cases the zemindars themselves are not aware of all the misery which is inflicted in their name upon the ryots by the agents whom they employ in collecting the rent. These middlemen are, in truth, the greatest tyrants. And as such middlemen would have to be employed by Government in case the ryotwari system should be substituted for the zemindari system, it is clear that such a change would not be of any great advantage to the ryots, probably of none at all. It is well known that the middlemen employed by humane European indigo planters, are in many cases as oppressive as those employed by native zemindars. What is wanted is, that the ryot should have direct access to his landlord, and that the interests of both should be the same. And this object would probably be accomplished, in process of time, if by legalising the commutation of the land-tax, the prospect of becoming freeholders was opened to capitalists.

It appears, therefore, desirable that the subject of the zemindari system should be examined into by the Committee now appointed by Parliament, and that this aspect of it should form a special topic of inquiry. The zemindars have taken measures to bring their grievance to the

Appendix No. 7.

notice of Parliament; but it is greatly to be feared that the grievances of ryots, which even in this country are not extensively known to Europeans, will be passed over in silence, unless especial attention is directed to them. The contemplation of them has often caused the hearts of missionaries to bleed, and often led them to ask whether it is possible, in the present social condition of the majority of the population, for Christianity to take deep root in this country, and to produce those fruits of veracity, industry, prosperity, disinterestedness, generosity, and nobility of character, by which the Gospel is intended to become a blessing to mankind at large.

(No. 9.)

From the Secretary to the Government of Bengal, to the Clerk of the Legislative Council, No. 1296, dated Darjeeling, 11 April 1857.

Revenue.

Sir,

In continuation of this Office letter, No. 864 of the 8th December last, I am directed to forward, herewith, a copy of five letters from the Board of Revenue, as noted in the margin, in which are submitted the opinions and remarks of the Commissioners of Revenue in the Lower Provinces on the Lieutenant-governor's minute on the subject of the Bill to improve the law relating to sales of land for arrears of revenue.

* No. 494, dated the 9th December 1856.
* „ 22, „ „ 9th January 1857.
† „ 29, „ „ 16th „ „
„ 40, „ „ 23d „ „
* „ 60, „ „ 6th February „

I have, &c.
(signed) *A. R. Young*,
Secretary to the Government of Bengal.

From the Commissioner of Revenue for the Division of Rajshahye, to the Board of Revenue, Lower Provinces, Fort William, No. 208, dated 13 December 1856.

Gentlemen,

I have the honour to acknowledge the receipt of your letter No. 530 of the 9th instant, forwarding copy of one from Government dated the 1st October last, No. 696, together with a printed copy of the Lieutenant-governor's minute on the proposed new Sale Law, and in reply to submit the following remarks:

2. With reference to the 4th and 5th paragraphs of His Honour's minute, I would beg to observe that I am not aware of any special reasons why the district of Sylhet should be exempted from the operation of the proposed law. It is true that landed property is very minutely sub-divided there, but when I was in charge of that collectorship, many years ago, I found no difficulty in realising the revenue under the sale law then in force, Regulation XI. of 1822. Although the zemindars often withheld payment of the arrears due until the last moment, they almost invariably produced the money (sometimes only a few annas) when their estates were put up for sale. I am averse to any of the other modes of collecting the revenue, having seen in Cuttack how ineffectual the provisions of Regulation X. of 1818 were for the purpose, and how much oppression was occasioned by the "dustuck system" in that province.

3. I now proceed to consider the remarks of the Lieutenant-governor on Sections X., XI., XII., XIII., and XIV. of the proposed Bill.

4. I must confess that I am unable to see any valid reason for exempting shareholders under 50 rupees from a participation in the benefits proposed to be conferred on the whole body of landed proprietors by those sections; as justly remarked by the Legislative Council,‡ the object is to confirm the just rights of the sharer by securing his property when there is no default on his part, and a share paying 40 rupees may be of as much concern to the owner as are estates paying 40 lakhs of rupees to the rajah of Burdwan. I apprehend that the shareholders under 50 rupees constitute a much more numerous body than the shareholders above that limit, so that by admitting the latter only to the benefits of the law, we should be excluding the majority of the proprietary body from what all have an equal claim to, besides laying ourselves open to the imputation of legislating for the rich and not for the poor.

5. The suggestion of the Lieutenant-governor in regard to the omission from Section XII. of the direction to the collector to institute summary inquiry into the fact of possession, has however my full concurrence.

6. By restricting the benefit of the Bill to recorded shareholders we insure sufficient evidence of the fact of possession, which must, under the existing rules regarding dakhil kharij, have been ascertained before the name of the shareholder was recorded; a second inquiry on this point would therefore merely have the effect of opening a door for fresh litigation, besides giving unnecessary trouble to the collector.

7. It

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* These are mere transmitting letters and are therefore not printed.
† An extract of this letter has been printed.
‡ See Mr. Grant's speech on first reading, Proceedings vol. I, column 854.

7. It would be advisable, I think, to allow the privilege of opening separate accounts to those co-partners only whose names have been recorded in the collector's office with a specification of their shares, for where there is no such specification, an inquiry would be requisite on that point before the sharer of an estate held in common tenancy could be admitted to the benefit of the Bill. In such cases, there is generally a dispute among the shareholders as to the extent of each person's share, and it is the province of the Civil Courts, and not of the revenue authorities, to decide such disputes.

8. I see no objection to the Lieutenant-governor's suggestion that the collector be empowered to charge an agency commission on drawing and applying interest of Government securities deposited with him under Section XV. of the Bill, but I would not deprive the zemindars of the permission, which it is proposed to confer upon them, of making such deposits, which would unquestionably be a great boon and protection to absentee landholders.

9. I now proceed to consider the remarks of the Lieutenant-governor on the sections of the Bill which provide for the registration of under-tenures, and constitute doubtless the most important portion of it.

10. With regard to the "ante-settlement" tenures referred to in the first and second clauses of Section XXXV., I cannot perceive that any injustice would be done to the holders by requiring them to register with the view of giving them "absolute security" against the encroachments of all future auction purchasers of the entire estate; the process prescribed for registration is neither difficult nor costly, and the advantages which would be gained by it would infinitely more than compensate the holders for any trouble and expense to which they might be put in placing their title upon a permanent and secure basis, while the just rights of the purchasers of the estate would be maintained. I cannot think that, with such great advantages in view, any *bonâ fide* holder of such tenures would consider it a hardship to be compelled to register.

11. Neither do I see how the rights of these under-tenants can be affected by such process. It is true that it exposes them to litigation, but it does so once for all; whereas, at present, their title is liable to be disputed by every successive auction purchaser.

12. But the objection suggested in the 20th and 21st paragraphs of the Lieutenant-governor's Minute is not so easily got over. It certainly looks very like imposing a new as well as a severe penalty for arrears of rent, to declare these tenures to be absolutely voidable by the auction purchasers, if any arrear, however small, should happen to be due on the latest date fixed for the zemindar's payment to Government; such a state of things might happen without any fault on the part of the tenant, for the time for realising the rents due to the zemindar from his under-tenants does not always correspond with that fixed by the Government for the recovery of its dues, and it seems hard that such a penalty should attach to a default which may be purely accidental and unintentional on the part of the under-tenant. Under the existing law, the zemindar has the power of bringing certain descriptions of under-tenures to sale with their privileges intact, and annulling others after obtaining a decree for arrears. I think, therefore, that the words "and whereon no arrear of rent was due on the latest day of payment of revenue as fixed under Sections III. and IV. of this Act" might well be omitted from the first, second, and third clauses of Section XXXV. of the Bill.

13. I now come to the question of registering the tenures created since the settlement, which, as remarked in my report of the 15th April last, No. 256, seems to me to be "the difficulty" of the Bill. The Lieutenant-governor has placed in a clear and forcible light, the extreme difficulty, not to say impracticability, of carrying out the provisions of Section XXXVII. with the agency at present available. I see no such difficulty as regards the tenures referred to in Sections XXXV. and XXXVI., but I conceive that the scheme of registering all descriptions of under-tenures created since the settlement, after such measurement, survey, and local inquiry, as may be necessary to satisfy the collector that the tenure "was created in good faith so far as the interests of the Government revenue are concerned, and that the rent payable by the holder is not less than is fully sufficient to afford a fair proportion of the revenue assessed upon the parent estate," must be abandoned from the impracticability of carrying it out.

14. It might perhaps be sufficient to enact that all tenures created since the settlement of the estate shall hold as good against an auction purchaser, as against the former proprietor, provided they were created in good faith, and that the rent is sufficient to afford a fair proportion of the revenue assessed upon the parent estate; and to leave it to the civil courts to decide any questions that might arise regarding the auction purchaser's right to set them aside. In such cases, a report might be required from the collector, as is done with regard to suits instituted in the civil courts under Regulation II. of 1819.

I have, &c.
(signed) *F. Gouldsbury*, Commissioner.

Appendix, No. 7.

From the Officiating Commissioner, *Burdwan* Division, to the Board of Revenue, Lower Provinces, Fort William, No. 193, dated Beerbhoom, the 17 December 1856.

Revenue.

Gentlemen,

I HAVE the honour to acknowledge the receipt of your Secretary's letter of the 9th instant, No. 530, forwarding copy of a letter from Government, together with a printed copy of the Lieutenant-governor's Minute on the proposed new Sale Law, and calling upon me for any further remarks I have to offer on the subject.

2. In reply, I would beg to say that I have no further remarks to make on the Bill in question, except that it seems to me, if I may be allowed to say so, that the Minute of the Lieutenant-governor on the subject is entirely unanswerable, and has completely exhausted the subject.

I have, &c.
(signed) *J. H. Young*, Officiating Commissioner.

From the Commissioner of Revenue, *Bhaugulpore* Division, to the Secretary to the Board of Revenue, Fort William, No. 137, dated Camp Booari, 30 December 1856.

Sir,

I HAVE the honour, in reply to your letter, No. 530, of the 9th instant, to give my opinion as follows on the points mooted in the Lieutenant-governor's minute on the proposed Sale Law.

2. Sections X. to XIV. will, if a limit is fixed, confer a great boon on shareholders, but if they are extended to those paying small sums, and if the collector is to institute a summary inquiry into possession, they will be productive of far more harm than good. Enormous establishments will be required to keep the accounts, and the proprietors will constantly be harassed by parties claiming to have their names recorded as separate shareholders, and consequent inquiries into possession and butwarras already far too numerous in some districts would become enormously increased. I would confine these sections to parties already recorded, or who may hereafter be recorded in the usual way, and the amount of whose revenue is over 100 rupees.

3. I am not aware of any serious objection to Section XV., as it probably will not be extensively worked.

4. With regard to Clauses 1 and 2, Section XXXV., they appear to me calculated to do great injustice and injury to the holders of tenures guaranteed against increase of rent at the time of the decennial settlement; and as to post-settlement tenures, unless Government are prepared to do the whole revenue survey over again, and much more minutely and correctly than before, and to add a large extra staff of collectors, deputy collectors, ameens, &c., for the purpose of settling disputes, calculating the assessments, &c., I do not see how the thing can possibly be done.

5. With regard to the proposals in paragraph 51 of the minute, it appears to me they are are very good as far as they go, but they do not in my opinion go far enough. I wish to see some provision restricting the rights of present proprietors to increase at will or by a suit in the civil courts, the rent of tenures held with or without documents at a fixed jumma for a certain number of years, say twelve, before the attempt to increase was made. This would be going very little farther than is proposed by the registry provisions of the Bill now before the Legislative Council, and it would be unattended with the evils which registry and proportionate assessment as proposed must entail on a very great number of under-holders and zemindars and on Government itself, while the Government revenue on the Lieutenant-governor's plan would always be secured.

6. I trust the superficial manner in which I have given my opinion will be pardoned in consideration of the fact that I am daily marching and have a great deal to do with the Sonthals, whose business I cannot now postpone for other work.

I have, &c.
(signed) *G. U. Yule*,
Commissioner of Revenue.

Extract of a Letter from the Secretary to the Board of Revenue, Lower Provinces, to the Secretary to Government of Bengal, No. 29, dated 16th January 1857.

Para. 2. The Commissioner of Dacca has no remarks to offer on the subject.

From

From the Commissioner of Revenue, *Patna*, to the Secretary to the Board of Revenue, Calcutta, No. 1351, dated 1st January 1857.

Sir,

With reference to your letter, No. 530 of the 9th ultimo, forwarding a printed copy of the Lieutenant-governor's minute touching the proposed new Sale Law, I have the honour to submit the following observations:—

2. In my former letter recording my views on the subject and expressing my approval of the Bill, I referred to the general principles and anticipated results of the proposed law, rather than to the facility of carrying out its provisions in practice, which was a point I did not touch upon; the minute of the Lieutenant-governor throws strong doubts upon the practicability of giving due effect to the provisions contemplated, at least without overwhelming the executive department.

3. In the arguments recorded by the Lieutenant-governor in the 8th and following paragraph, I fully concur. The concession now proposed is, beyond controversy, the concession of a privilege and not the restoration of a right, and the Government has indisputable right to limit that privilege by whatever bounds or restrictions public policy or convenience may dictate.

4. Whether, therefore, his Honour's estimate of the practical difficulties or injurious effects of the law be carried or not, I cannot doubt the wisdom of trying the law on what the Lieutenant-governor calls "manageable terms."

5. The effect of the law in encouraging excessive sub-division is a question which appears to me exceedingly difficult to solve.

I scarcely think it can be assumed that the privilege of separate payment and account will necessarily have this effect. On the point mooted in the 13th and 14th paragraphs of the minute, I concur in the expediency of dispensing with the summary inquiry into the fact of possession.

6. The recorded proprietor should be the person with whom the collector deals, and if this has, as it will, the effect of ensuring a more faithful representation, it will be in itself no slight benefit.

7. Not that I can fully concur with Mr. Theobald in his enumeration of the supposed perplexities as to the meaning and interpretation of the word possession.

8. Common sense would, in most of the instances cited by him, be a sufficient guide, but the inquiries would undoubtedly be embarrassing from their frequency, and unsatisfactory in their result, while the other criterion appears sufficient for the purpose.

9. On the subject noted in the 15th paragraph I do not feel myself competent to pass any opinion worthy of acceptance.

The question of the under-tenures, viewed in the light of the Lieutenant-governor's very able comments, assumes a very important aspect, and the several arguments urged against the Bill are beyond all question worthy of the most careful consideration.

10. I propose to consider the points *seriatim*.

Paragraph 17. If the Lieutenant-governor's reasoning in regard to the ante-settlement tenures is sound, the objection raised, as far as regards these tenures, ought to prevent the Bill from passing into law.

11. The argument, as I understand it, is that, because the law of 1793 conferred certain rights on the holders of these under-tenures, and declared the revenue payable by them to be fixed for ever, therefore it is unjust to call upon them in 1856 to register their tenures.

12. On the same grounds the condition and penalty in regard to arrears is condemned as a violation of the privilege formerly conferred.

13. As far as regards the registration, I cannot concur in this reasoning. I cannot believe that, because the Legislature of 1793 conferred permanent privileges on the holders of certain tenures, that therefore the Legislature of 1856 may not reasonably and justly, in pursuance of a great public measure (beneficial to these persons as well as to others), call upon them to establish by registration the rights then conceded; and as no legislation can be efficient unless penalties are attached to a neglect or disregard of its provisions, I consider these penalties as a necessary and indispensable part of the enactment.

14. That the fulfilment of this demand on the part of the Legislature may, in some or in many instances, entail counter-claims and consequent litigation, does not appear to me to affect the question.

15. The demand itself is reasonable, and if it be indispensable to the attainment of the important end proposed, the mere fact that a refusal to comply therewith will entail a forfeiture of privilege formerly granted, is not, I conceive, a sound or logical argument against it.

16. I would fully admit that the holders of these tenures are entitled to precisely the same exemption from violation of their recorded rights as are the proprietors of estates under the permanent

Appendix, No. 7.

permanent settlement, and that the Lieutenant-governor is justified in comparing their status with the status of such proprietors; but I would say that in the case of both I should consider the Legislature entitled to demand the discharge of a reasonable duty like that of registration, in the furtherance of a great national good.

17. The objection as regards the post-settlement tenures is not one of principle, but refers to the practical difficulties which will attend the execution of the law.

18. As before observed, in recording my opinion on the Bill, I did not carefully consider this part of the question, but highly approving of the principle and purport of the proposed law, I confined my observations to those questions; but it is impossible to read the remarks of the Lieutenant-governor on this part of the question without feeling that, if one-half of his assumptions are correct, the difficulty of carrying out the law will be appalling.

19. It makes a moderate man shudder to read the catalogue of perplexities which His Honour has arrayed as the concomitants of this enactment, and I am certainly not prepared to deny the accuracy of the anticipation, though I consider the list of horrors somewhat overcharged; and if the present law is to entail such consequence, I certainly think the provisions suggested by the Lieutenant-governor will be better calculated to secure the end in view than those of the Bill.

I have, &c.
(signed) *W. Tayler,*
Commissioner of Revenue.

Land Revenue.

From the Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, No. 40, dated Fort William, the 23d January 1857.

Sir,

W. Dampier, Esq.

In continuation of my letter of the 16th instant, No. 29, I am directed by the Board of Revenue, to state that the Commissioner of Nuddea expresses his general concurrence in the sufficiency of the provisions which the Lieutenant-Governor has proposed for enactment in the 51st and 52d paragraphs of his minute.

I have, &c.
(signed) *E. T. Trevor,*
Officiating Secretary.

Revenue.

From the Commissioner of Revenue, 16th Division, to the Board of Revenue, Lower Provinces, Fort William, No. 267, dated Chittagong, the 26th January 1857.

Gentlemen,

I have the honour to acknowledge the receipt of your letter, No. 530 of the 9th ultimo, with a copy of a letter from the Secretary to the Bengal Government, accompanied by a minute of his Honour the Lieutenant-Governor, on the subject of the new Sale Law.

2. I have not had an opportunity of seeing upon what grounds the Board have objected to the supersession of Regulation I. of 1801, but the grounds are, I doubt not, very cogent, as they apply to the state of the Sylhet district, and it may be some few others circumstanced as Sylhet is. As regards the districts of this division, however, Regulation I. of 1801 has been inoperative since the enactment of the present Sale Law, and I am not aware that any inconvenience has been experienced by restricting the mode of collecting the revenue to the uniform procedure laid down in Act I. of 1845. Whether therefore Regulation I. of 1801 is retained or not, is immaterial as regards this division, but if its cancelment can be shown, as no doubt the Board have fully shown it to be likely to be attended with serious difficulties and evil consequences in other places, a good reason would certainly seem to exist why Regulation I. of 1801 should not be struck out of the statute book as one of the modes for the recovery of the Government revenue.

3. There has, I suppose, been found no one to contend that, whatever advantages may be derived by it, the registration of separate shares, as contemplated in Sections X., XI., XII., XIII., and XIV., will be unattended with the effect of throwing a vast amount of extra labour upon the collectors and their establishments. The principle of the measures contemplated in these sections is however so just, that it ought to be conceded to all, if such extended concession is possible. To extend the boon to every sharer while the establishments of the collectors are upon their present too limited scale would be impossible, but the law provides also the means of affording an increased establishment in that it lays down fees for registration. These fees cannot fail, I should say, to amount to a considerable sum in every zillah, and from this source, to which there will be a continued income, it would, I think, be found that the necessary number of extra hands to carry out the scheme of separate registration for all, would not be attended with that increased expense to Government which ought to be regarded as an obstacle to the introduction of a measure of such wide utility as that contemplated by the Act.

4. To

4. To encourage and extend a "pauper proprietary" is certainly objectionable; but can that be helped, and is it certain that the new law will have that effect?

5. The object of allowing shareholders to register their shares separately is that the just rights of all may be secured to all. If it is just to guard the large proprietor against the risk of being sold out by the default of his smaller co-sharer, the same consideration should also make us mindful of the poorer partner's interests. Neither the rich nor the poor partner, neither he whose share of the public revenue is 1,000 rupees, nor he whose share is but a few rupees, have any right, certainly, to demand that separate accounts shall be kept with them, and that they shall be saved from the consequence of a default on the part of either; but if the consideration of its being right is allowed to be a good plea in contending for the boon to the larger sharer, the same consideration cannot be otherwise than sound and good when the case of the smaller sharer is under consideration. Sub-division of estates must continue so long as natives are the owners of them, and it will never seem fair to the people that the poor proprietor, and the one therefore who most needs protection, and the rich proprietor, are not treated on equal terms. As we cannot prevent sub-division of estates, as we are bound in justice to put all like classes upon the same footing, it is better that we even charge each sharer with the cost of maintaining an extra establishment under the collector (if that be necessary), than that we refuse to recognise as equal the rights of every class of proprietors, and so put what the public would consider an unfair limit to a measure to the benefits of which all have an equal claim.

6. But it is much to be doubted whether, from the great advantages talookdars will derive by the provisions of the new Act, the sub-division of estates will not hereafter be much less common than they have hitherto been. A petty proprietor is now, and must always be very much in the power of his wealthier and larger co-sharer. The one collects or not just as the other likes; if the larger partner so determines, the smaller partner can realise nothing of the rents of his share: as it is, the insignificant proprietor is completely subservient to his more powerful co-proprietor. The latter can, without incurring any penalty, stop the collections of the smaller sharer, put it out of his power to pay his quota of revenue, cause the sale of his share, and ruin him.

7. Hereafter, when the new Sale Law comes into operation, a petty proprietor, being a part owner with a wealthy and large proprietor, would make a good bargain who got as an under-tenure some portion of the joint estate, and gave up his interest in the superior tenure altogether. As a talookdar he would enjoy all the rights of the zemindar within his property. There would be no divided authority; his tenant would be his own, and his tenure would be safe for ever if its rent was a fair one.

8. I think, then, notwithstanding that it may seem to encourage the sub-division of estates to admit each sharer to the privilege of a separate proprietor, this effect will be in a great measure counteracted by the other contemplated provisions of the Act, and that there is reason to suppose that the sub-division of estates into small shares among poor proprietors will be rather checked by the operation of the new law, than that it will receive a new impulse to farther progression.

9. The Lieutenant-Governor is of opinion, whether the plan of a limit be adopted or not, that the direction to the collector to make a summary inquiry into the fact of possession ought to be omitted from Section XII.

10. In dakhil kharij cases it does not need that a proprietor should prove what the extent of his share is to obtain the registration of his name: he is registered as a joint proprietor if he is proved to be in possession at all. In cases where a proprietor's name is recorded jointly with others, without specification of what his share is, some means must be devised to ascertain this: either no proprietor ought to be registered under the new law in regard to whose share, and the extent of it, there was any dispute, or some means ought to be provided for ascertaining what the extent is, if the inquiry into the fact of possession, that is the extent of the thing possessed, was a matter of manifest difficulty. I suggested in the 8th paragraph of my letter, No. 308, of the 19th April last, that the collector might be empowered to refuse registration, and refer the parties to the Civil Court for the determination of the matter. I still think, under all the circumstances, that this would be the most advisable course.

11. The Lieutenant-Governor also questions the expediency of allowing a zemindar to deposit money or Government securities with the collector, so that the amount or the interest upon the securities may be used in liquidation of balances.

12. I cannot doubt that such a measure would be highly beneficial to very many of the larger zemindars, and that it would frequently be taken advantage of. In the case of the Calcutta Government agency its abolition was no doubt based on good grounds; probably one of those grounds was, that in Calcutta no such institution on the part of Government was wanted by the public, but in the mofussil the public are not so independent. Dishonesty on the part of mofussil native agents being of such common occurrence, and there being no public agencies at mofussil stations capable of looking after the interests of constituents, it would, so it seems to me, be no more than a reasonable, humane, and politic concession to the wants of a very large and a very important class of the public, to allow every collector to act as an agent for absentee zemindars, for the drawing and paying of money deposited with him in liquidation of balances due from the estates of the depositors. This might, and

Appendix, No. 7.

no doubt would tend to raise the value of Government securities, but I confess that I am such a poor politician that I am at a loss to understand why a Government should shrink from a measure, the effect of which was that it would make its paper of higher value in the market. The current price of Government securities is the test of the measure of the prosperity of Government, and unless undue means are used, it seems to me to be the duty of every Government to promote by all means the value of its own securities.

13. I see no objection why a commission fee should not be drawn by the collector upon sums paid into the treasury by him on behalf of the parties by whom they were deposited as security for the Government revenue, and to be applied towards its liquidation.

14. Sections 16 to 27 of the Lieutenant-governor's minute treat of the case of ante-settlement tenures, which the Lieutenant-governor is desirous of having exempted from the necessity of inquiry and registration.

15. What is now wanted by all descriptions of landholders is a certainty as to what they possess. Tenants and zemindars are now all alike in the dark in this respect. A man when he buys a zemindaree does not know what it consists of; a tenant is not safe for a day. It is to make each more sure and safe in his possession that the new law is devised. A man buying a zemindaree is not safe if ante-settlement tenures are not recorded. If you exempt these from the process laid down for all subsequently created tenures you leave open the door to no end of fraud. A zemindar contemplating the sale of his zemindaree as certain will make all manner of forged deeds in support of ante-settlement tenures to which he will assert his right and possession. In some he may succeed, and whether he succeeds or not the new purchaser finds he must incur the expense of several lawsuits before he can oust the fraudulent and fictitious ante-settlement talookdars, and that, unless he does incur this expense, he is unable to obtain the just rents of a great portion of his estate.

16. There is therefore no security for any one purchasing a zemindaree as to what he purchases if ante-settlement talookdars are to be exempted from showing their title deeds, as an obligation which is to be imperative on all other classes of talookdars.

17. The case of zemindars and talookdars I take permission to say is not analogous: a talookdar, of whatever sort, is liable upon the suit of the zemindar to be called upon to prove his right to hold his talook on such and such conditions. The zemindar cannot be so called upon to do anything of the kind. To make the zemindar subject to certain new conditions provocative of litigation, would be to infringe upon his rights, and it could not be done with any show of reason or justice. But in the case of the ante-settlement talookdars, the only hardship they suffer is in being made to do that at once which they are ever liable to be called upon to do, and this small wrong may surely be inflicted for the advantages it will produce.

18. In what the Lieutenant-governor says in Sections 29 to 48 I altogether coincide.

19. The Lieutenant-governor, in the 49th paragraph of his minute, recommends that tenures which authorise the holders to collect portions of the rent of each ryot shall not be considered entitled to registration as protected tenures under the Act. Such an exclusion would however, it seems to me, be an interference with the private rights of parties, without any very good cause. Say that a man living in a village not being able to rent the whole, wants to rent quarter of it as a talook. What's the objection to such an arrangement? True, it may be be more troublesome to the ryot to pay his rent in portions to two or three persons instead of to one, but his position renders him liable to this.

20. With the exception of the points above-mentioned, I consider that the draft which his Honour the Lieutenant-governor has drawn up on the subject of under-tenures is a decided improvement over the original draft Act, and that it will, as his Honour observes, "subserve all the essential purposes of the Bill" now under consideration, without incurring any of its most serious difficulties.

I have, &c.
(signed) *C. Steer,*
Commissioner of Revenue, 16th Division.

(No. 10.)

MINUTE by Mr. *H. T. Raikes,* Judge of the Sudder Dewanny Adawlut at Calcutta.

On the Bill "To Improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency."

I SHALL not offer any remarks on the object and policy of this Bill, having merely considered its details with reference to the working of the law in the Courts hereafter.

I observe that the same doubt and difficulty will exist under the provisions of this law as now exist regarding the effect of a decree of court annulling a revenue sale under the present law.

Section

Section XXIX. of the draft contemplates the annulment of a sale for informality by decree of court, but it does not provide for the execution of such decree by restoration of the estate, though it prescribes that "execution of such decree must be obtained before six months after the date thereof, otherwise the party obtaining the decree shall lose all benefit therefrom." What is the meaning of "execution of such decree must be obtained." The decree can go no farther than to declare the sale annulled. It then merely places the old proprietor in the same position he held just before the sale was made; he is still a defaulter and a new sale may be made; but it seems to me he has no act to perform, which can represent in any way obtaining execution of his decree. What then is he expected to do? The section goes on to say, "and when execution of such decree is duly obtained, the party obtaining it shall not be restored to possession until any amount of surplus purchase-money that may have been paid away, &c. &c.; and if such party shall neglect to pay any amount so recoverable within six months from the date of such final decree, he shall lose all benefit therefrom." To make this intelligible it should be explained how the decree-holder is to be restored to possession, as the court passing the decree can apparently do nothing either on its own motion or on the motion of the decree-holder. To give the intended effect to this section, it seems to me necessary that the law should declare the courts competent to annul sales if made in contravention of the provisions of the Act, and also to restore the estate to the defaulter on the conditions inserted in the section, provided the decree-holder applies to the court to give him full execution of his decree according to the exigency thereof within the period stipulated.

The only other point I would refer to is that Section XXXV. give us now the power of sweeping away all incumbrances created between settlement and sale. But I do not understand how this privilege is to be exercised when the purchaser is one of the class described in Section XI. Under the rule laid down in that section his own share is reserved, while he may purchase the remainder of the estate under Section XIV. What is the position of the tenantry who are probably holding under all the sharers who were then joint landlords? Does the sale give the sharer who purchases, the right of ejectment and enhancement over the portion or share of the estate purchased, or over the whole? I should say, as far as the law provides, such right would extend only to the newly acquired shares. The purchaser would then be in a singular position with respect to a tenant who had held under the joint proprietors; he might be ejected to the extent of the share purchased and could not be meddled with as to the remainder reserved to the purchaser.

13 March 1857. (signed) *H. T. Raikes*, Judge.

(No. 11.)

From the Member of the Legislative Council for Bengal to the Junior Secretary to the Government of Bengal, dated Fort William, 3 September 1856.

Sir,

In accordance with the opinion expressed by his honor the Lieutenant-Governor in your letter of the 7th July, I have abstained from making any attempt to proceed with the Sale of Under-tenures Bill. It will lie over until the Select Committee appointed to consider the Sale Law Amendment Bill shall have made their report on the resolution referred to them on the motion of Sir James Colville, relative to the protection of under-tenants of the second and inferior degrees against the consequences of a sale of the superior tenure for arrears of rent.

The Select Committee has as yet held no meeting. When the remarks of the Bengal Government on the proposed amendment of the sale law shall have been received, it will doubtless proceed at once to settle that Bill. But I do not think that it will be in a position to deal with the important question referred to it respecting tenures of the second and inferior degrees, until it is furnished with some information as to the extent to which such tenures prevail, their peculiar conditions, and the practice as respects their treatment on a sale of the superior tenure for arrears in the several districts of these provinces.

It is of course well known that the greater part of the land in Burdwan and Hooghly is let in putnee; that the putneedars have very generally granted under-leases to dur-putneedars, who again have sub-let to se-putneedars, and so on; and that the same state of things prevails to a considerable extent in Nuddea and some other of the neighbouring districts. The conditions of these sub-tenures and the effect upon them of a sale of the superior tenure are ascertained by law. It is also known that in the districts of Backergunge and Bhullooah there is very commonly, under the talookdars, a chain of Ousat talookdars, howalahdars, neem-howalahdars, &c.; and I have obtained some information of the condition on which these sub-tenures are held and the practice which obtains respecting them in case of sale. But I have no information as to the extent to which the practice of sub-letting may prevail in other parts of the country. There may probably be tenures subordinate to the talooks of Dacca, Tipperah, and Mymensing, to the jotes of Rungpore, the gantees of Jessore, the tickahs and chuchs of the 24-Pergunnahs, the mokuddumees of Cuttack, and the mokurrarees and shickmee talooks of Behar; but without some knowledge of the conditions of such sub-tenures, of the practice which may obtain respecting them in case of sale, and especially of the extent to which they may

Appendix, No. 7.

prevail, it will, I apprehend, be impossible for the Select Committee to make a satisfactory report or one upon which any practical measure could be based.

Should the Lieutenant-Governor concur in this view, he will probably think it advisable to direct the Board to call upon the several Commissioners for information on the points above indicated, in order that it may be available to the Select Committee when they come to consider the question referred to them.

I have, &c.
(signed) *E. Currie,*
Member of the Legislative Council.

From the Secretary to the Government of Bengal, to the Member of the Legislative Council for Bengal, No. 13, dated Fort William, 6 January 1857.

Sir,

Revenue.

With reference to your letter dated the 3d of September, I am directed to forward herewith a copy of a letter, No. 503, dated the 19th ultimo, and of its enclosure, from the Officiating Secretary to the Board of Revenue, on the subject of under-tenures in the districts of the lower provinces.

I have, &c.
(signed) *W. Grey,*
Secretary to the Government of Bengal.

From the Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, Revenue Department, No. 503, dated Fort William, 19 December 1856.

Sir,

Land Revenue. W. Dampier and H. Stainforth, Esquires.

In reply to your letter of the 10th September last, No. 636, I am directed by the Board of Revenue to submit herewith a copy of an abstract of the returns from Commissioners to the circular issued by them on the 17th idem, calling for the information relative to under-tenures required by the Legislative Member of Bengal. The further report promised by the Commissioners of Rajshaye, Cuttack, and Bhaugulpore, will be forwarded on receipt.

2. The information given is of necessity defective, except for the district of Cuttack, where the under-tenures were defined and registered at the settlement, and the Board fear that fuller information cannot be obtained without great loss of time, and, with reference to the apathy and unwillingness of zemindars generally to let the state of their property be known, would, if obtained, be far from trustworthy.

I have, &c.
(signed) *E. T. Trevor,*
Officiating Secretary.

Abstract of Returns to Board's Circular, No. 29, dated 17 September 1856, on the subject of the Number and Conditions of Under-Tenures in Bengal, and the mode in which they are affected by the sale of the Parent Estate for Arrears of Revenue.

Commissioner of Burdwan, 20th November 1856, No. 164.

The officiating Commissioner of Burdwan, Mr. J. H. Young, says that the exact number of tenures in each district cannot be ascertained without great delay, and, when obtained, would not add much to the sort of information required by the Legislative Member of Bengal.

The following memorandum has, however, been compiled from the best information available to the Collectors.

	Putnees.	Dur-putnees.	Seputnees.	Chahar-putnees.	Putees.	Tahoot-daree.	Mokurree.
Burdwan -	1,960	500	250	100	85	—	—
Beerbhoom -	436	1	4½	- -	- -	5	1
Hooghly -	424	589	—	—	—	—	—

The

Appendix, No. 1.

The numbers for Bancoorah and Midnapoor are not given. Of the Hooghly putnees, five pay revenue into the 24-Pergunnahs' treasury, as well as all the durputnees.

In Burdwan, about 14–16ths of the land may be estimated as being let out in putnee, more than 13–16ths of the malgoozaree area belonging to the Rajah. There are not at present any tenures below chaharputnees. In two pergunnahs, there are a few tenures styled putee, a word which the Collector considers a corruption of petee and identical in meaning with shikmee. These tenures existed prior to the decennial settlement and their area and the jumma paid to the zemindar are on record in the Collector's office. The holders are *quasi* shikmee talookdars paying their quota of the Government revenue to the recorded proprietor who is responsible to Government. As long as the fixed demand is paid, the tenures cannot be sold, and they are not liable to be cancelled on the sale of the zemindaree for arrears. A purchaser of a putee may at any time apply for mutation of names—when sold, the sales are not under Regulation VIII. of 1819, but under Act VIII. of 1835, and the purchasers succeed to the same rights as the former proprietors.

In Bancoorah, there are other inferior tenures as jumma pottah, jote, khoorfa or durjote, and the bhagjote or equal division of produce between the leaseholder and cultivator. The leases are generally granted for an unlimited term, and the tenures are liable to an increase of rent.

The tahootdaree tenures in Beerbhoom are liable to be sold on the sale of the estate to which they belong.

The Collector of Midnapore reports twelve different kinds of out-tenures in that district; namely, 1 kharposhie, 2 shikmee, 3 putnee, 4 durputnee, 5 mourosee yara, 6 maiadee yara, 7 kutkeena yara, 8 soodbooktan yara, 9 nizjote kundarra, 10 jotepottah, 11 jungle booree aymah pottah, 12 koordah lakhiraj bazeaftee, all of which are affected by the sale of the superior tenure. The putnee and durputnee are found in Midnapore proper only; the others prevail in Hidjellee also.

Seven descriptions of sub-tenures are reported in Dacca, namely, 1 putnee, 2 durputnee, 3 suputnee, 4 shikmee, 5 shikmee howla, 6 morasee pottah, 7 mussakushee pottah. The effect of a sale of the superior tenure on the first three is declared in Regulation VIII. of 1819. The remaining four are described to be tenures granted by the zemindars with or without a consideration, and, unless they existed for a period of 12 years prior to the decennial settlement as provided in Section XXVI. Act I. of 1845, are liable to be annulled by an auction purchaser at a sale for arrears of revenue. The Collector is unable to give even an approximation to the number of under-tenures in the district from the difficulty of communicating with the proprietors of the 8,460 small estates of which the district is chiefly composed.

Commissioner of Dacca, 28th November, No. 153.

Seven kinds of under-tenures are reported in Mymensing, 1 mourosee shikmee, 2 durshikmee, 3 mokureree shikmee, 4 pottae, 5 putnee, 6 kaim chuck, 7 kaimjote. The first three are stated to be protected under Section XXVI. Act I. of 1845. Nos. 4, 6, and 7 are tenures liable to be annulled in the event of a sale for arrears of the superior tenure. No. 5 is provided for under Regulation VIII. of 1819. The Collector's records afford no data for ascertaining the extent to which under-tenures exist, and the information could not be obtained from the landholders without great delay and difficulty.

In Sylhet, the sub-tenure system does not prevail. In one pergunnah only about 30 putnees have been created by the proprietors. There are about 75,000 estates on the rent-roll, and the custom of the district is for proprietors not to create under-tenures but to dispose of portions of their interest by sale or otherwise, thereby creating innumerable co-sharers. In some instances the unrecorded shikmee sharers amount to no less than 800. These shikmeedars are not tenants of an inferior degree, but joint-sharers in the superior tenure and responsible for the Government revenue.

In Backergunge the following sub-tenures are reported to exist: 1 shikmee, 2 oosut, 3 neem oosut, 4 howlah, 5 oosut howlah, 6 neem oosut howlah, 7 teem (qy. neem?) howlah, 8 meeras malgoozaree, 9 putnee, 10 durputnee. A peculiar feature in this district appears to be that, generally, as many as six grades of tenants intervene between the zemindar and the ryot, though it occasionally happens that the zemindar, passing over the talookdaree grade (the first three), creates at once a howladaree tenure, and in such case the sub-tenures are reduced to three. All the sub-tenures above noticed are subject to sale for arrears of rent under Act VIII. of 1835, but a purchaser succeeds only to the right possessed by the defaulting talookdar or howlahdar, as the case may be, and cannot interfere with the tenures subordinate to the tenure which he has purchased. All the tenures above described, save such as may be protected under the provisions of Act I. of 1845, fall on the sale of the superior tenure for arrears of Government revenue. The few putnees and durputnees in the district are subject of course to the provisions of Regulation VIII. of 1819.

The deputy-collector of Furreedpore has not been able to obtain the necessary information from the zemindars, and has therefore submitted no report. The omission, the Commissioners observes, is not of much consequence, as all the permanently settled estates in Furreedpore are on the Dacca rent-roll.

In three years, 252 applications have been made in Nuddea for sale of putnees, but as applications are made twice a year, and putnees not in arrear are not included, the above number cannot be taken as the number of putnee tenures in the district. On reference to the dehabundee or chowkeedaree register of the magistrate's court, out of the number of 2,934 villages in the district, 1,246 are held khas, 1,094 in putnee, 45 in durputnee, 527 in ijarah, 17 in gantee, and 5 in mourosee. It is not said in what year the register was prepared, or how

Officiating Commissioner of Nuddea, 28th November, No. 329.

Appendix, No. 7.

how far it can be depended on; if it be correct, three-fifths of the villages in the district are held on under-tenure.

The Collector of Jessore describes the gantee tenure as most frequent in that district. durputnees and durgantees are few, and seputnees and segantees fewer still. In one large estate there are 2,000 ganteedars paying a jumma of 200 rupees and upwards, and 80,000 paying under 200 rupees; the latter are called kaimee. The ganteedar, the Collector says, can exist immediately subordinate to the zemindar, the putneedar, the durputneedar, or the seputneedar, and is generally considered to reap by far the lion's share of the profits, and therefore seldom commits his interests to a durganteedar. Of course his most advantageous position is immediately under the zemindar, for when a zemindar has once given his land in gantee he cannot in any way enhance the rents, and it frequently happens that the ganteedar may be collecting rents ten times the amount which he pays to the zemindar. Should, however, the zemindar subsequently let out the land in putnee, his agreement with the zemindar is no longer a protection to him, except to keep him in legal possession, for the putneedar can re-measure the land and raise his rents accordingly. The same thing may be done by the dur and seputneedar. The holders between him and the zemindar may get rid of the ganteedar by being so severe on him as to compel him to retire apart from the collection of rents; the ganteedar has other privileges, such as receiving fees for every marriage, birth, or death amongst his ryots. Where dur and seganteedars do exist, they have the same privileges also, but in a less degree. The bonus paid to the zemindar for a putnee tenure appears to be generally 2½ year's jumma. Indigo planters are mentioned as holding land generally in farm.

The records of the 24-Pergunnahs do not furnish materials for giving the number of under-tenures in the district. One of the most common is the ticca tenure, which is a ryotee tenure, and the holder of which pays rent direct to the zemindar. Very few ticcadars hold pottahs, but their right is recognised by their neighbours and the zemindar. The tenures may be sold for arrears of rent, are recognised in civil courts as being liable to mortgage, may be transferred by gift or willed away, and, unless proof of possession can be adduced for 12 years before the decennial settlement, the right and title to the tenure is forfeited by the sale of the estate for default of revenue. Three species of ryotee tenure may be classed under the ticcadar; the kurfadar, the durkurfadar, and the sekurfadar, who hold their tenures under the ticcadar by virtue of a pottah and cultivate the soil, the sekurfadar being subject to the durkurfadar in the same rates as the durkurfadar is subject to the kurfadar, and the last to the ticcadar. If the latter's right preserve him from the effect of a sale of the zemindaree, then do the holders of the three above-mentioned under-tenures also escape injury. The chuckdaree tenure is a permanent one, and to be met with only in this district, in Jessore, and in Backergunge. These tenures are issued by the Soonderbuns grantees, and given principally with a view to the clearing of jungle at the expense of the chuckdars. The holders retain their rights though the grant in which they are situated may be sold, and the new purchaser cannot enhance their jumma. Deputy Collector Shib Chunder Deb, who has long been in the district, says, the extent to which the ticca tenure prevails is limited, or about $\frac{1}{30}$th of the culturable area of the district, many tenures having been resumed by the zemindars, or having lapsed for want of heirs strong enough to maintain themselves.

The Collector of Moorshedadad describes the mourosee holdings of that district as consisting of jotes and gantees, chuck jummas, chowbiggas, and sebiggas. These, he says, are farms held on hereditary leases with a fixed jumma, and if created prior to the decennial settlement are not liable to enhancement, and are not affected by sale of the superior tenure. Chowbiggas and sebiggas are small holdings let at four and three biggahs per rupee; they are ancient tenures, originally rent-free, but resumed and settled at those rates in consideration of past services; more particular information, the Collector says, would require many months to collect.

The Commissioner has received no report from Baraset, Mr. Eden having only lately taken charge.

The commissioner (Mr. Grote) remarks that such information as is required by the legislative member could hardly be picked up even by an intelligent and attentive Collector after having been a year or more in the district. The manner in which the sale law affects under-tenures could only be known in the event of a purchaser suing summarily a tenant of the second degree, or distraining his property for a higher amount than had been agreed on between the tenant and his predecessor, and such cases seldom occur. Of 104 calls made on the Moorshedabad landowners, only 23 were imperfectly answered, and three Nuddea proprietors declined to furnish any information. Valuable information should however be forthcoming from the records of estates which have come under the Court of Wards, or under khas management, and which have been subjected to butwarrah or settlement. Mr. Grote concludes his report with the following partial statistics of some estates:—

"Such returns, however, as were made to the calls of the Moorshedabad and Nuddea Collectors give the following information. In the latter district 157 returns, representing, I presume, as many estates, gave an aggregate in the latter of 80 putnee, 24 ijarah, seven gantee, and 58 mocureree tenures. Mr. Lyon holds in ijarah all his lands in Moorshedabad, and adds, 'there are no putnee mouroseejotes, or other under-tenures within the lands with which I am connected, and, so far as I am aware, there are comparatively few such, with the exception of putnees, in the immediate vicinity of the banks of the Ganges.' Mr. Bishop, for Messrs. Watson, says that Hoodah Ecoonee, a large estate belonging in part to the

the latter, is divided into 34 putnees, three ijarahs, and 18 gantees, and that Rokunpore, another large estate of theirs, is all in putnee. Mr. Larruletta has let in putnee the only estate he has. I annex the original letter* of Baboo Poolinbeharry Sein, which is fuller than any other of the replies, and gives some interesting information on the subject of the prevalent under-tenures. Rajkissen Raie, another zemindar, returns about two-thirds of his villages as being farmed, while the rest is khas.

"12. The general complaint of the European landholders in Moorshedabad, whose letters I have perused, is the want of security for putneedars against sales of estates for wilful default, and this want will be amply supplied if the original Draft Act proposed by the Bengal Government becomes law.

"13. So far as my experience goes, I believe that in practice few subordinate tenures however old and good their titles, maintain themselves after the sale of the tenure on which they depend. The profits of such subordinate tenures must be in many cases too inconsiderable to render it worth the tenant's while to litigate in the Courts with the superior tenant, who again may, if strongly tempted, combine with the zemindar and sacrifice his own tenure in order to break up a really valuable subordinate tenure.

"14. In the 24-Pergunnahs the ticca tenures are I know extensively sublet, thesub-tenants being generally of the class referred to in Clause 3, Section XXVI. Act I. of 1845. The small estate of Gobind Chunder Dutt, under the Court of Wards, in part consists, I find, of 251-15 biggahs of ticca land for which the minor ticcader pays an annual rent of 70 rupees 8 annas to different zemindars, while the rents payable by his sub-tenants are entered in the accounts of the estate at 510 rupees.

"15. In law the subordinate tenure, if the *bonâ fide* creation of a ticcadar protected by Clause 1, Section XXVI. Act I. of 1845, would, I imagine, stand under any transfer of the superior tenure."

Baboo Poolinbeharee Sing, in his letter to the officiating Collector at Moorshedabad referred to in paragraph 11 of the above extract, says that his zemindaree, and generally most others, contains the following classes of under-tenures:—1st, putnee, durputnee, and seputnee, the nature and conditions of which are well known. 2d, ijarahs and durijarahs or farms and under-farms, the nature and terms of which are also well known. 3d, mourosee ijarah, or farm held on a hereditary lease with a fixed jumma not liable to enhancement, provided the creation was anterior to or at the time of the decennial settlement. 4th, chuck jumma, or a certain quantity of land held in the lump at a fixed rent assessed without reference to prevailing rates. 5th, jote jumma. Most of the lands in most zemindarees are held in jotes under the following denominations—(1) Istemraree or mokureree jotes are hereditary tenures held at a fixed rent provided they were created more than 12 years before the settlement. Like the chuck jummas, these tenures comprehend lands of all descriptions, and may be considered as small putnees. (2) Jotes consisting of one or more biggahs of land, generally culturable, held at a certain rent, liable to be increased on re-measurement of the village. 6th, charbiggas or land held at four biggas a rupee, sebiggas or land held at three biggahs a rupee. Those tenures created before the decennial settlement are not open to resumption or enhancement of rent. Of the above descriptions of tenures, those created prior to the settlement are not so liable to enhancement of jumma, unless on a general measurement of the pergunnah they be found to comprehend more lands than the pottah specifies. In private or decree sales these tenures are not liable to enhancement, but under the sale law all the tenures, especially those of recent creation, are cancelled by sale, and the occupants may be ousted at pleasure by the auction purchaser. The mokureree, or istemraree jotes, and those that existed before and at the time of the decennial settlement, are the only ones that cannot be cancelled. Not having received returns from his zemindarees in several districts, and having no register of the under-tenures existing within, he cannot speak to the number of such in his estates, but in the portion situated in Moorshedabad one mehal has been let in putnee and one in ijarah.

Extract from letter from Deputy Collector of Baraset, who reports the existence in his jurisdiction of—1st, perpetual gantees or tenures under the zemindars which are saleable for arrears of rent as well as in satisfaction of decrees. They are transferable tenures, but the tenant does not lose his right on the sale of the zemindaree. 2d, durmourosee gantees, these are granted by the ganteedar in perpetuity, and are not affected by the sale of the superior tenure. 3d, chucks, these are held under the zemindar for the purpose of clearing jungle. They are saleable by the holder at pleasure, but are not affected by the sale of the zemindaree. They may be sold for arrears of rent or in satisfaction of decrees. Nuddea, 9th December 1856, No. 342.

In Lohardugga there are only two estates, namely, Chota Nagpore and Purgunnah Palamow, the latter a Government purchase. The four largest under-tenures in the Chota Nagpore zemindaree are the jaghires of Boondoo, Burway, Sillee, and Tamar, created apparently before the British Government. These estates consist of from 80 to 250 villages each, and the jaghiredars pay a fixed rent to the Maharajah. Succession is strictly according to primogeniture in the male line. In each jaghire there are several sub-jaghires, some created by the jaghiredars, and others by the Maharajah of Chota Nagpore. The latter are not Chota Nagpore, 24th November 1856.

* *See* an abstract of the information contained in this letter following this extract from the Commissioner's report.

Appendix, No. 7.

not numerous though very ancient and probably anterior to the jaghires, to which they are now attached. In the Tamar jaghire, where the inhabitants are chiefly Coles, almost all the under-tenures are held by mankees and moondas, who are in fact the proprietors of the soil. The moondas hold from two to ten villages, and over every four or five moondas there is a mankee. The moondas pay a certain fixed rent to the mankees, who make a proportionate fixed payment to the Rajah of Tamar. Most of the Cole tenures are of very ancient origin, though there are no written title-deeds. Similar tenures are found in other pergunnahs, especially Sonepore. Besides the above four large jaghires there are about 600 smaller ones in the Chota Nagpore zemindaree. Some of these jaghiredars hold only a portion of a village; but the tenures of others consist of as many as 150 villages. All pay a fixed rent to the Maharajah, and are hereditable in the male line. To almost all, conditions of service are attached, which are sometimes enforced and sometimes not. Several of these jaghires were created before the settlement, but the majority of them are believed to be posterior to that event. Within the larger jaghires there are sub-jaghires, but the number is not known; a few jaghires are for life only, but such tenures are rare. In every part of the same zemindaree there is a large number of petty bhoceharee tenures. The bhoceharees are descendants of the rude race which first cleared the jungle; their tenures are rent-free, but they are bound to render service to the Maharajah or the farmers holding under him. In purgunnah Palamow, a khas mehal, there are 130 jaghiredars and 102 hereditary ijarahdaree tenures, the remainder of the pergunnah consisting of khulsah villages leased to farmers for a fixed term. Most of the jaghirees are held under conditions of service, and they, together with the hereditary ijarahs, pass to male descendants. After the purchase by Government, many of these tenures became by law liable to resumption, but the under-tenants were confirmed in their rights by Government. As the sale law is not likely to be introduced into this province, the Commissioner does not deem it necessary to enter into the question of the effect of the law on these under-tenures.

In Hazareebagh there are 5,858 under-tenures of different kinds, and probably more of a small kind, of which nothing is known. In the large estate of Ramgurh there are 3,289 recorded under-tenures of various sorts. There are jaghires granted for the maintenance of the members of the Ramgurh family, which have been held for generations; most of them on conditions of service, which have of late years been seldom enforced, and most of them pay only very small quit rents. There are in the same estate 22 rent-free tenures exempted at the time of the settlement. There are also several khyrat tenures not recorded in the Principal Assistant's Office, and probably created since the settlement. There are also several service jaghires held under the condition of guarding the ghâts and jungle passes. Some pay a small quit-rent; others, in places where the service is considered of the most importance, are held rent-free. About one-third of the Ramghur estate is held in jaghirdaree and rent-free tenure of different descriptions; the remaining two-thirds are in the zemindar's own hands, who lets portions in farm. In pergunnah Kurrackdia there are 2,114 under-tenures, of which 76 are rent-free mehals not assessed at the permanent settlement. Most of the oldest tenures in this pergunnah have been granted for the maintenance of the relatives of the proprietors of the guddees, but few under-tenures in this part of the country were in existence at the time of the settlement. There are a few farms for undefined periods given at low rates to money lenders, but the farms of villages are mostly for a limited number of years. In pergunnah Kendie there are 141 different under-tenures. A few are khyat and maintenance tenures, but many of the villages are farmed to persons who have lent money to the proprietor. In the confiscated mehal pergunnah Koderma, there are 94 under-tenures all leased to the heads of villages. In the rent-free feudal tenure of Koonda there are 220 under-tenures, some of which are khyrat and service tenures, but the most common under-tenures are farms for short periods.

In Maunbhoom there are a few putnee talooks and still fewer durputnees, the majority being in the Pachete zemindaree and of recent origin; but Regulation VIII. of 1819 is never put in force in this division. The zemindars realise rents by summary process and attachment. There are jaghiredars paying a small fixed rent to the zemindars, shikmee zemindars, mookurereedars, and durmokurereedars; also a few mankee and moonda tenures like those of Chota Nagpore, some of which are of very ancient origin. There is, however, a large number of police ghat-walee tenures, the tenants performing police service and paying a small quit-rent to the zemindars. Many of these ghat-walee tenures were in existence before the settlement.

In Singbhoom is the Dhulbhoom estate, the Rajah of which owns the whole pergunnah of Ghatsillah, with the exception of the ghat-walee and rent-free tenures therein. Each village is held direct from the zemindar, either in perpetuity or for a specified term, the tenant being styled purdhan. A purdhan rents one or more villages; occasionally a large village is divided amongst two or more purdhans. The purdhan is remunerated by a certain quantity of the best land in the village, held rent free. He cannot be ousted during his lease as long as he pays the stipulated rent. When the Rajah grants a lease of a turuff consisting of several villages to a farmer, the latter cannot interfere with the arrangements made with the purdhans, who pay their rents to him instead of the zemindar. When the zemindar creates a mokurereе tenure, the mokurereedar acts as purdhan in his own tenure. The putnee tenure is unknown in the Dhulbhoom estate; the purdhanee system prevails everywhere, and there are no intermediate tenures of any kind. In Sonthal villages the purdhan is called manjhee, and in Cole villages moonda. Some of the ghatsillah, jaghiredaree, and ghat-walee tenures are of very ancient date; but there is no record of them in the Singbhoom office.

The

Appendix, No 7.

The following tenures prevail in Bograh: 1 muzkooree talook, 2 shikmee talook, 3 istemraree jote, 4 istemraree talook, 5 mukuree chuck jumma, 6 mukooree jote, 7 mourosee jote, 8 mourosee ijarah, 9 putnee talook. The first two were created before the decennial settlement, and the others were made since by the zemindars on condition that the lessee and his heirs are to hold them at a fixed rent in perpetuity; no sub-tenures of any description in this district, except durputnees, which are few in number, and the rights of sub-lessees are liable to be affected by the sale of the superior tenures under Regulation VIII. of 1819.

Rajshahee, 29th November 1856, No. 188.

In Dinagepore there are only about ten putnee talooks; but there are a great many istemraree jotes, all of which are affected by the sale of the superior tenure.

The under-tenures in Rajshahye are chiefly putnee and mourosee or permanent jote. The latter is subdivided into seven denominations: 1st, mourosee jote; 2d, mourosee ijarah; 3rd, mussurkus; 4th, mutkudamee jote; 5th, chuck jumma; 6th, shikmee talook; 7th, mooktah ooperpatta jote. These distinctions are, however, merely nominal. The extent of the under-tenures may be estimated at one-fifth of the entire area of the district.

	No.		Rupees.
Putnee	600	jumma	2,50,000
Mourosee ijarah	25	„	25,000
Kiemee mourosee jote	500	„	5,000
Mussurkus	100	„	5,000
Mutkudumee jote	100	„	5,000
Chuck jumma	200	„	20,000
Shikmee talook	100	„	5,000
Mookta ooperputta jote	50	„	2,000
	1,675		3,17,000

These tenures have generally been sublet in durputnee and durjote, and again in seputnee and duradoojote; but such instances are exceedingly few. The sub-tenure holders exercise the same rights over the ryots as zemindars; they may enhance the jumma and alienate their rights in the tenure without the sanction of the superior landlord. In the event of sale of the superior tenure under Act I. of 1845, of putnees under Regulation VIII. of 1819, and of mourosee jotes, &c., under Regulation VII. of 1799, the sub-tenures of inferior degrees, except those mentioned in Sections XXVI. and XXVII., Act I., of 1845, are liable to be cancelled at the option of the purchasers, who, however, out of policy, do not at once oust the under-tenants, but make fresh arrangements with them. The effect of a sale of the superior tenure on sub-tenures is exactly in accordance with the law, and no other practice prevails.

The zemindarees in Rungpore are subdivided into jotes of greater or less extent. Some are of considerable size, the jotedars paying as much as from 5,000 to 20,000 rupees annually to the landholder. Portions are sublet by the jotedar to persons termed choohadars, who either cultivate themselves, or collect their rents again from under-tenants. These jotes prevail principally in pergunnah Baharbund; but they are to be met with all over the district, and their number it is difficult to estimate without a patient inquiry. On the sale of the superior tenure it is not customary for the purchaser at once to oust the choohadar, but he usually calls upon them to enter into fresh engagements. There are but 54 putnees (in which are three durputnees) in Rungpore, all created within the last 10 or 15 years, on the zemindaree of the Rajah of Danasnuggur. Of the number of istemraree and mokureree jotes, called in the district oopun chuckee, the Collector can give no accurate account. The last quinquennial register for 1222, B. S. gives a total of 572 such tenures; but there are probably more. Under tenures in oopun chuckee lands are affected much in the same way as in common jotes by the sale of the superior tenure. The effect on the dur and seputnee talooks is ascertained by law.

From the inquiries made by the Deputy Collector of Pubna it does not appear that there are any peculiar tenures in that district. About one-third of the district is let in putnee; but durputnees are not numerous, and seputnees or (as they are called in Pubna) durputnees are still fewer, if they exist at all. Both zemindars and putneedars very generally give leases of their holdings to ijarahdars for terms of years. Although the zemindars deny the existence of mourosee or mutkudmee jotes, there is no doubt that they do exist to some extent, and that many are summarily sold for arrears of rent, and some of the holders have gained decrees in the Sudder Dewanee to the effect that their jotes are of that nature, and are not liable to enhancement of jumma, or to annulment whilst the jumma is paid. One of these jotes in pergunnah Yoosufshye pays a rent of 10,000 rupees. The principle which is applied by law to under-tenures of the first degree is, in practice, considered to apply to all the sub-tenures. Thus, if the putnee tenure is transferred by private sale or under a decree of the Civil Court, the durputnees, farms, and under-holdings within it are held valid; but if the putnee is sold for arrears of rent under the provisions of Regulation VIII. of 1819, the purchaser is held to receive it free of all durputnees, farms, and incumbrances made by the late putneedar.

Rajshahee, 9th December 1856, No. 201.

The province of Cuttack is temporarily settled. The tenures and under-tenures of every estate are defined. The sum set apart as zemindar's allowance varies from 35 to 40 per cent. The following under-tenures are not voidable by the sale of the parent estate: 1st, mourosee mokudumee, being alienations prior to the British occupation, and of a hereditary and transferable

Commissioner of Cuttack, 21st November 1856, No. 393.

Appendix, No. 7.

ferable nature. The holders are proprietors, and can only be ousted by sale under Act VIII. of 1835, on default of payment of their fixed jumma, and after summary suit. They have either a whole village or a share in it, collect the rents, and receive an allowance of 20 to 25 per cent. out of the zemindar's allowance mentioned above. In the case of half-rentally settled lands, the allowance to the zemindar and mourosee mokudum is seven and a half per cent. each. The tenures are strictly subordinate, and no butwarrah can be claimed. 2dly. Mourosee surbarakaree tenures correspond with the first, except that the allowance is less to the holder, varying from 15 to 20 per cent. 3dly. Proostee. The difference between this tenure and the mourosee mokudumee is only in name. The holders of some tenures of this name in Pooree have no recognised rights, but are mere servants of the zemindar. 4thly. Pudhanee. These are also akin to the three previous tenures; they are found chiefly in Pooree. 5thly. Shikmee zemindaree, much the same as mokudumee, the chief distinction being that, while the latter affects a village or share in it, the former applies as well to some portions of land as to an entire village. 6thly. Khureeda jummabundee. These are divided into two classes, called awul and doam, or first and second. They do not affect the right of management in a village, or share of it, but the possession of a certain specified quantity of land. The holders of the first class, who purchased from the zemindar, receive an allowance of 30 per cent., the remaining 5 or 10 per cent. going to the proprietor of the parent estate; those of the second class, who purchased from the mokuddum or other holder of a sub-tenure, are regarded as representatives of the latter, and are allowed 20 per cent., 15 per cent. being allowed to the proprietor of the parent estate, or if the land be managed through a mokudum, then the per-centage is equally divided between him and the zemindar. The tenures of the first and second class, formed prior to the British acquisition of the province, are hereditary and transferable, and are not affected by the sale of the parent estate; those of subsequent formation are vitiated, unless otherwise provided at the settlement. 7thly. Ayma, exactly the same as khureeda jumma bundee. 8thly. Tunkee, or alienations at quit or fixed rents prior to the British occupation.

The following under-tenures are null and void on the sale of the parent estate for arrears: 1st. Meadee mokudumee; 2d. Meadee surburakaree. Both these were created since the British occupation. 3d. Shikmee zemindaree. There is only one tenure of this class ascertained, and no apportionment of profits was made, but the parties were left to settle it among themselves. 4th. Pudhanee. Two tenures of this kind are reported in Cuttack; but the holders seem to have no rights of any kind, and to be mere servants of the zemindar, who has the right, under the settlement, to oust them for misbehaviour, and the common ijarah, or farm, usually of one or more villages for a certain number of years, is of subsequent date to the British rule.

List of Under-tenures in Zillah Cuttack.

	Number.	Mouzahs.	Area in Acres.	Mofussil Assets.	Jumma paid to Zemindar.
Not voidable:					
1. Mokudumee	446	498	89,241	77,765	58,758
2. Mourosee Surbarakaree	236	266	43,830	41,541	33,087
3. Proosethi	9	12	950	873	641
4. Shikmee Zemindaree	68	322	2,388	3,911	2,733
5. Tunkee	200	64	1,909	1,406	844
6. Khureeda Jummabundee	8,537	2,335	23,562	31,636	23,893
7. Ayma	232	62	801	1,037	718
Voidable:					
1. Meadee Mokudumee	45	49	3,726	3,081	2,312
2. Meadee Surbarakaree	34	37	7,194	6,276	5,519
3. Shikmee Zemindaree	1	1	582	322	322
4. Pudhanee	2	2	1,923	244	189

Commissioner of Patna, 29th November 1856, No. 1147.

The under-tenures in the province of Behar are, first, mokureree grants, of which there are four kinds. The first kind descends in hereditary succession, and are given out on receiving a specified sum, styled nuzurana, without any regard to the Government revenue, which is paid by the maliks. The second kind descends also in hereditary succession, on receipt of nuzurana, conditionally, on the holder complying with certain stipulations, on default of which the tenure is liable, by the wording of the deed, to be resumed by the malik. The stipulation generally is, that the holder pay the Government revenue, and that default of three kists at any time during the year authorises the malik to institute a summary suit for recovery, and to eject the incumbent; but if the tenure is hereditary, the courts have decided that the malik cannot eject the holder; but, on default, can only cause the sale of the mokureree rights. The third kind is only a life tenure, held without payment of nuzurana, conditionally, on the holder paying such a fixed annual sum as covers the Government roll, and ensures besides a certain profit to the malik. The fourth kind is of similar import, held only for life, and on payment of nuzurana.

2. Ijarahs.

Appendix, No. 7.

2. Ijarahs.—These differ very little from ticcas. In ticcas the malik looks to some considerable profit over and above the Government roll. In ijarahs the malik is content with a very small profit, but demands, in compensation, a large sum as zurpeshgee. These ijarahs are always given for five, seven, or nine years, at the end of which time, if the zurpeshgee is repaid, the land lapses again to the malik; if unpaid, the land remains in the hands of the jarahdar till the debt is liquidated. No interest is given, the profits of the lease being considered an equivalent. These ijarahs are diversified by stipulations, according to the will and interest of the parties concerned.

3. Ticcas or Farms.—Of these there are eight or perhaps more kinds, but one general principle marks the whole. The first kind is let out at a stipulated jumma on payment of zurpeshgee without specification of time, and remains in force as long as the zurpeshgee remains unrecovered. The second is let out for a fixed period without zurpeshgee, but on payment of an annual sum to the malik. The third is leased out for a fixed term on payment of a large nuzurana conditionally, on the farmer paying the Government roll only. The fourth is let out for a stipulated period on payment of zurpeshgee, which is repaid at the close of the engagement. The fifth is leased out for a period on payment of zurpeshgee, which is repaid annually by deducting certain sums from the rent. The sixth appertains to mokureree wazoozasht estates, paying a certain fixed sum to the State, as specified in Regulation VIII. of 1793; and which are leased out on the mokureree jumma on payment of nuzurana. The seventh is leased out at a fixed rate for the life-time of the ticcadar, on payment of a nuzurana. The eight is leased out on payment of a stipulated number of maunds of grain in kind, for a fixed number of years, liable to resumption if the grain or an equivalent in money is not handed over to the proprietor at given periods. A summary suit is in this as in all the other instances, a necessary prelude to ejection.

There being no register of under-tenures, their number cannot be ascertained, but it is presumed that one-half of the land in the division is let out in under-tenures, a system which the large landed proprietors prefer to the trouble of seer management. Tenures derived from proprietors direct, are let and re-let over and over again. In each and every instance of under-tenures enumerated above, the sale of the parent tenure for arrears, cancels existing agreements. None are exempt from the ordeal but those protected by Section XXVI., Act I., of 1845.

4. Shikmee Tenures.—These are recognised at the time of settlement effected under Regulation VII. of 1822. They are the lands resumed under Regulation IX. of 1825, being found to have been held under invalid titles, or what parties entitled to a malikana immunity in lakheraj estates originally held as a tenth part of the estate by virtue of that right. These tenures are brought under settlement as dependant talooks, in accordance with the Board's Circular, No. 52, of the 7th August 1838, and are held to be transferable property by gift, inheritance, or sale. They are also let and sublet, and are sold in satisfaction of summary decrees for rent, under Act VIII. of 1835. The holders of these lands pay a fixed revenue to the zemindars, and are not affected by the sale of the parent mehal.

In Chittagong the tenures immediately above the holdings of tenants at will are successively as follows:— Commissioner of Chittagong, 2d December 1856, No. 200.

Third class istemraree, ryottee, chasa, and durtuppa;

Second class itmauree and tuppa;

Third class talook;

And above the talooks are the several denominations of sudder mehals which are under direct engagement with Government.

In Bullooah the tenures lowest in the scale, not reckoning jotes of cultivators, are vasat talook, neem talook, shikmee tuppa, neem howlah, mushkussee ryotee, gyrmokureree, merasee jote, and kursa jote: above these are howlah, puttaee talook, and shikmee talook. To these also may be added, because the holders pay their rents to the superior landlord, tuppas, jimba, and khood khast, and then come the estates which pay revenue to Government direct.

In Tipperah the tenures next above the ordinary jotes are duraghat talook, jimba, chuckhusta, mushkussee, and dur talook. Above them are aghut talook, khoshbash karkona, meeras, howlah, puttaee, and ousut talook; after which follow the several denominations of zemindarees.

In all the above classes the tenures under each class are like, or equal tenures, and are not gradations of tenures. The classes are grades of each other. All are understood to be permanent, hereditary, and transferable tenures. All lapse with the sale of the parent state, except those protected under Act I. of 1845. For sale on any other account than arrears of Government revenue, the inferior tenures do not fall. The sale of a superior tenure for arrears does not affect the lower tenures. Every description of tenure and under-tenure is subject to sale by summary process for arrears. Where there is no stipulation rendering the tenure liable to sale for arrears, a sale can only be resorted to after a decree obtained at the end of the year; where such a stipulation has been entered into, sales are made of the tenure in arrear without the necessity of a prior decree, just as putnee talooks are sold at the mere instance of the zemindar after a short notice. Indeed

Appendix, No. 7.

the same law is the authority in both cases; but, except in the case of putnees under Regulation VIII. of 1819, the holder of a lower tenure has no option or power to pay up the arrear of the tenure immediately superior, and save it from sale.

Besides the several tenures enumerated above, there are in all the three districts of the division putnee talooks: these are however not generally common. There are also in certain parts of the division a few tenures peculiar to the locality, of both superior and inferior grades, but they differ in no essential respect from those which generally obtain.

Commissioner of Bhaugulpore, 6th December 1856, No. 33.

The Collector of Bhaugulpore reports that there are very few mokurerees and no shikmee tenures in that district, and that he is not aware of any sub-tenures.

The Collectors of Monghyr and Tirhoot have misunderstood the point of the inquiry. The first mentions mokureree, takas, kutkeenas, and mortgages; the other gives a list of names of fifty descriptions of rent-free holdings. Further report has been called for, but to avoid delay, Commissioner says that, from what he can gather from the work which comes before him and otherwise, mokureree and shikmee tenures liable to be affected by the sale of the parent estate, are very rare in the districts in question, and that sub-tenures under them are almost unknown. Where they do exist they are merely for temporary periods.

Commissioner of Assam, 5th December 1856, No. 149.

All the land in Assam is held on the same tenure, that is, in full right of either possession or occupation subject to the payment of the Government revenue by the pottahdars. There are no under-tenures known to the regulation and requiring provision in the proposed law of sale. A small quantity of land is cultivated by ryots not proprietors, or not holding pottahs from the Collector, but all such are merely tenants at will or pykasht ryots. Other holders of land paying revenue may be considered as the actual landholders, liable to pay a tax for their land, or as khoodkasht ryots paying rents, the Government being the zemindar.

(signed) *E. T. Trevor*,
Officiating Secretary.

From the Secretary to the Government of Bengal, to the Member of the Legislative Council for Bengal, No. 17, dated Fort William, 10 January 1857.

Sir,

Revenue.

In continuation of my letter No. 13 dated the 6th instant, I am directed to forward herewith a copy of a letter, No. 7 dated the 7th instant, from the Officiating Secretary to the Board of Revenue, on the subject of the under-tenures of the districts of Balasore and Pooree.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of Bengal.

From the Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, Revenue Department, No. 7, dated Fort William, 7 January 1857.

Sir,

Land Revenue.
W. Dampier and H. Stainforth, Esquires.

In continuation of my letter of the 19th ultimo, No. 503, I am directed by the Board of Revenue to submit the following particulars relative to the under-tenures in the districts of Balasore and Pooree, which were not given in the first return of the Commissioner of Cuttack.

	Balasore.	Pooree.
Not voidable:		
Mourosee Mokudumee	123	452
Ditto Surburakaree	205	197
Proostee	3	—
Mourosee Khureeda Jumabundee	2,132	94
Surburakaree	50	—
Dur Shikmee	6	—
Voidable:		
Pudhanee	—	281
Meadee Khureeda Jumabundee	12	—
Ditto Mokudamee	1	—
Ditto Surburakaree	4	197

I have, &c.
(signed) *E. T. Trevor*,
Officiating Secretary.

From the Secretary to the Government of Bengal, to the Member of the Legislative Council for Bengal, No. 59, dated Fort William, 2 February 1857.

Sir,

In continuation of the office letter, No. 17, dated the 10th ultimo, I am directed to forward herewith a copy of a letter, No. 51, dated the 28th idem, from the Officiating Secretary to the Board of Revenue, on the subject of the tenures and under-tenures of zillah Maldah. REVENUE.

I have, &c.
(signed) *A. R. Young*,
Secretary to the Government of Bengal.

From the Officiating Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal, Revenue Department, No. 51, dated Fort William, 28 January 1857.

Sir,

In continuation of my letter of the 19th ultimo, No. 503, I am directed by the Board of Revenue to forward a copy of a letter from the Commissioner of Rajshahye, dated the 31st ultimo, No. 224, on the subject of the tenures and under-tenures of zillah Maldah. The information is extremely meagre, but, for the reasons before stated, full particulars, cannot be had without an investigation almost inquisitorial. LAND REVENUE. W. Dampier, Esq.

I have, &c.
(signed) *E. T. Trevor*,
Officiating Secretary.

From the Commissioner of Revenue, Rajshahye Division, to the Board of Revenue, Lower Provinces, Fort William, No. 224, dated Rajshahye, the 31st December 1856.

Gentlemen,

Having now received the reply of the Officiating Deputy Collector of Maldah on the subject of the tenures and sub-tenures of his district, I have the honour, in continuation of my letter No. 188 of the 29th November last, to report that the information which that officer has been able to collect on the subject is to the last degree unsatisfactory and altogether fails to supply such data as alone would enable him to furnish a full and complete reply to your Board's call. To many of his requisitions addressed to different landholders in the district he has received no replies at all, and those that have been furnished either evade the question, or contain little beyond some general statements which convey no information upon it whatever. With such data to found upon, it is of course impossible to speak, he says with any degree of certainty that such conclusions as he may come to would be found correct, if severely tested; in fact he can do little beyond conveying his general impression on the subject.

2. He regrets that the information in his possession will not allow of his attempting to give any estimate of the number of tenures of the second and inferior degrees now existing in the district; all that he can say on the subject with any degree of confidence is that they appear to be considerably fewer in number than he had previously supposed. In many zemindaries there are none at all, if at least the zemindars' statement of the case be correct, as indeed he believes it to be in many instances, the land being entirely in the hands of ryots who pay rent direct to the zemindar without the intervention of any middleman: this state of things appears to prevail to the greatest extent in the northern and eastern parts of the district.

3. In the southern on the other hand, and especially in the large pergunnah of Shershabad, sub-tenures of the kind referred to in Mr. Currie's letter are found to a large extent. A requisition for information on the subject addressed to the proprietors of this purgunnah not having elicited any answer as yet, he is unable to state the approximate numbers of these tenures, but he knows it to be large. In fact the general impression of people acquainted with the condition of the property is that it has been destroyed as a zemindary by the creation of these jotes as they are called. The jotedars of Shershabad, it is well known, swallow up all the profit that is got from the estate, and little or none passes by them into the hands of the zemindars.

4. He has been unable to ascertain to what extent sub-tenures of the lower degrees prevail in this and other properties. Of a number of requisitions, addressed to various jotedars on the Shershabad estate, one only has elicited an answer; the jotedar in this instance states that there are no shikmee jotes or durjotes on his property. Mr. Craster is inclined to think that sub-tenures of these lower degrees are not very numerous in his district, though what their number may be from total want of all data he cannot pretend to estimate.

Appendix, No. 7.

5. As to the manner in which the sub-tenures are affected by sale of the superior tenure in cases where the mehal is sold for arrears of Government revenue, all under-tenures, with the exception, of course, of those belonging to the classes specially protected by legal enactment, are annulled. The same rule does not apply to the cases of sub-tenures of the lower degrees: these, it appears, are not voided by the sale of the superior sub-tenure; the purchaser, it would seem, merely steps into the place of the late proprietor without acquiring any right or interest in the property beyond that of which his predecessor was in actual possession.

I have, &c.
(signed) *F. Gouldsbury,*
Commissioner.

INDEX

TO THE

FOUR REPORTS

FROM THE

SELECT COMMITTEE

ON

COLONIZATION AND SETTLEMENT (INDIA).

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1858.

461—I.

ANALYSIS OF INDEX.

ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Pagings at which the same will be respectively found.

PAGE

ADMINISTRATION OF JUSTICE (MOFUSSIL):
I. *Complaints of Mal-Administration in Bengal* - 1
II. *Bombay* - 2
III. *Madras* - 3
IV. *North-Western Provinces* - 3
V. *Language of the Courts:*
1. Different Languages hitherto used - 3
2. Proposed use of the English Language - 3
3. Objections to the foregoing Proposition - 4
VI. *Judges:*
1. Qualifications of the Native Judges - 5
2. Recommended Employment generally of Europeans - 5
3. Preference of the Natives for European Judges - 5
4. Disapproval of the Non-Employment of Natives - 6
VII. *Law Officer, or Assessor* - 6
VIII. *Omlah, or Native Subordinate* - 6
IX. *Juries* - 6
X. *Witnesses* - 6
XI. *Generally as to the Law and Procedure:*
1. Law which now prevails in the Mofussil - 7
2. Importance of a proper Substantive Law - 7
3. Liability of Government to be sued in the Courts - 7
4. Exemption of Judicial Officers from Legal Liability - 7
5. Question as to an extension of the jurisdiction of the Supreme Courts 7
6. Appeals: Grievances on this score - 7
7. Improvements to be derived from simplifying the Procedure - 8
8. Simple and summary Procedure recommended by the Law Commission - 8
9. Petitions representing the Views of Indigo Planters, &c., in Bengal - 9
XII. *Effect of the mode of Administration upon the progress of Settlement* - 9
Affrays and Affray Bill (Bengal) - 10
Appellate Court - 11
Arbitration of Disputes - 11

PAGE

ADMINISTRATION OF JUSTICE, &c.—cont^{d}.
XII.—*Effect of the mode of Administration, &c.*—cont^{d}.
Ceylon - 19
Civil Service, 1 - 21
Contract Law - 26
Criminal Jurisdiction (Mofussil Courts) - 30
European Superintendence (Native Officials) - 40
Foreign Settlers - 41
Judicial Service (European Judges) - 57
Lex Loci - 71
Magistrates - 77
Mysore, 6 - 88
Native Influence - 91
Native Officials - 91
Penal Code - 103
Police - 104
Profitable Settlement - 107
Recognizances to keep the Peace - 108
Sudder Court (Calcutta) - 117
Supreme Courts - 117
Tirhoot - 124
Torture - 124
Advances to Cultivators - 10
Contract Law - 26
Indigo and Indigo Planters - 53
Affrays and Affray Bill (Bengal) - 10
Agriculture - 10
Advances to Cultivators - 10
Bengal - 15
Bombay - 17
Coffee - 26
Cost of Production - 27
Cotton - 27
Drought - 35
European Capital and Skill - 38
Hill Districts - 51
Indigo and Indigo Planters - 53
Irrigation - 55
Labour - 59
Land Revenue Settlement, and Tenure and Sale of Land - 59
Manures - 79
Ploughing - 103
Rain - 108

	PAGE
Agriculture—continued.	
Seeds	116
Sugar	117
Tea	118
Wheat	133
Assam	11
Tea	118
Bengal	15
Administration of Justice (Mofussil)	1
Affrays and Affray Bill	10
Assam	10
Bridges	18
Canals	18
Climate	25
Coal	25
Copper	27
Cotton, I. II. 1.	27
Criminal Jurisdiction (Mofussil Courts)	30
Dacca	32
Darjeeling	33
Degeneracy of Europeans	34
European Capital and Skill	38
Foreign Settlers	41
Ganges Valley	46
Grand Trunk Road	48
Hill Districts	51
Indigo and Indigo Planters, 1	53
Irrigation, 4. 6	56
Land Revenue Settlement, and Tenure and Sale of Land	59
Legislative Council	70
Minerals	85
Nuddea Rivers	95
Police, I. VII.	104
Public Works	107
Redemption of Land Tax	108
Resumption of Rent-free Tenures	109
Roads, I.	110
Ryots	112
Zemindars	139
Bombay	17
Administration of Justice (Mofussil)	1
Climate	25
Cotton	27
Enam Commission	36
European Capital and Skill	38
Guzerat	48
Hill Districts	51
Indigo, and Indigo Planters, 3	54
Irrigation, 3. 4. 6	55
Khandeish	58
Land Revenue Settlement, and Tenure and Sale of Land, II. V. VI.	62
Parsees	103
Police, II. III.	104
Roads, II.	111
Ryots	112
Zemindars	139
Canals	19
Ganges Canal	46
Irrigation	55

	PAGE
Central Asia	19
Bhutan	16
Cashmere	19
Sikkum	116
Tibet	123
Ceylon	19
Children of European Soldiers	19
Climate	25
Degeneracy of Europeans	34
Dum Dum	35
Lawrence Asylums	70
Christianity	20
Missionaries	85
CIVIL SERVICE:	
1. *Generally as to the Qualifications of the Civil Servants*	21
2. *Whether conversant with the Native Languages*	21
3. *Examination before Appointment or Promotion*	22
4. *Number; Increase recommended*	23
5. *Inability of the Civil Servants to hold Land*	23
6. *System of Furlough*	23
7. *Practice as regards Uncovenanted Servants*	23
8. *Evidence in favour of an Abolition or Modification of the Covenanted System*	23
9. *Evidence opposed to the foregoing Proposition*	24
10. *Proposition for a mixed system of Competition and Nomination*	24
11. *Social distinction between the Civil Servants and the Settlers*	24
12. *Question as to the Civil Servants having opposed Settlement*	24
Administration of Justice (Mofussil), XI. 4	7
European Superintendence (Native Officials)	40
Haileybury	49
Judicial Service (European Judges)	57
Magistrates	77
Patronage	103
Public Appointments	107
Revenue Service	109
Salaries	113
Climate	5
Children of European Soldiers	19
Darjeeling (Bengal)	33
Degeneracy of Europeans	34
Hill Districts	51
Mortality	85
Mysore, 7	89
Neilgherry Hills (Madras), 9	93
Coffee	26
Mysore, 10	89
Neilgherry Hills (Madras), 2	93
Communication, Means of	26
Bridges	18
Canals	18
Cotton, I. 4; II.	28
East Indian Railway	35
Famines	41
Grand Trunk Road	48

Communication, Means of—continued. PAGE

Railways - 108
Rivers - 110
Roads - 110
Steam Communication - 116
Transit Duties - 124
Contract Law - 26
Coorg - 27
Coffee - 26
Mysore - 87

COTTON:

I. *As to Production generally:*

1. Natural Facilities for increasing the Produce, and improving the Quality 27
2. Importance of European Superintendence and Preparation - 28
3. Improvement by the use of the American Saw-gin - 28
4. Advantages from increased means of Irrigation and Transport - 28

II. *As to Production in particular Districts:*

1. Lower and Eastern Bengal - 28
2. Dharwar and Belgaum, &c. - 29
3. Guzerat - 29
4. Khandeish - 29
5. Mysore - 29
6. North-western Provinces - 29

Neilgherry Hills (Madras), 4 - 93
Spinning Factories - 116

CRIMINAL JURISDICTION (MOFUSSIL COURTS):

1. *Strong Objections to the contemplated "Black Act"* - 30
2. *Explanation on the part of the Law Commission* - 30
3. *Mode of introduction of the Act in the Legislative Council* - 31
4. *Views expressed in the Council by Sir Arthur Buller* - 31
5. *Proposed exemption of Government Officials* 31
6. *Present state of the Criminal Law in the Mofussil; Amendment required* - 31

Administration of Justice (Mofussil) - 1
Penal Code - 103
Currency - 32
Silver - 116
Darjeeling (Bengal) - 33
Dum Dum - 35
Degeneracy of Europeans - 34
Children of Europeans - 19
Climate - 25
Portuguese Settlers - 106

DISCOURAGEMENT OF SETTLEMENT:

I. *Government:*

1. Evidence as to discouragement by Government - 34
2. Evidence to a contrary purport - 34

II. *Civil Service:*

1. Evidence as to discouragement by the Civil Servants - 35
2. Evidence to a contrary purport - 35

Education of Natives - 35

ENAM COMMISSION (BOMBAY): PAGE

1. *Origin and Constitution of the Commission* 36
2. *Complaint as to the Practice in dealing with Claims* - 36
3. *Injustice and Impolicy involved in the Resumptions* - 36
4. *Slow progress of the Investigation* - 37
5. *Parliamentary Return, containing certain Particulars* - 37
6. *Tendency of the Resumptions to deter Settlement* - 37
7. *Popular feeling produced by the Commission* 37
8. *Contemplated extension of the Investigation to Guzerat* - 38
9. *Propriety of the Commission being revoked, and of there being a proper Appeal from its Decree* - 38
10. *Information generally relative to Enams in Bombay* - 38

EUROPEAN CAPITAL AND SKILL:

1. *Opening in India for Capitalists and Directors of Native Labour, but not for European Labourers* - 38
2. *Great importance of Capital and Skill as a means of developing the resources of the Country* - 39
3. *Benefits conferred, or to be conferred, upon the Natives by European Capital and Settlement* - 39

Administration of Justice - 1
Advances to Cultivators - 10
Assam - 11
Bellary District (Madras) - 15
Bengal - 15
Bombay - 17
British Rule - 18
Central Asia - 19
Ceylon - 19
Children of European Soldiers - 19
Civil Service, 11, 12 - 24
Climate - 25
Coffee - 26
Coimbatore - 26
Communication, Means of - 26
Cotton - 27
Degeneracy of Europeans - 34
Discouragement of Settlement - 34
Drought - 35
Enam Commission (Bombay), 6 - 37
Guzerat - 48
Hill Districts - 51
Indigo and Indigo Planters - 53
Interest on Loans - 54
Khandeish - 58
Labour - 59
Land Revenue Settlement, and Tenure and Sale of Land - 59
Legislative Restrictions - 70
Madras - 77
Manufactures - 78
Mercantile Operations - 85
Mysore - 87
Neilgherry Hills (Madras) - 92
North-Western Provinces - 95

EUROPEAN CAPITAL AND SKILL—continued. PAGE

Police - 104
Profitable Settlement - 107
Railways - 108
Redemption of Land Tax - 108
Resumption of Rent-free Tenures - 109
Ryots - 112
Sugar - 117
Tea - 118
Tenasserim - 119
Tibet - 123
Wheat - 133
Zemindars - 139

European Troops - 40
Children of European Soldiers - 19
Hill Districts - 51

Exports and Imports - 41
Coffee - 26
Cotton - 27
Jute - 58
Linseed - 71

Foreign Settlers - 41

GOVERNMENT:
1. *Approval of a Transfer of the Government to the Crown* - 46
2. *Objection to an Administration on the Colonial System* - 47
3. *Proposition for a largely increased Power in each Presidency* - 47
4. *Improvement if the Non-regulation System were adopted generally* - 47
5. *Action of the Government towards European Settlers* - 47
6. *Character, generally, of the Government of late years* - 47

Administration of Justice (Mofussil) - 1
Civil Service - 21
Dalhousie, Lord - 32
Enam Commission (Bombay) - 36
European Superintendence (Native Officials) - 38
Legislative Council - 70
Municipal Government - 87
Public Opinion - 107

Guzerat - 48
Broach - 18
Cotton, I. II. 3 - 27
Enam Commission (Bombay), 8 - 38
Irrigation, 3 - 55
Police, III. - 105

Hill Districts - 51
Children of European Soldiers - 19
Churrah Poonjee (Assam) - 21
Coilamulley Hills (Salem) - 26
Darjeeling (Bengal) - 33
European Troops - 38
Himalaya Mountains - 52
Mahableshur Hills (Deccan) - 78
Neilgherry Hills (Madras) - 92
Nynee Tal (North-West Provinces) - 95
Pulney Hills (Madras) - 107
Terais - 119

PAGE

Himalaya Mountains - 52
Copper - 26
Tea - 118

INDIGO AND INDIGO PLANTERS:
1. *Bengal* - 53
2. *North-Western Provinces* - 54
3. *Western India* - 54

Administration of Justice (Mofussil) - 1
Affrays, and Affray Bill (Bengal) - 10
Civil Service, 11, 12 - 24
Climate - 25
Contract Law - 26
Criminal Jurisdiction (Mofussil Courts) - 30
Foreign Settlers - 41
Furlong, Mr. - 46
Irrigation - 55
Magistrates, 2. 4 - 78
Police, I. - 104
Recognizances to keep the Peace - 108
Watson, J. and R. - 133

Interest on Loans - 54

Iron - 55

IRRIGATION:
1. *Mysore and Southern India* - 55
2. *North-Western Provinces* - 55
3. *Guzerat and Western India* - 55
4. *Generally as to the immense advantages to be derived from increased Irrigation* - 56
5. *Expediency of Private Enterprise, aided by Government* - 56
6. *Scheme for an Irrigation and Canal Company in Madras* - 56

Canals - 18
Cauvery River - 19
Coleroon Anicut (Madras) - 26
Cotton, I. 4, II. - 28
Godavery River - 46

JUDICIAL SERVICE (EUROPEAN JUDGES):
1. *Qualifications of the European Judicial Officers* - 57
2. *Objections to the Exclusiveness of the present system* - 57
3. *Whether desirable to separate the Judicial from the Revenue Service* - 57
4. *Consideration of Suggestions for improved Qualifications* - 57

Administration of Justice, XI. 4 - 7
Civil Service - 21
Magistrates - 77

Khandeish - 58

Labour - 59
European Capital and Skill - 38
Migration of Native Labourers - 85
Wages - 127

LAND REVENUE SETTLEMENT, AND TENURE AND SALE OF LAND:
I. *Bengal*:
1. Approval of the Principle of the Permanent Settlement or Zemindary System - 60

Land Revenue Settlement, &c.—continued. PAGE

I. *Bengal*—continued.

2. Disapproval of the permanent Settlement, as being a Spoliation of the Cultivators - - - - - 60
3. Insecurity of Under-tenures, and obstacle to European Settlement, through the system of Sales of Land for Arrears of Revenue - 60
4. Measures required for the Protection of Under-tenures - - - - 61
5. Mode of dealing with Land which reverts to Government - - - 61
6. Variety of Proprietary Rights in the Soil - - - - - - - 61
7. Amount of the Government Assessment - - - - - - - 61
8. Absence of Legislative Restrictions upon the Purchase of Land - - 62

II. *Bombay*:

1. Character of the Settlement under Mr. Elphinstone's Administration - 62
2. Originators of the present Settlement 62
3. Progress of the new Settlement - 62
4. Rules for the administration of the new System - - - - - 62
5. Liability to re-assessment after Thirty Years; effect thereof - - - 62
6. Separate Assessment upon each Field 62
7. Careful Practice in carrying out the System - - - - 62
8. Amount of the Assessment - - - 63
9. Improvement upon the Ryotwarree System - - - - - - 63
10. Effect as regards existing Rights - 63
11. Advantage of the Facilities for the Sale or Letting of separate Fields - 63
12. Favourable effect upon the condition of the Ryots - - - - - 63

III. *Madras* - - - - - - - - 63

IV. *North-Western Provinces* - - - - 64

V. *Sale Law Improvement Bill, and Under-tenures generally*:

1. Evidence relative to the Object of Mr. Grant's Bill, and its non-adoption
2. Explanation by Mr. Grant in introducing the Bill - - - - - 64
3. Copy of the Bill - - - - - 65
4. Petition and Report by the Indigo Planters' Association - - - 65
5. Petition of Protestant Missionaries - 65
6. Correspondence representing the Views of the Government of Bengal - 65
7. Correspondence on the part of the Board of Revenue, Lower Provinces; Views of the Members of the Board 65
8. Minute representing the Views of Mr. Halliday - - - - - 65
9. Views of the Lieutenant-Governor and Sudder Board of Revenue, North-Western Provinces - - - - 65
10. Proposition by Captain H. W. Craufurd on the subject of Government Sales - - - - - - - 66
11. Petitions of Rajah Lutt Shurn Ghosaul 66
12. Petition of Zemindars in Tirhoot - 66
13. Petition of Zemindars of Zillah Twenty-four Pergunnahs - - 66

Land Revenue Settlement, &c.—continued. PAGE

V. *Sale Law Improvement Bill, &c.*—continued.

14. Letters expressing the Views of various Revenue Officers in Bengal - 66
15. Minute by Mr. Raikes, Judge of the Sudder Dewanny Adawlut at Calcutta - - - - - - - - 67
16. Letter from Mr. Currie, Member of the Legislative Council - - 67
17. Particulars relative to the Under-tenures in Bengal, and the Effect upon them of Sales for Arrears of Revenue - - - - - - 67

VI. *Generally as to the want of a better Title to Land, and of a Power to acquire Land in Fee* - - - - - - - 67

Administration of Justice (Mofussil) - - - 1
Building Sites (Calcutta) - - - - - 18
Civil Service, 5 - - - - - - - 23
Date Plantations - - - - - - - 34
Enam Commission (Bombay) - - - - 36
Indapoor District - - - - - - - 53
Legislative Restrictions (European Settlement) - 70
Mysore, 5 - - - - - - - - - 89
Neilgherry Hills (Madras), 10 - - - - 94
Oude - - - - - - - - - 103
Rammohun Roy - - - - - - - 108
Redemption of Land-tax - - - - - 108
Resumption of Rent-free Tenures - - - 109
Survey - - - - - - - - - 118

Legislative Council - - - - - - - - 70
Legislative Restrictions (European Settlement) - - 70
Madras (Presidency) - - - - - - - 71
Administration of Justice (Mofussil) - - - 1
Bellary District - - - - - - - 15
Coimbatore - - - - - - - - 26
Coolie Emigration - - - - - - - 27
Coorg - - - - - - - - - 27
Cotton - - - - - - - - - 27
European Capital and Skill - - - - 38
Forests - - - - - - - - - 41
Harbours - - - - - - - - 49
Hill Districts - - - - - - - - 51
Iron - - - - - - - - - 55
Irrigation, 1. 4. 6 - - - - - - - 55
Land Revenue Settlement, and Tenure and Sale of Land, III. VI. - - - - - - - 63
Mysore - - - - - - - - - 87
Neilgherry Hills - - - - - - - 92
Police, IV. - - - - - - - - - 105
Pulney Hills - - - - - - - - 107
Roads, III. - - - - - - - - - 111
Ryots - - - - - - - - - - 112
Travancore - - - - - - - - 124

Magistrates:

1. *Qualifications of the Covenanted Magistrates* 77
2. *Honorary Magistrates* - - - - - 78
3. *Native Magistrates* - - - - - 78
4. *Suggestions for improving the Magistracy* 78

Administration of Justice (Mofussil) - - - 1
Civil Service - - - - - - - - 21
Judicial Service (European Judges) - - - 57
Manufactures - - - - - - - - - 78

PAGE

Minerals - 85
Coal - 25
Copper - 27
Gold - 46
Iron - 55
Mysore, 9 - 89
Tin - 124

Missionaries - 85
Christianity - 20

Mysore:
1. *Size and Population* - 87
2. *Great and growing Prosperity under British Government* - 87
3. *Obstacle to Settlement through fear of Native Government* - 88
4. *Encouragement now given to European Settlers* - 88
5. *Tenure of Land* - 88
6. *Administration of Justice* - 88
7. *Climate* - 89
8. *Pre-eminent Claim of the Country upon the Settler* - 89
9. *Numerous Agricultural and other Resources* 89
10. *Coffee* - 89
11. *Sugar* - 90
12. *Extent of European Settlement and Population* - 10

Iron - 55
Irrigation, 1. 4. 6 - 55
Police, V. - 104

Native Character - 90
Administration of Justice (Mofussil) - 1
Education of Natives - 35
Native Officials - 91
Police - 104

Native Officials:
1. *Improper Care in the Selection of Native Servants* - 91
2. *Unfitness generally of the Natives for Public Employment* - 91
3. *Recommended substitution largely of Europeans for Natives* - 91
4. *Recommended Increase, rather than Decrease, of Native Employment* - 92

Administration of Justice (Mofussil) - 1
Education of Natives - 35
European Superintendence (Native Officials) - 38
Magistrates, 3 - 78
Police - 104
Salaries - 113

Neilgherry Hills (Madras):
1. *Generally as to the Facilities for Settlement* - 93
2. *Beer* - 93
3. *Coffee* - 93
4. *Cotton* - 93
5. *Fuel* - 93
6. *Hops* - 93
7. *Tea* - 93
8. *Timber* - 93
9. *Particulars as to the Climate* - 93

Neilgherry Hills (Madras)—continued.
10. *Tenure of Land* - 94
11. *Want of Railway and Road Communication* - 94
12. *Progress of Settlement* - 94
13. *Schools* - 94
14. *Advantages as a Military Station or Depôt* - 94
15. *Advantages as the Seat of the Madras Government* - 94
16. *Details in Statistical Memoir by Captain Ouchterlony* - 94

Gold - 46

North Western Provinces - 95
Administration of Justice (Mofussil) - 1
Civil Service, 7 - 23
Climate - 25
Cotton, II. 6 - 29
European Capital and Skill - 38
Hill Districts - 51
Indigo and Indigo Planters, 2 - 54
Irrigation, 2. 4. 6 - 55
Land Revenue Settlement, and Tenure and Sale of Land, IV. VI. - 64
Police, VI. - 105
Roads, IV. - 112
Ryots - 112
Sugar - 117
Tea - 118
Wheat - 133

Penal Code - 103
Criminal Jurisdiction (Mofussil Courts) - 30

Permanent Settlement of Europeans - 103
Climate - 25
European Capital and Skill - 38

Police:
I. *Bengal*:
1. Corruptness and Inefficiency of the Native Police - 104
2. Low Class from which the Police are selected - 104
3. Effect of increasing the Pay of the Darogahs - 104
4. Question as to the Employment of Native Christians - 105
5. Absence of proper steps for an improved Police - 105
6. Other Evidence generally - 105

II. *Bombay* - 105
III. *Guzerat* - 105
IV. *Madras* - 105
V. *Mysore* - 105
VI. *North Western Provinces* - 105
VII. *Advantages to be derived generally from European Superintendence and Military Organisation* - 106

Administration of Justice (Mofussil) - 1

Press, The - 106

Profitable Settlement - 107
Foreign Settlers - 41

PAGE

Railways - - - - - - - - - 108
East India Railway - - - - - - - 35
Fuel - - - - - - - - - - 46
Hill Districts - - - - - - - - 51
Madras Railway - - - - - - - 77
Redemption of Land Tax - - - - - - - 108
Land Revenue Settlement, and Tenure and Sale of Land, VI. - - - - - - - 67
Ryots - - - - - - - - - 112
Resumption of Rent—Free Tenures - - - - - 109
Enam Commission (Bombay) - - - - - 36
Revenue Service - - - - - - - - 109
Civil Service - - - - - - - - 21
Judicial Service (European Judges), 3 - - - 57
Magistrates - - - - - - - - 77

Roads:

I. *Bengal:*
1. Number and Character of the Roads 110
2. Action of Government in the matter 110
3. Mode of Construction and Maintenance - - - - - - - - 111
II. *Bombay* - - - - - - - - 111
III. *Madras* - - - - - - - - - 111
IV. *North Western Provinces* - - - - 112
V. *Character of the Roads of India under Heathen Dynasties* - - - - - 112
Grand Trunk Road - - - - - - - 48

PAGE

Ryots - - - - - - - - - - 112
Administration of Justice (Mofussil) - - - - 1
Advances to Cultivators - - - - - - 10
Enam Commission (Bombay) - - - - - 36
European Capital and Skill - - - - - 38
Land Revenue Settlement, and Tenure and Sale of Land - - - - - - - - 59
Native Character - - - - - - - 90
Police - - - - - - - - - 104
Zemindars - - - - - - - - 139
Sugar - - - - - - - - - - 117
Mysore, 11 - - - - - - - - 90
Supreme Court - - - - - - - - 117
Survey - - - - - - - - - - 118
Tea - - - - - - - - - - 118
Neilgherry Hills (Madras) 7 - - - - - 92
Tibet - - - - - - - - - - 123
Central Asia - - - - - - - - 19
Tea - - - - - - - - - - 118
Wheat - - - - - - - - - - 133
Zemindars - - - - - - - - - 139
Administration of Justice (Mofussil) - - - 1
Advances to Cultivators - - - - - - 10
Affrays, and Affray Bill (Bengal) - - - - 10
Land Revenue Settlement, and Tenure and Sale of Land - - - - - - - - - 59
Ryots - - - - - - - - - 112

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; and those following *App.* (*Fourth Rep.*) *p.* to the paging of the Appendix.]

A.

ADMINISTRATION OF JUSTICE (*MOFUSSIL*):

I. *Complaints of Mal-administration in Bengal.*
II. *Bombay.*
III. *Madras.*
IV. *North-Western Provinces.*
V. *Language of the Courts:*
1. Different Languages hitherto used.
2. Proposed use of the English Language.
3. Objections to the foregoing Proposition.
VI. *Judges:*
1. Qualifications of the Native Judges.
2. Recommended Employment generally of Europeans.
3. Preference of the Natives for European Judges.
4. Disapproval of the Non-employment of Natives
VII. *Law Officer, or Assessor.*
VIII. *Omlah, or Native Subordinates.*
IX. *Juries.*
X. *Witnesses.*
XI. *Generally as to the Law and Procedure:*
1. Law which now prevails in the Mofussil.
2. Importance of a proper substantive Law.
3. Liability of Government to be sued in the Courts.
4. Exemption of Judicial Officers from Legal Liability.
5. Question as to an extension of the Jurisdiction of the Supreme Courts.
6. Appeals: Grievances on this score.
7. Improvements to be derived from simplifying the Procedure.
8. Simple and summary Procedure recommended by the Law Commission.
9. Petitions representing the Views of Indigo Planters, &c. in Bengal.
XII. *Effect of the Mode of Administration upon the progress of Settlement.*

I. *Complaints of Mal-administration in Bengal:*

In Bengal great complaints have been made by Europeans against the administration of justice, *Tremenheere* 381. 456–459.

Witness has acted since 1854 as agent for an association of planters and merchants in the Mofussil, established for the purpose of securing referees in the local administration of justice, *Theobald* 850–852——Objections of the planters, &c. to being tried by the inefficient and prejudiced native courts, *ib.* 957. 1039–1044——Trial by the sessions judges is not satisfactory to the planters, *ib.* 1042–1044——The planters, &c. should be tried in their own language by a jury and a competent professional judge, *ib.* 1043–1046——The natives as well as the Europeans suffer under the grievances complained of by witness, *ib.* 1169, 1170. 1177——No remedy has yet been applied in the reform of the grievances, the existence of which has been admitted by Mr. Halliday and Mr. Grant, *ib.* 1171–1175——The insecurity of property through the inefficiency of the police and the magistracy goes to a great and grievous extent, *ib.* 1178, 1179.

Witness has generally managed to get redress in cases of attempted injury to him, but it has often been at considerable trouble, expense, and demoralization, *Freeman* 1482——Statement as to the greatly enhanced rate of interest which planters are obliged to pay for loans of money for Mofussil purposes, *ib.* 1515. 1714–1719, 1820–1823——General con-

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (*MOFUSSIL*)—continued.

I. *Complaints of Mal-administration in Bengal*—continued.

currence by witness in the evidence of Mr. Theobald as to the inefficiency of the administration of justice up to a certain period, *Freeman* 1553-1557——Great pecuniary losses to the indigo planters when, through false charges brought against them, their business operations are necessarily suspended, *ib.* 1565, 1566——In all important cases Europeans should have full opportunity to employ English advocates, *ib.* 1728——The mal-administration of justice in the Mofussil has been a matter of common notoriety ever since witness went to India thirty-three years ago; it is the permanent state of things, *ib.* 1765-1767. 1773.

Witness fully concurs in the evidence of Mr. Freeman relative to the inefficient state of the law, the police, and the magistracy, *Mac Nair* 1968-1972——The administration of justice in the Mofussil is altogether a lottery, the best chances of which are with the criminal, and yet nothing is being done to remedy the state of things, *ib.* 2002——Corrupt system of taking evidence in the Mofussil courts, *ib.* 2002. 2131, 2132——More bribery is necessary in the courts of the native judges than of the English judges, *ib.* 2401-2403——Witness confirms the views of Mr. Theobald and Mr. Freeman, and his opinions are those of the settlers generally, *ib.* 2424, 2425. 2441, 2442. 2489, 2490——More costly and ruinous result of proceedings in the Mofussil courts than in the Supreme Court, *ib.* 2554-2560.

Under the present system neither person nor property is secure, *Wise* 2645-2647——Witness has suffered in several ways through the present state and administration of the laws, *ib.* 2654-2656——Want of supervision over the native courts, *ib.* 2968-2970——Concurrence generally in the evidence of Messrs. Freeman, Mac Nair, and Wise, in regard to the state of the law, police, and magistracy, *Dalrymple* 3188-3190——The magistrates often detain people in prison unlawfully, and witnesses are constantly detained in a very improper manner, *ib.* 3508-3519.

Outline of the main defects of the criminal courts throughout Bengal, *Mackenzie* 3587——Expensiveness of suits in the criminal courts, *ib.* 3587. 3591——Useless forms required, *ib.* 3587——Justice is not expected in the criminal courts, and is not obtained; in fact, of those convicted of minor offences from one-third to half are innocent, whilst in heinous cases it is difficult to get a conviction, *ib.* 3588-3590. 3596-3601——The expense and delay are much greater in the civil courts than in the criminal courts; numerous sources of such delay and expense, *ib.* 3615-3623.

The great majority of the small actions in the civil courts are false or extortionate; they are mainly actions by the money lenders and zemindars against the ryots, *Mackenzie* 3642-3636. 3885-3888——A number of practical reforms are required in the administration of justice, which witness considers to have been worse in 1850 than when he went to India in 1838, *ib.* 3937-3940——Improvement in the condition of the people and in the Government revenue would be the combined result of an improved administration, *ib.* 4023-4026.

Prejudicial effect of the law in the Mofussil not only upon the interest of the planters, but generally, *Baillie* 4811-4813——Wretchedly inefficient, oppressive, and corrupt character of the departments of administration, *Waller* 4840, 4841——Full concurrence in the evidence of other witnesses as to the wretchedly corrupt state of the Company's courts, *ib.*——Admission by numbers of gentlemen in the civil service that the attempt to dispense justice is a total failure, *ib.* 4873——Expediency of all Christians as well as of European settlers being subject to the jurisdiction only of European or Christian judges, *ib.* 4976, 4977. 5029, 5030. 5056-5059. 5074-5077.

In witness's experience life and property were safe in the Mofussil, *Mills* 8772, 8773——Opportunities of the judge for arriving at a just decision from the nature of the native evidence; this is frequently of a circumstantial character, *ib.* 9079-9085——Europeans and their property have been perfectly secure from open violence in Bengal, *Bidwell* 9260——Belief that in civil cases Europeans are dealt with impartially by the native judges, *Marsham* 9429, 9430——Peculiarly disorganised and demoralised state of the lower parts of Bengal, *ib.* 9440-9442. 9595-9597.

II. *Bombay:*

Excellence of the Elphinstone code as first laid down for the administration of the Mofussil territories in Bombay; it has since been encumbered with a number of supplementary regulations which have destroyed its simplicity and deformed its beauty, *Warden* 6052-6056——There is every desire in Western India to administer justice properly, but the judicial system is defective, *ib.* 6087-6095. 6111-6118. 6194——Undue amount of the costs in small cases, as ascertained by witness on a circuit as Judicial Commissioner from Bombay, *ib.* 6097-6099.

As regards the administration of justice in the Mofussil, witness believes that the native courts are scandalously corrupt, and are calculated to shield rogues and thieves, rather than to secure justice, *Landon* 8383 *et seq.*——Belief that all the officials in the native courts are open to bribery, *ib.* 8399——In criminal as well as in civil cases the native

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (*MOFUSSIL*)—continued.

II. *Bombay*—continued.

native courts are most corrupt, and the entire system is such that gross injustice is committed and grievous crimes are unpunished, *ib.* 8422-8434——Bribery is equally rife among the officials of the criminal and of the civil courts, *Landon* 8431-8434——Attempts have been made to bribe European judges, *ib.* 8436——Attempt on one occasion to bribe witness as a witness in a case of adoption, *ib.* 8437——Illustration of incompetency on the part of a native magistrate, *ib.* 8580-8585.

III. *Madras:*

The defects in the administration of justice in Madras are attributable to the system, *Ouchterlony* 5511——Persons and property are perfectly secure in Mysore; witness never heard any complaints of insecurity in Madras, *Onslow* 6731-6733.

IV. *North Western Provinces:*

Badness to the last degree of the native courts in the North West Provinces, *Saunders* 9875-9880. 10052-10055——Witness has had great injustice done him by the native judges, but has always had it remedied by an appeal to a court presided over by a European, *ib.* 10055——Increased litigation through the system of native judges, *ib.* 10221-10223.

V. *Language of the Courts:*

1. Different Languages hitherto used:

Particulars as to the languages now used in the Mofussil courts in Bengal; the official language is the Persian, *Freeman* 1732, 1733. 1781-1783——The Persian language was till about ten years ago the language of the courts of Lower Bengal, and Hindoo is now chiefly used, although Bengalee is the vernacular in the provinces, *Wise* 2988-3005——The European judges in Lower Bengal administer justice entirely in the Bengalee language, *Mackenzie* 3845-3851.

Means by which the Persian language when used in the courts was rendered intelligible to the suitors, *Hawkins* 4148——The Hindee language is not used in the courts of Lower Bengal, *ib.* 4149——The language of the courts is Bengalee and not Hindoostanee, but the latter is the *lingua franca* of India, *ib.* 4150, 4151——Further statement that the language of record in the Mofussil courts is Bengalee, although the civil proceedings are generally in Hindoostanee, *ib.* 4406-4416——In Bedar and the North-western Provinces of Bengal Proper, the Hindee and not the Bengalee is the language of the courts, *ib.* 4477-4479.

Several different languages which obtain throughout Madras; Hindostanee is not generally spoken, *Onslow* 6873-6876——The language in the courts in Bengal is, to a great extent, Hindostanee, which is not intelligible to the great mass of the Bengalees, *Mullens* 7268-7272——Use formerly of Persian as the language of the courts in Bengal, *W. H. Martin* 9163. 9233. 9237——The Bengalee is used in Bengal, and the Hindostanee in Hindostan, the plaintiff and defendant being nearly always familiar with the language used, *ib.* 9230-9241——On the abolition of the Persian language in the courts in the North-West Provinces, a mixed language was used which was not intelligible to the bulk of the natives, *Saunders* 10076. 10220.

2. Proposed use of the English Language:

The introduction of the English language into the courts is in every way desirable, and would be a most beneficial reform; arguments in support of this proposition, *Theobald* 1018; *Freeman* 1509. 1563; *Mac Nair* 2056-2058; *Wise* 2658, 2659. 2898-2904. 2937-2939. 2988-3041; *Dalrymple* 3545-3547; *Waller* 4852-4868. 4880; *Ouchterlony* 5551; *Warden* 6082-6086; *Mullens* 7277.

Way in which efficient interpreters might be provided in the event of the use of the English language in the mofussil courts, *Freeman* 1624-1629; *Mac Nair* 2362-2367; *Wise* 2905, 2906. 3010-3024. 3115-3117; *Ouchterlony* 5522.

The introduction of the English language in the courts would cut at the root of the present corruption and do away with the native omlah, *Freeman* 1634-1636——Further evidence strongly in favour of introducing the English language into the courts of justice; it would give satisfaction to the natives, and would benefit them in a greater degree than the Europeans, *ib.* 1726. 1731-1735——Natives would readily qualify themselves in the English language, *Mac Nair* 2056. 2063; *Wise* 3035-3041. 3066——The use of the English language would be a great benefit to the natives, who would learn it more quickly than the civil servants learn the native language, *Mac Nair* 2310-2316.

Better justice for all under the proposed English courts, *Wise* 2937——The natives would soon appreciate the improved administration of justice, *ib.* 2937-2939——Advantages for purposes of appeal, of the evidence being all recorded by the judge in the English language, *ib.* 3026-3029. 3066-3068——A knowledge of the native language for colloquial purposes would be sufficient, if the English language be used, *Waller* 4871.

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (*MOFUSSIL*)—continued.

V. *Language of the Courts*—continued.

2. Proposed use of the English Language—*continued.*

Gradual way in which the English language should be introduced into the courts, *Waller* 5115-5133; *Warden* 6083. 6086. 7552. 7560——Impression that Mr. Hawkins does not object to the introduction of the English language, provided that it be done gradually, *Waller* 5120——Three years' notice might be given before introduction, *ib.* 5121——It might first be tried in some one district, *ib.*

Expediency, if the English language be used, of the judges being still acquainted with the native languages, *Ouchterlony* 5557, 5558; *Warden* 6083. 6087. 6091; *Mullens* 7326-7328——Aptness of the natives in learning foreign languages, *Warden* 6083. 6262——If the English language be used in the courts, any attempt at deception on the part of the interpreters would be detected by the pleaders on either side, *ib.* 6104-6109——Circumstance of the use of the English language in the Supreme Court at Bombay not being distasteful to the natives, *ib.* 6119-6122——The interpreters, if the English language be introduced into the Zillah courts, will not be more costly than the present staff of the judges, *ib.* 6125.

A large number of European officers would be required in order to carry out the use of the English language, *Mullens* 7277. 7288, 7289——Satisfaction rather than dissatisfaction on the part of the natives if the English language be introduced, *ib.* 7278-7290——Further statement as to the interpreters, &c. necessary if the English language be used; necessity of the continued employment of some natives, *Warden* 7552. 7560.

3. *Objections to the foregoing Proposition:*

Witness prefers the use of the vernacular in the courts of law, *Tremenheere* 363——Evidence strongly opposed to the introduction of the English language into the courts; the natives would not feel confidence in its use, and would labour under a feeling that injustice was being done to them, *Mackenzie* 3818-3831. 3845. 3866. 3919-3921; *Hawkins* 4145, 4146. 4148. 4262-4268. 4293. 4338-4341. 4391-4393. 4414, *et seq.* 4487-4503——The confidence felt in the administration of justice in the Supreme Court and the Small Cause Court at Calcutta does not offer any parallel to the proposed use of the English language in the Mofussil courts, *Mackenzie* 3852-3866.

Even if there were the most honest interpreters in the world the natives would not be satisfied that justice was being done, *Hawkins* 4293; *Martin* 9173. 9243-9245——Greater means of the Bengalese for understanding proceedings in Hindoostanee than in English, *Hawkins* 4414-4424——As regards the use of the English language it is not correct to argue from the Presidency towns to the Mofussil, *ib.* 4433. 4441. 4452——Doubt whether the majority of the natives in Calcutta prefer the use of the English language in the Supreme Court, *ib.* 4453——Witness does not object to the gradual introduction of the English language among the people by means of extended education; and the time may come when its introduction into the courts may be advisable, *ib.* 4490-4497. 4501.

Objections to the English language being the language of record in the Zillah courts, or in the Sudder Dewanny Adawlut, *Baillie* 4522-4524. 4618-4622——The use of the English language should be confined to the examination of Englishmen who may be parties to any suit, *ib.* 4523. 4564-4566. 4614-4620——The natives would not feel confidence in the use of the English language, *ib.* 4524——Probable advantage if native evidence were taken down by the judge in English as a record of the case, *ib.* 4662——Requirement of a larger rather than a smaller staff under a system of interpreters in lieu of omlahs, *ib.* 4663-4666——Probable feeling of the natives in the event of the English language being substituted for the Hindostanee as the spoken language of the courts, *ib.* 4814-4821.

In all cases where natives are concerned it is very inexpedient to introduce the English language into the courts, *Onslow* 6573, 6574. 6596, 6597——As regards the introduction of the English language into the courts generally witness considers the proposition impracticable and absurd, *ib.* 6897-6899——The use of the English language and of English barristers as judges, with English modes of procedure, would be the very worst thing that could be introduced into the Broach district, *Landon* 8703-8705.

Grounds for strongly objecting to the introduction of the English language into the Mofussil courts, *Mills* 8872, 8873. 9009-9017; *Bidwell* 9348-9365. 9382——It would be a most dangerous innovation, *Mills* 8872——Alarm and dissatisfaction among the natives if the English language be introduced, *ib.* 8873——Occasional inaccuracies of the interpreters in the Supreme Court at Calcutta, *Bidwell* 9349-9351. 9379, 9380——Necessity of the judges understanding the native language even if the English language be introduced, *ib.* 9381, 9382.

Grounds for strenuously objecting to the introduction of the English language into the Mofussil courts; opinion that it would be very unpopular among the people, would not lead to any improvement in the administration of justice, and would, in fact, be one of the greatest misfortunes that could happen to the country, *Marsham* 9445-9449. 9693-9703. 9782-9784——Reference to the abolition of the Persian language in the courts

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (MOFUSSIL)—continued.

V. *Language of the Courts*—continued.

3. Objections to the foregoing Proposition—*continued.*

courts as having been considered a great boon by the people, who were entirely unacquainted with it, *Marsham* 9446-9448——Confidence of the people in the native language as now used in the courts, *ib.* 9700-9702——The language now used in the courts in Bengal is understood by the people, *ib.* 9784——As a matter of policy the use of the native language in the courts should be retained, *Saunders* 9890.

VI. *Judges:*

1. Qualifications of the Native Judges:

Unfitness of many of the native judges to administer justice to the natives, *Tremenheere* 341. 364. 382 *et seq.*; *Theobald* 1285——Natives should not preside in the criminal courts at all; they are not fitted for the position either by moral character or legal training, *Mac Nair* 2482-2488——Low morality in many instances of the native judges; instance of this in the dismissal of a sudder ameen for bribery, *Wise* 3042. 3150-3154.

More partial and prejudiced action of Mahomedans than of Hindoos as judges, *Mackenzie* 3767-3770——The native sudder ameens and moonsiffs are, as lawyers, competent, but are open to corruption, *ib.* 3808——The native judges in Bombay are entirely unfit for the impartial administration of justice, *Landon* 8447, 8448——Corrupt character of the native judges in the North-Western Provinces, *Saunders* 9876. 10052-10056.

Witness's limited experience of the Mofussil courts in Bengal does not enable him to confirm the statements which have been made as to the inefficiency of the judges and magistrates, *Baillie* 4580-4584——The native judges have on the whole turned out very well, *Warden* 6195. 6265——The character of the native judges has improved of late years, owing to their increased pay, education and supervision, *Mills* 8837-8839. 9001-9005. 9064-9072——Experience upon which witness grounds the opinion that the native judges on the whole perform their work well, *ib.* 8903——The character of the native judges in Bengal varied very considerably, but on the whole witness was not satisfied with them, *W. H. Martin* 9142, 9143.

Very great improvement of late years in the character of the native judges, owing very much to their better education; they are now very trustworthy, but about thirty years ago they were very corrupt, *Bidwell* 9283, 9284. 9289-9293. 9328-9334. 9342, 9343. 9371-9373——Opinion that the native judges in India are as good as any judges in the world out of England, *ib.* 9290——Less efficiency of native magistrates than of native judges, *ib.* 9294, 9295. 9312, 9313. 9377, 9378——Propriety of Europeans being subject to the civil courts in the mofussil, *ib.* 9344-9347.

Dissent from the evidence that the native judges are universally corrupt, *Marsham* 9405——Since 1831, when the native judges were exceedingly deficient in all judicial qualifications, Government has done everything in its power to improve the body, and with considerable success, *ib.* 9405-9408. 9417-9419——Necessity of an examination before the promotion of moonsiffs to the offices of sudder ameen, and principal sudder ameen, *ib.* 9405——Higher and better educated class of society from which the native judges are now selected than on the introduction of the system, *ib.* 9419.

2. Recommended Employment generally of Europeans:

Importance, on the score of improved administration, of substituting Europeans, educated in India, for the native officials now employed as sudder ameens, moonsiffs, &c., *Tremenheere* 341. 364, 365. 382-386. 401-403. 425-443. 472-478. 487, 488——Witness would only employ Europeans until the natives proved themselves properly qualified, *ib.* 474-477——Expediency of an additional number of European judges, *Freeman* 1633.

Sundry advantages to be derived from a substitution of English for native judges in all the Mofussil courts, *Mac Nair* 2406-2411. 2482-2488. 2528. 2617-2619; *Landon* 8415 *et seq.*; *Saunders* 9889. 10056——For salaries of 3,000 *l.* a year well-trained English judges might be procured, *Wise* 3033, 3034. 3077——Sufficiency of the salaries in order to induce competent men to go out from this country, *Mackenzie* 3809-3811; *Waller* 4870. 4875——Natives should be judges only in civil cases, with an appeal to an European judge, *Mackenzie* 3832-3835.

Trustworthy interpreters might be obtained under European judges, but the latter would not generally require interpreters, *Landon* 8416-8421——Exoneration of the European judges from the charge of bribery, *ib.* 8435, 8436——Opportunity by departing from the exclusiveness of the covenanted service, and by employing Europeans in India or from England, of obtaining an adequate number of well-qualified Europeans for presiding over all the courts, *Saunders* 9889. 10059-10063. 10110, 10111.

3. Preference of the Natives for European Judges:

The natives have more confidence in the decision of European than of native judges, *Mac Nair* 2397-2400; *Wingate* 7861; *Landon* 8449-8452. 8588-8591; *Mills* 9006.

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (*MOFUSSIL*)—continued.

VI. *Judges*—continued.

3. Preference of the Natives for European Judges—*continued.*

9073; *W. H. Martin* 9242; *Bidwell* 9284. 9309. 9343. 9346, 9347——Satisfaction to be felt by the natives with the extended employment of competent European judges, *Freeman* 1784——Request in a statement by certain ryots in Bengal that justice be administered to them by Europeans, *Mullens* 7159——The natives have a very high opinion of the integrity of the European judges, *Marsham* 9450.

4. Disapproval of the Non-employment of Natives:

Approval of the retention of the native civil judges, *Dalrymple* 3312-3318——Doubt whether greater efficiency would be attained by the appointment of well-educated young Englishmen to the situations of sudder ameens and moonsiffs, *Baillie* 4589——Native judges must be trusted under a system empowering them to call the parties before them, *ib.* 4772-4774——Approval of the appointment of natives as judges; they should, however, have more education and higher salaries, *Warden* 6265-6270.

Objection to substituting barristers from this country for natives in the offices of sudder ameen and moonsiff, *Wingate* 7862-7865——Approval of the employment of natives as sudder ameens, &c., as the only means of fitting them for office, *Mills* 8840-8846——Properly qualified Europeans cannot be procured at the pay of the native judges, *Bidwell* 9285. 9288. 9314; *Marsham* 9560, 9561——Approval of the present system of employing European judges as supervisors of the native judges, and of training and improving the latter by actual employment under such supervision, *Marsham* 9411-9424.

VII. *Law Officer, or Assessor:*

Practice in regard to the Mahomedan law officer whom the English judge may call in to act with him as assessor; the judge is not dependent upon the assessor in arriving at a decision, *Mills* 9041-9060.

VIII. *Omlah, or Native Subordinates:*

Corrupt character of the omlah; the European magistrates are to a great extent in their hands, *Theobald* 949, 950. 1040-1042. 1105, 1106——Evidence relative to the omlah, or native officers attached to the courts; their duties and their corrupt character, *Auld* 1345-1348. 1359-1372. 1396-1419——Instances of planters having many decrees remaining unexecuted; corrupt character of the omlah on this score, *ib.* 1403-1414——The corrupt state of the omlah is a main cause of the insecurity of property, *Freeman* 1477, 1478——Evils of the present system of interpreters in there not being a proper check upon them; how this may be remedied by a proper system of advocates, *ib.* 1737-1744.

Very corrupt character of the native omlah, *Mac Nair* 2000, 2004, 2005. 2484; *Wise* 2643; *Saunders* 9876——Check upon the mal-practices of the omlah when the judges are efficient, *Wise* 3025. 3030. 3115-3117——The native omlah would still be required under a system comprising the English language and efficient interpreters, but their bribery would be duly checked, *ib.* 3115-3117. 3158, 3159——Influence of the sheristadars over the European judges; belief that the British officers generally are more or less influenced by their native subordinates, *Warden* 6110-6113. 6272-6274——Reference to Mr. Elphinstone's delineation of the character of the Hindoos as illustrating the injurious operation of the system of omlah under the Company's courts, *ib.* 7511-7513.

Influence of the native omlah equally in the case of judges appointed from this country as of judges appointed from the service in India, *Mills* 9010-9012——In the Supreme Court the judges are not influenced by the omlah in the same way as in the Company's courts, *ib.* 9013-9017——Witness was never dependent on his omlah, *W. H. Martin* 9246——The judge or magistrate is not, as a rule, under the influence of his omlah; the reverse is the rule, *Bidwell* 9270. 9300-9302.

IX. *Juries:*

Inefficiency of the native juries in the mofussil, but not in the presidency towns, *Baillie* 4781-4785——Practice as regards juries in the trial of criminal cases in the Mofussil; the system might with advantage be extended, *Mills* 9033, 9034. 9061, 9062.

X. *Witnesses:*

Respectable natives never give evidence willingly, *Dalrymple* 3517; *Mackenzie* 3592——Unreliable nature of the native evidence in the criminal courts; it is, as a rule, hired and false, *Mackenzie* 3587. 3592——Reference to the antipathy of respectable natives to appear in court as witnesses; probable cause, *Baillie* 4797. 4799, 4800. 4828, 4829; *Landon* 8422-8430——Means suggested by the Law Commission for obviating the difficulty, as regards the personal attendance of witnesses, *Baillie* 4798.

XI. *Generally*

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (MOFUSSIL)—continued.

XI. *Generally as to the Law and Procedure:*

1. Law which now prevails in the Mofussil:

In the event of a Hindoo sueing a Mahomedan, or *vice versâ*, the law of the defendant prevails, both in Calcutta and the mofussil, *Hawkins* 4162-4164——Numerous modifications of the Mahomedan law, as now administered, *ib.* 4297-4299——Rule in the English law as to the law to be introduced into the colonies, *Baillie* 4668-4674——In the absence of specific law and usage the judge in India is to determine by justice, equity, and good conscience, *ib.* 4681-4686.

2. Importance of a proper Substantive Law:

It is exceedingly important to enact a Mofussil substantive civil law; steps taken by the several Law Commissioners with a view to supplying this want, *Hawkins* 4166-4179——Great importance of a proper substantive law in the Mofussil, *Baillie* 4529-4533. 4599——Objection to comprising the Presidency towns in a substantive law for the Mofussil, *ib.* 4599——Doubt as to the expediency of applying the English law in all cases of controversy between man and man, in which the law of the country or usage cannot be taken as a guide; advantage, however, of specific rules rather than of the present uncertainty, *ib.* 4687-4705——The body of English law should be introduced, with such modifications as are necessary to suit the religious habits and social condition of the natives, *Waller* 4898——Further evidence as to the importance of introducing the substance of the English law all over India; equity must not, however, be separate from law, as in this country, *ib.* 5061, 5062. 5192-5198.

3. Liability of Government to be sued in the Courts:

Doubt as to Government being liable to be sued in the Mofussil courts, *Mac Nair* 2532, 2533——Civil cases are often brought successfully against Government, *Mackenzie* 3896, 3897——Footing of perfect equality upon which the Government of India have placed themselves with the natives in the courts of law, *Mills* 8886-8890; *Marsham* 9492-9496.

4. Exemption of Judicial Officers from Legal Liability:

Magistrates and judicial officers of all classes should be put under proper legal responsibility to the public, *Theobald* 995-997——Origin of the Act XVIII. of 1850, for the "Protection of Judicial Officers," *ib.* 995——Absence or difficulty of redress in the event of planters being aggrieved by the civil servants, *Freeman* 1830-1834. 1841——Since 1850 the civil servants are not so responsible as previously, in the event of misconduct, *Dalrymple* 3472-3474. 3523-3525.

Explanation as to the effect of the Act of 1850, giving protection to the Company's judicial officers in the Mofussil; case of Calder *v.* Halkett adverted to hereon, as showing that the civil servants of the Company had not the same protection as magistrates and judges in England, *Hawkins* 4182-4186——The Act of 1850 was founded on the recommendation of Sir Lawrence Peel, *ib.* 4183. 4186.

Explanation in support of former evidence as to the origin of the Act XVIII, the Act of 1850, *Theobald* 9390——Statement in support of former evidence, and in correction of the evidence of Mr. Hawkins, in regard to the question of the legal liability of Indian judicial officers previously to the Act of 1850, *ib.*

5. Question as to an extension of the Jurisdiction of the Supreme Courts:

Feeling among the natives and in the Mofussil against an extension of the Supreme Court, *Hawkins* 4160, 4161. 4432-4437——Suggestions with a view to a gradual approximation of the Queen's and Company's courts, so that in course of time an amalgamation may be effected, *ib.* 4161——In matters of law and practice the Mofussil and Calcutta are as distinct as two foreign countries, *Baillie* 4531. 4599——An amalgamation of the Supreme Court and Nizamut Adawlut in course of time can best be effected by first introducing a new system of procedure into the Mofussil courts, *ib.* 4597-4599.

Belief that the great majority of the natives prefer the Queen's system of law to the Company's system, *Waller* 5133-5141——Reference to and confirmation of certain documentary evidence, showing the strong preference of natives as well as of Europeans for the Queen's courts over the Company's courts, *ib.* 5142-5154——The attempt of Sir John Peter Grant to extent the jurisdiction of the Supreme Court was differently received in the Mofussil in Bombay, *Warden* 7473-7476.

Strong repugnance on the part of many natives to any extension of the jurisdiction of the Supreme Court, *Mills* 8881-8884; *Marsham* 9513. 9515——The Rajah of Burdwan, who is the largest landowner in Bengal, avoids sleeping in Calcutta in order to continue exempt from the jurisdiction of the Supreme Court, *Marsham* 9514, 9515.

6. Appeals; Grievances on this score:

Multiplication of appeals from the native courts, *Freeman* 1745-1749; *Mackenzie* 3587——Appeals, as at present, should be almost entirely disallowed, *Mackenzie* 3715.

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (MOFUSSIL)—continued.

XI. *Generally as to the Law and Procedure*—continued.

6. Appeals; Grievances on this score—*continued.*

3795-3801. 3812-3817——The great defect in the civil courts is the great multiplication of suits and appeals, after decrees are obtained, *Mackenzie* 3835, 3836——Expediency of a power of appeal in each case to the superior court in Calcutta, *Hawkins* 4106——Necessity of means for putting an end to the false claims which are made before decrees are executed, *ib.* 4222-4224——Evil of the frequent appeals, more particularly of the special appeals under the present system; one appeal is quite enough, *Baillie* 4534-4537.

In the Company's courts the trouble of the litigant may be said really to commence on the day when he gets his decree, *Waller* 4877——Approval of a judicious limit to the right of appeal, the natives being very litigious, *Onslow* 6569, 6570——Grievances consequent upon the delay in obtaining the fulfilment of decrees, *Landon* 8400——Practice as regards appeals from witness's decisions as judge in the Mofussil in Bengal, *Martin* 9247-9250.

7. Improvements to be derived from simplifying the Procedure:

Improvement if a system of oral evidence were introduced into the courts, *Mac Nair* 2115-2118——Facility for false swearing and corruption under the present procedure of the courts, *ib.* 2131, 2132——New laws or constant changes in existing laws are altogether inexpedient, the main want being a summary and proper administration of the law so as give justice without litigation, *Mackenzie* 3663-3666. 3474. 3973. 3975, 3976——Necessity of an efficient magistracy and police, and of a short and simple system in the courts as means towards increasing the revenue, *ib.* 3713-3715——A summary system in the courts in Bengal, such as the Punjaub or non-regulation system, unfettered by forms or rules, would be far preferable to the tardiness, costliness, and injustice of the present system, *ib.* 3714, 3715. 3795-3801——Summary mode of administration of justice under which the ryots were better off in former times, although they then paid larger rents for their lands, *ib.* 3956-3961.

Witness infinitely prefers the Punjaub non-regulation system to the present tedious system in Bengal, *Hawkins* 4482, 4483——Badness of the civil procedure in its having became a heap of technicalities, *Baillie* 4514——Radical defect of the system of legal procedure in its being the use of an English system without proper subordinate agents to carry it out, *ib.* 4514-4518——Simplicity of the former, or Mahomedan system of procedure, *ib.* 4514. 4518. 4611——Consideration of the question of the general untrustworthiness of the native testimony in the Mofussil; advantage hereon of improved agency in the courts, but still more so of a simple procedure, and of an examination face to face, *ib.* 4764-4771. 4794-4796.

Decided objection to the introduction of the non-regulation system into Bengal, *Waller* 4889——Expediency of a simpler and cheaper course of proceeding, especially in petty cases, *Warden* 6096, 6097. 6174, 6175——Approval of a summary system of justice in the mofussil upon the principle of the Small Cause Court at Calcutta, *Mullens* 7282-7289——Great improvement if there were a summary process by which judgment and execution could speedily be obtained, *Landon* 8402-8406——A more summary system is required in criminal as well as in civil cases, *ib.* 8428——An abrogation of the regulations, and the employment exclusively of European judges, are the best remedy for the evil operation of the courts, *ib.* 8696. 8702.

As regards the Punjaub code, witness is not prepared to give it his entire approval, but considers that the practice of the courts should be made more simple and rapid, *Mills* 8992-9000——The system of legal procedure in Bengal is most unpopular with the natives, and it is of urgent importance to introduce a summary and inexpensive system, as in the Punjaub, *Marsham* 9702-9708——Great improvement if there were a despotic or summary mode of administering justice, *Saunders* 9881-9888.

8. Simple and summary Procedure recommended by the Law Commission:

Explanation of the main points of procedure in civil cases under the new code; great improvement to be effected thereby, *Hawkins* 4115-4144——Total abolition of written pleadings under the new code, *ib.* 4115. 4119. 4127——System under the new code in regard to the examination of the parties and the framing of the issues, *ib.* 4115-4118. 4128-4143——Single appeal under the new code in civil cases, *ib.* 4115.

Inaccuracy of certain statements in objection to the civil procedure under the new code, *Hawkins* 4124-4144——The procedure in the Punjaub is not more summary than under the new code, *ib.* 4136, 4137——Explanation as to parties being allowed to give in written statements; these are not to be in the nature of written pleadings, *ib.* 4140-4143——The best system of procedure is that provided by the code framed by the Law Commission, *ib.* 4483.

Importance of a thorough simplification of the system of procedure, which can best be effected by introducing the recommendations of the late Law Commission, or, in short, the

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (MOFUSSIL)—continued.

XI. *Generally as to the Law and Procedure*—continued.

8. Simple and Summary Procedure recommended, &c.—*continued.*

the county court system, *Baillie* 4518-4521——Witness concurs generally in the views of Mr. Hawkins as to the legal reform required in India, *ib.* 4603, 4604——Importance of the recommendation of the Law Commissioners that the proceedings in the mofussil courts should be *vivâ voce*, and that written pleadings should be abolished, *ib.* 4655-4661.

9. Petitions representing the Views of Indigo Planters, &c. in Bengal:

Petition of the Indigo Planters' Association in Bengal complaining of the state of the courts, police, &c., and praying for certain reforms therein, *App.* (*Fourth Rep.*) *p.* 229-233.

Petition of landed proprietors, indigo planters, merchants, and traders in Calcutta and the Lower Provinces of Bengal, complaining of the measures contemplated by the Law Commissioners, more especially as regards an abolition of the Supreme Court, *App.* (*Fourth Rep.*) *p.* 233-235.

Petition from British subjects generally in Bengal, in strong opposition to the measures proposed by the Law Commissioners, *App.* (*Fourth Rep.*) *p.* 236-238.

XII. *Effect of the mode of Administration upon the progress of Settlement:*

A great improvement in the courts is one of the remedies required as an encouragement to settlement, *Theobald* 877. 886; *Saunders* 10257, 10258——Witness attributes the non-increase of settlers in Bengal mainly to the bad state of the laws and of the police, and the general insecurity of person and property, *Theobald* 1095. 1170. 1172, 1173; *Mac Nair* 2053-2055. 2606; *Dalrymple* 3236-3238. 3282-3293. 3352-3370. 3574, 3575.

The distrust in the officers of the courts is injurious to settlement, *Auld* 1370-1372——Witness cannot call to mind any instance of a settler being driven out of the Mofussil in Bengal through the state of the judicial system or police, *ib.* 1429, 1430——Statement as to witness having been obliged, by false charges against him, and by a mal-administration of justice, to quit an estate near Calcutta, for which he gave 20,000*l.*, and to employ a manager over it at a salary of 500 rupees a month, *Freeman* 1473-1475. 1478-1484——Rights were claimed by the tenants which were entirely abrogated under the sale, *ib.* 1475. 1885. 1891-1894——Fraudulent manner in which these claims were supported, *ib.* 1475. 1885. 1894-1897.

Great increase of Europeans in Calcutta, and almost total absence of increase in the Mofussil, attributed to the mal-administration of justice and the insecurity of property in the latter place as compared with the operation of the Queen's courts in the former, *Freeman* 1512-1517——The way in which justice is administered deters, not only European settlement, but native enterprise, *ib.* 1771——Further statement as to the difficulties experienced by witness from the under-tenants on the estate purchased by him in the Hooghly district for 20,000*l.*, *ib.* 1772. 1774. 1885. 1890-1897——Sum realised by witness on the sale of the Hooghly estate, *ib.* 1898-1902——The mode of administration of justice, rather than the laws relative to land, is the main obstacle to settlement, *Dalrymple* 3352-3354.

Objections urged by the settlers to the system of administration; question as to the system being a check to increased settlement, *Hawkins* 4319-4323. 4329——Evidence to the effect that the mode of administration of justice in the interior has not operated in deterring settlements; increase of settlement in the Presidency towns adverted to hereon, *Baillie* 4512, 4513. 4585. 4633-4642. 4741, 4742. 4826, 4827——With reference to certain enumerated reforms required, witness is not aware that they have prevented European settlement, *ib.* 4741, 4742——Probable injury to planters by means of false charges against them, *ib.* 4802, 4803.

The required improvements in the administration of justice will not only encourage British settlement, but will lead to an improvement of the condition of the natives, *Waller* 5136, 5137——Witness has heard from mercantile men that capital has been deterred from India by the defective system of administration, *Ouchterlony* 5465——Attention should be paid to the complaints of the settlers against being placed under the system of law as administered by the Company's courts, *ib.* 5523.

The mode of administering justice in Bombay is some obstruction to successful colonisation, *Warden* 6173-6176——Indirect obstacle to settlement through the very bad law courts of the country, *Mullens* 7142. 6169——Discouragement of settlement in India through the long delays in remedying many of the defects, of which settlers and planters have complained, *ib.* 7153.

The mode of administration of justice and the state of the police in the Mofussil in Bengal, though defective, were not such in witness's time as to deter Europeans from settling as indigo planters, *Mills* 8770-8773. 8782, 8783——Evidence in disproof of the

Reports, 1857-8—*continued.*

ADMINISTRATION OF JUSTICE (*MOFUSSIL*)—continued.

XII. *Effect of the mode of Administration upon the progress, &c.*—continued.

assertion that the state of the police and of the courts in the Mofussil is an obstacle to the increase of European enterprise, *Marsham* 9503-9512.

See also *Affrays and Affray Bill* (*Bengal*). *Appellate Court. Arbitration of Disputes. Ceylon. Civil Service. Contract Law. Criminal Jurisdiction* (*Mofussil Courts*). *European Superintendence* (*Native Officials*). *Foreign Settlers. Judicial Service* (*European Judges*). *Lex Loci. Magistrates. Mysore*, 6. *Native Influence. Native Officials. Penal Code. Police. Profitable Settlement. Recognizances to keep the Peace. Sudder Court* (*Calcutta*). *Supreme Courts. Tirhoot. Torture.*

Advances to Cultivators. Explanation as to the system of native money lending to cultivators in Bengal, and the usurious price paid for loans in the interior of the country, *MacNair* 2000, 2001; *Wise* 2700, 2701. 2775, 2776. 2827-2845. 2981-2983——Scarcely anything is done by cultivators or others without an advance, *MacNair* 2096——Way in which the accounts are made up in the case of advances by European indigo planters, *ib.* 2097-2101——The European planters do not charge exorbitant rates or loans to the ryots, *ib.* 2102-2105.

Opinion that the system of advances by the indigo planters is not an advantageous mode of applying capital; the indigo houses, in fact, are generally very unsuccessful, *Baillie* 4553-4555. 4736, 4737. 4804-4810. 4832.——Absence of obstacle to the employment of capital in the purchase of produce in India; large amounts are in fact invested in indigo advances, *ib.* 4600-4602——Witness, in the Neilgherries, never made an advance for produce, which system he considers to be the curse of India, *Fowler* 5742——Reference to a statement by certain ryots in Bengal as to the evil operation of the indigo houses and the system of advances; weight attached to this statement, *Mullens* 7154-7168——Injurious operation of the system of advances to the ryots, and of the forced cultivation comprised therein, so that the increased rate of wages is not so much benefit to the cultivators, *ib.* 7212-7218. 7314-7319.

See also *Contract Law. Indigo and Indigo Planters.*

Affrays and Affray Bill (*Bengal*). Particulars as to the Affray Bill for Bengal proposed by the Government about four years ago, and subsequently dropped; grounds upon which the commercial interest opposed this Bill, *Theobald* 965——In dropping the Affray Bill, an improved law was not brought forward, *ib.*——Different grounds of the objection of the planters to the Affray Bill, *ib.* 1232, 1233——Explanation as to the employment by the planters of their own establishments, or of "lateeals," in protecting their interests, *ib.* 1100——Lateeals, or bludgeon-men, are not, to witness's knowledge, kept in pay by the Bengal planters, *Freeman* 1835. 1840.

Fewer disputes and affrays of late years than formerly between the European zemindars and the ryots respecting the rights of property, *MacNair* 2495-2497——Necessity of the present resort by Europeans to self-defensive measures, *Wise* 2643. 2646; *Waller* 4887——The zemindars, European as well as native, find it necessary to protect themselves, and occasionally to collect their rents by force, *Mackenzie* 3807. 3889, 3890.

Frequent affrays between indigo planters and zemindars about 30 years ago; various causes of these affrays, *Miles* 8774-8781——Of late years affrays between planters and zemindars have greatly decreased, *ib.* 8774. 9102-9106——Entire inadequacy of the police in Lower Bengal, so that the planters and zemindars resort to means for their own protection, and disgraceful and violent affrays are frequently the result, *Marsham* 9435-9440. 9777-9781——There were ten times as many affrays in former years as at present, *ib.* 9777——The affrays between the planters have been largely owing to the want of a definite boundary of estates, *ib.* 9778. 9780.

Report of the secretary of the Indigo Planters' Association on the Act IV. Bill, and Revised Affray and Mochulka Bill, read at a meeting of the society on the 5th April 1855, *App.* (*Fourth Rep.*) *p.* 238-242——Resolutions of the meeting with reference to the Bill in question; petition to the Legislative Council on the subject, *ib.* 242, 243.

Petition and report of the Indigo Planters' Association relative to the original Affray Bill, *App.* (*Fourth Rep.*) *p.* 251-257——Letter from the secretary of the Bengal Chamber of Commerce, dated 28 October 1854, in objection to the proposed Affray Bill, *ib.* 257.

Agra. See *North Western Provinces.*

Agriculture. Urgent importance of agricultural improvements in India, agriculture as a science having been altogether neglected, *Tremenheere* 342. 348-350——The native does not improve the soil, or its resources; he wants an example, *Theobald* 1177——The cultivated lands of India are mostly worn-out soils, *Fowler* 5818. 5835-5839. 5844-5847——Importance of British capital and science in order to improve the worn-out soils, *ib.* 5882-5886

Reports, 1857-8—*continued.*

Agriculture—continued.

5882-5886——Effect of European settlement to make the nations better agriculturists, *Onslow* 6605-6613——The use of agricultural machinery is by no means incompatible with small occupations as in Bombay, *Wingate* 7691-7694.

See also *Advances to Cultivators. Bengal. Bombay. Coffee. Cost of Production. Cotton. Drought. European Capital and Skill. Hill Districts. Indigo and Indigo Planters. Irrigation. Labour. Land Revenue Settlement, and Tenure and Sale of Land. Manures. Ploughing. Rain. Seeds. Sugar. Tea. Wheat.*

Algeria. Successful colonization by the French on the hills in Algeria, *Freeman* 1528, 1529——Facilities for colonization respectively in India and Algeria, *ib.* 1750-1752.

Appeals (*Court of Law*). See *Administration of Justice*, XI. 6. *Appellate Court.*

Appellate Court. Approval of there being one grand appellate court at Calcutta, constituted of Queen's judges, the covenanted service being at the same time abolished, *Waller* 5223, 5224.

Arbitration of Disputes. Frequent practice of the natives in Bengal to submit disputes to the settlers for arbitration, *Wise* 2780-2786——Settlement of disputes at times through punchayets, or village juries, *ib.* 2785-2789.

Armogum Shoal. Means for forming a harbour inside the Armogum shoal; large amount estimated many years ago for the cost of this work, *Ouchterlony* 5289-5292.

Arracan. Large export of rice from Akyab, in Arracan, through the enterprise mainly of Sir Archibald Bogle; *Tremenheere* 157-161.

Assam. Reference to Assam as being a very improving country, *Hooker* 722——Facilities for European colonisation in the tea districts of Assam, and in the hilly districts generally, *Wise* 2670-2679——The land in Assam chiefly belongs to Government; favourable terms on which it may be leased, *ib.* 2672, 2673. 2870. 2879-2882——Inadequate means of communication between Calcutta and Assam; Government have put two steamers to the route, *ib.* 2794-2802. 2871-2873——Difficulty as regards the supply of labour in Assam, *ib.* 2875, 2876.

Encouragement given by Government to tea cultivation and European settlement in Assam, *Mills* 8811-8813——Particulars relative to the Assam country, and the impediments to increased settlement and cultivation therein; reference to an official report by witness on this subject in 1853, *ib.* 8821-8836——There is a great want of labour, *ib.* 8822*, 8823. 8833——Expediency of greater liberality in granting land in Assam; witness mentioned in his report that it would be better to sell the waste land, *ib.* 8822*-8833. 8954-8962——Few European settlers besides the Assam Tea Company, *ib.* 8834——Assam is a fine field for the employment of European capital, but not for colonisation, *ib.* 9020.

See also *Tea.*

Auld, Stewart Jolly. (Analysis of his Evidence.)—Indigo planter and manager of an estate in Lower Bengal; has been there for sixteen years, and has only recently come to England, 1309-1314——Was for a short period before leaving India an honorary assistant magistrate, 1315-1320——Written opinion given by witness in India as to the benefits to be derived from appointing planters, &c., in the Mofussil as magistrates, and as to the powers to be vested in them, 1316. 1318, 1319——Position and duties of the honorary magistrates, 1317. 1321. 1420, 1421——Great usefulness of the appointments in question; favourable feeling of the natives on the subject, 1322-1328.

Absence of disposition in the Government in India to prevent European settlement, 1329-1331——Check to settlement in Bengal through the bad state of the police, who are exceedingly corrupt, 1329, 1330. 1343, 1344. 1373-1377. 1395. 1429, 1430——Difficulty in remedying the inefficiency of the police, or of the judicial system, on account of the badness of the tools with which the Government are obliged to work, 1330-1337. 1390-1393. 1428——As manager of the estate of Messrs. Watson & Co., witness did not experience any hostility from the local authorities; doubt as to Englishmen being equally unimpeded in other districts, 1338-1343. 1349-1354. 1373-1377. 1429, 1430.

Evidence relative to the omlah, or native officers attached to the courts; their duties, and their corrupt character, 1345-1348. 1359-1372. 1396-1419——The appointment of honorary magistrates had reference to the heavy business devolving upon the paid magistrates, 1355-1358——The distrust in the officers of the courts is injurious to settlement, 1370-1372——Advantage of honorary magistrates in their local knowledge, 1378-1382——The government are doubtless aware of the character of the police, &c., and some slight improvements have lately been made, 1383-1389.

Advantage if, on account of the corrupt character of the omlah and police, European superintendence or agency were introduced, 1390-1393. 1418. 1455——Appointment

Reports, 1857-8—*continued.*

Auld, Stewart Jolly. (Analysis of his Evidence)—*continued.*

recently of honorary magistrates further adverted to; probability of the appointments having resulted through the mutiny, 1422-1426. 1440-1454——Witness has found efficiency and inefficiency in the covenanted officers; some have been ignorant of the languages, 1427——Tenure of land in Midnapore and Rajshaie; there is no obstacle to purchase by Europeans, 1431-1439.

B.

Baba Booden Hills. Excellent climate of the Baba Booden Hills, *Onslow* 6777.

Baikie, Robert, M.D. (Analysis of his Evidence.)—Has been seventeen years in the Madras Presidency; resided for seven years in the Neilgherry Hills, 732-735——Unhealthiness of hill climates in India where the elevation is below 3,500 feet, 735, 736——Advantage of the Neilgherries on the score of temperature, and of the comparatively small fall of rain, 738-740——Exceedingly heavy falls of rain on the western ghauts in Southern India, 740-745——Extent and nature of the soil in the Neilgherries, 746——Great advantage if there were military stations in the Neilgherries, 747, 748.

Obstacles to cultivation by any large number of European emigrants in Southern India, 749-757. 785——Facility and advantage of cultivation in the Neilgherries, Mysore, &c., by a higher class of settlers, who should direct native labour, 749-760. 784-789. 836-845——Doubt whether Europeans can settle in the Neilgherries without deterioration in course of time, 758. 771-774. 834, 835——Excellent European schools in the Neilgherries, 761, 762——There are in the Neilgherries three distinct climates; character of the climate as compared with England, 763. 771-778——Limited extent to which cultivation was carried in the Neilgherries when witness was last there, that is, in 1842; 764. 790. 804-810.

Considerable importance of branch lines of railway to the foot of the Neilgherries and other hill districts, 765, 766——Excellent roads communicating with the hills in Madras, 767-770. 798-803——The Neilgherries are 7,365 feet above the level of the sea, 775——Absence of any obstacles on the part of government to European settlement in the Neilgherries, 779-783. 790——Nature of the land tenure; rights respectively of government and of the natives, 783. 786, 787. 790-794. 823-828——Belt of unhealthy country on the approach to the Neilgherries, 789.

Selection of the Neilgherries by government in 1819 as a sanitary station for officers, 791-797——Favourable effect of the climate of these hills upon the officers and men under medical charge of witness; the latter, however, suffered from not being under proper discipline, 811-817. 823——Degeneracy of the Portuguese who settled many years ago in Ganjam, 818-821. 829-832——Belief that in the plains the European race would die out in the third generation, 833——Facility for raising coffee in the Neilgherries; doubt whether other products can be raised with a commercial profit, 836, 837. 844, 845——There are diseases peculiar to the Neilgherries, 842, 843.

Baillie, Neil Benjamin Edmonstone. (Analysis of his Evidence.)—Was in India continuously from 1823 to 1844; resided exclusively in Calcutta, 4505-4507——Was an attorney of the Supreme Court, also for twelve years a vakeel, and for six years of that time the Government pleader, in the Sudder Dewanny Adawlut, 4508——Concurrence in the evidence of other witnesses that the native police in Bengal are about as bad as they well can be, 4509-4511——The bad state of the police is less an obstruction to the settlement of Europeans than of the natives, 4509——Approval of the employment of European serjeants in the police, 4511——Improvement if European detectives were also employed in the police, *ib.*

Belief that the defects of the civil procedure generally have not deterred European settlement in the Mofussil, 4512, 4513. 4585——Badness of the civil procedure in its having become a heap of technicalities, 4514——Simplicity of the former, or Mahomedan system of procedure, 4514. 4518. 4611——Radical defect of the system of legal procedure in its being the use of an English system without proper subordinate agents to carry it out, 4514-4518——Importance of a thorough simplification of the system of procedure, which can best be effected by introducing the recommendations of the late Law Commission, or, in short, the county court system, 4518-4521.

Objections to the English language being the language of record in the Zillah courts, or in the Sudder Dewanny Adawlut, 4522-4524. 4618-4622——The use of the English language should be confined to the examination of Englishmen who may be parties to any suit, 4523. 4564-4566. 4614-4620——The proposed subjection of Europeans to native criminal judges is very impolitic, 4525. 4586.

It would not answer to select the Zillah judges in the same way as the native judges, but they might with advantage be selected from gentlemen practising at the bar of the Sudder Dewanny Adawlut and the Supreme Court, 4526——Under the present system it is highly desirable that the judge should have a previous legal education and training,

4527,

Reports, 1857-8—*continued.*

Baillie, Neil Benjamin Edmondstone. (Analysis of his Evidence)—*continued.*

4527, 4528——With a substantive law, previous legal training in the judge would not be essential, 4527——Great importance of a proper substantive law in the Mofussil, 4529-4533. 4599——Evil of the frequent appeals, more particularly of the special appeals, under the present system; one appeal is quite enough, 4534-4537.

One of the greatest wants of India is that of capital, 4538. 4540, 4541. 4556——Great evil of the high rate of interest; way in which this is aggravated by Government operations, and by speculative indigo contracts, 4539. 4557. 4567-4572——Belief that the people of India are very poor, and that hoarding is not carried on to any extent, 4540. 4542——Way in which the silver is absorbed in the country without being hoarded, 4540——Great inconvenience through the use of silver as the sole circulating medium, 4542-4544.

Better position of the ryot if capital were more abundant, 4545——Particulars as to the operation of the coercive legislation relative to advances by the planters to the ryots; necessity of a summary remedy in the hands of the planters, 4546-4549. 4555——Grounds for concluding that it would be highly inexpedient to sustain a putnee against a purchaser of an estate sold for arrears of revenue, 4550-4552——Protection already, under the Act of 1845, of leasehold tenures for terms not exceeding twenty years, 4551. 4632——Opinion that the system of advances by the indigo planters is not an advantageous mode of applying capital; the indigo houses, in fact, are generally very unsuccessful, 4553-4555.

Explanation that on account of the occupancy of the ryots the fee-simple of the land cannot be obtained by capitalists by a redemption of the land-tax, 4558——Whether as regards the zemindars or the ryots, witness does not see any advantage to them in a right of redeeming the tax, 4558-4562——Respect in which, as regards the application of capital, it is an advantage, rather than otherwise, that the land should be charged with the tax, 4558——Opinion that the use of the native language in the Zillah courts does not tend to the perversion of justice; in witness's time, at least, the judges were sufficiently acquainted with the language, 4563. 4580. 4621, 4622.

Statement as to the ryots' tenures or pottahs, by which land in Calcutta, or building sites, is held; absence of any bar to settlement through the indefinite right conveyed by these pottahs, 4573-4577——Witness was a salaried officer of Government only when pleader in the Sudder Dewanny Adawlut, 4578, 4579——His limited experience of the Mofussil courts does not enable him to confirm the statements which have been made as to the inefficiency of the judges and magistrates, 4580-4584.

Political grounds upon which witness objects to the appointment of natives to the higher offices, 4587, 4588——Doubt whether greater efficiency would be attained by the appointment of well-educated young Englishmen to the situations of sudder ameens and moonsiffs, 4589——Objection on political grounds to the exclusion of natives from the office of sudder ameens, &c., 4589-4594.

Greater expense of the regular proceedings in the Supreme court than in the Mofussil courts, 4595——Higher class of practitioners in the Supreme courts than in the Mofussil courts, the expense being very irregular in the latter courts, 4595, 4596——Exceeding difficulty of an amalgamation of the Supreme court and Nizamut Adawlut, 4597——An amalgamation in course of time can best be effected by first introducing a new system of procedure into the Mofussil courts, 4598——Objection to comprising the presidency towns in a substantive law for the Mofussil, 4599.

Absence of obstacle to the employment of capital in the purchase of produce in India; large amounts are, in fact, invested in indigo advances, 4600-4602——Witness concurs generally in the views of Mr. Hawkins as to the legal reforms required in India, 4603, 4604——Further statement in favour of the introduction of military serjeants into the police, 4605-4610——Disadvantage in the limited means of experience of the judges since the alterations introduced by Lord William Bentinck, 4612, 4613.

Limited jurisdiction of the English Mofussil magistrates over Europeans; advantage of some extension of this jurisdiction, 4623-4627——Respect in which the process against defaulting cultivators may be said to be more stringent in the case of opium than of indigo, 4628——Further statement as to the ill success generally of indigo speculations; belief that there has on the whole been a loss, 4629-4631.

[Second Examination.]—Further evidence to the effect that the mode of administration of justice in the interior has not operated in deterring settlement; increase of settlement in the presidency towns adverted to hereon, 4633-4642. 4741, 4742. 4826, 4827——Parties to contracts in the interior can only sue in the Supreme court in the event of one of them being a European, 4643, 4644——Superiority of the Supreme courts to the Mofussil courts on the common law side, and probably on the equity side, so that suitors in Calcutta are not likely to resort to the latter courts, 4645-4654. 4710.

Importance of the recommendation of the Law Commissioners that the proceedings in the Mofussil courts should be *vivâ voce*, and that written pleadings should be abolished, 4655-4661——Probable advantage if native evidence were taken down by the judge in English,

Reports, 1857-8—*continued.*

Baillie, Neil Benjamin Edmondstone. (Analysis of his Evidence)—*continued.*

English, as a record of the case, 4662——Requirement of a larger rather than a smaller staff under a system of interpreters in lieu of omlahs, 4653-4666.

Rule in the English law as to the law to be introduced into the colonies, 4668-4674——Misapplication as regards English law in India in applying it to the regulation of sales of land, 4675-4680——In the absence of specific law and usage, the judge in India is to determine by justice, equity, and good conscience 4681-4686——Doubt as to the expediency of applying the English law in all cases of controversy between man and man, in which the law of the country or usage cannot be taken as a guide; advantage, however, of specific rules rather than of the present uncertainty, 4687-4705.

Practice as regards the application of the English law where the Hindoo or Mahomedan laws of contract do not apply, 4702-4705——As regards the views of the natives at the Presidency towns in favour of the Queen's courts, they reflect very much the views of the Europeans around them, 4706-4710——Doubt whether a system of legal training in this country would provide the most efficient kind of judges for the Mofussil, 4711-4725——Practical experience and general competency of all English judges appointed to the sudder courts before 1844; 4725-4730——Belief as to the efficiency generally of the European magistrates up to 1844; 4731. 4824, 4825.

Further reference to the badness of the native police, 4734——Also to the defective system of procedure of the civil courts, 4735——Also to the injurious operation of the system of advances to indigo cultivators, 4736, 4737. 4823——Also to the inexpediency of subjecting Europeans to the native criminal judges, 4738, 4739——Also to the inconvenience of being obliged to make all payments in silver, 4740——With reference to the foregoing state of things, witness is not aware that it has prevented European settlement, 4741, 4742.

Disadvantage to settlers, as putneedars, in their liability to be dispossessed of their tenures, 4743-4745——Further statement as to its being in part an advantage to purchasers of land, that it should be subject to the revenue, 4746-4751——Further statement as to the absorption rather than hoarding of silver, 4752-4759. 4822——Importance of capital in order to develop the resources of the country further adverted to, 4760-4763.

Consideration of the question of the general untrustworthiness of the native testimony in the Mofussil; advantage hereon of improved agency in the courts, but still more so of a simple procedure, and of an examination face to face, 4764-4771. 4794-4796——Native judges must be trusted under a system empowering them to call the parties before them, 4772-4774——A knowledge of the native language, and of the customs and habits of the people, is essential in the English judges, 4775. 4780——Respects in which the native advocates are chiefly inefficient, 4776-4779.

Inefficiency of the native juries in the Mofussil, but not in the Presidency towns, 4781-4785——Impression that by the regulation of 1834, the requirement of a license before settlement was entirely removed 4786-4791——Reference to the antipathy of respectable natives to appear in court as witnesses; probable cause, 4797. 4799, 4800. 4828, 4829——Means suggested by the Law Commission for obviating the difficulty as regards the personal attendance of witnesses, 4798——Probable injury to planters by means of false charges against them 4802, 4803.

Practice as regards indigo advances further adverted to in connexion with the losses of indigo houses, 4804-4810. 4832——Prejudicial effect of the law in the Mofussil, not only upon the interest of planters, but generally, 4811-4813——Probable feeling of the natives in the event of the English language being substituted for the Hindostanee as the spoken language of the courts, 4814-4821.

Balston, William. (Analysis of his Evidence.)—Was seven years in India; went out as a contractor on the Great Indian Peninsula Railway, and travelled in Guzerat and Scinde, 5895-5897——Considers that the climate of India, so far as it affects the health, is no obstruction to the settlement of Europeans who intend eventually to leave the country, 5898——The climate, however, as affecting the productive power of the soil is the chief obstacle to extensive settlement, *ib.*——The produce of India is on the average very little more than 10*s.* an acre, *ib.*——The drought prevents the land from producing enough to support any cultivator, except the Hindoo or Mussulman, who lives on less than 2*d.* a day, 5898. 5935.

Statistics connected with the province of Guzerat; it is the most favoured district of India; but even there no European paying the wages of labour could cultivate the land to a profit, 5898-5903——In the case of cotton in Guzerat, the land tax comes to fifty-two per cent. of the value, 5898——Statement showing the exceedingly low value of cotton, wheat, &c., in the interior, as compared with the value at the place of export on account of the difficulties of transport, 5904-5906——Calculation that, irrespective of irrigated lands, the average value of produce on the cultivated lands in Madras is only 5*s.* 4½*d.*, 5906-5908.

Much more fertile character of the Bombay Presidency than of Bengal or Madras,

Reports, 1857-8—*continued.*

Balston, William. (Analysis of his Evidence)—*continued.*

5908—— Statement to the effect that the general products of Bengal and of the North-Western Provinces, have no exportable value, on account of the great difficulty and cost of carriage by the Indus and Ganges, 5908-5921——By means of ample supplies of water, the European of small capital may cultivate land more profitably in India than elsewhere, 5920.

Proposition for the construction of canals to be used for purposes of navigation and of irrigation; details in support of this proposition, which, if carried out, will immensely facilitate successful colonization by Europeans, 5921 *et seq.*—— Enhanced price of rice in the interior through the difficulties of transport from the seaboard, 5931, 5932—— Similar statement as regards salt, *ib.*——Particulars as to the very slight extent and the very imperfect means of irrigation at the present time, 5936-5942. 5950. 5972-5979—— Great cost of irrigation, as at present provided; instance of a charge of 5 *l.* per acre for irrigated land, 5942. 5946-5949.

Calculation that by means of the proposed canals, irrigation may be provided at from 2 *s.* to 4 *s.* per acre, and that such charge would yield a return of ten per cent. on the cost of the canals, 5942. 5951-5953——Enormous advantage of irrigation to the cultivators, 5942. 5945. 5951—— European skill and capital would be required in making the canals, 5943, 5944——Belief as to the facility, in an engineering point of view, of constructing the required canals; their maintenance also would be very easy, 5952-5966. 5986-5990.

Immense improvement effected by irrigation in the quality and produce of the cotton plant; grounds for this statement, 5967-5980. 5997-6006——The present cost of Guzerat cotton in Bombay may be taken at 3 *d.* per pound, of which the cultivator gets only 33 per cent., 5981-5983——Calculation that by means of the proposed canals, a bale of 400 lbs. of cotton may be produced per acre, and delivered at the seaport in India, at a total cost of 2 *l.* 8 *s.* 6 *d.*, which bale would be worth 10 *l.*, and the seed 18 *s.*, leaving a profit of 8 *l.* 9 *s.* 6 *d.* per acre, 5984-5996.

Anticipation that in course of time the proposed canals would result in driving the American cotton out of the English market, 6007-6018——In order to encourage the cultivation of cotton in India, irrigation is wanted more than railways or other works, 6018—— Effect of a large reduction in the price of cotton to enable the English manufacturer to compete successfully with the eastern manufacturer, and to increase the consumption in India of British-made goods, 6019.

[Second Examination].—Effect of the climate in checking the growth and produce of the sugar cane, as well as of the cotton plant, 6279. 6284——Statement that in the case of sugar, the land tax and the cost of irrigation amount together to 50 per cent. of the cost of production, 6279-6284——Great importance of facilities of irrigation in the case of sugar, 6284, 6285——The effect of irrigation on grain and oil seeds is to double the crop, and even to produce two crops in the year, instead of one, 6286.

Particulars in connexion with the contract taken by witness under the railway company, and which he failed to fulfil, for a supply of wooden sleepers, 6287-6296——Witness was only about three months in Guzerat, 6297, 6298—— He did not consider the climate in Guzerat unfavourable to European settlement, 6299-6302—— Further statement as to the large amount of the land tax in Guzerat in proportion to the value of the crop, 6303-6305——Grounds for former statement as to the exceedingly heavy cost of irrigation in Western India, 6308-6317.

Opinion that in a great part of Guzerat it would be practicable to supply irrigation at a charge of from 2 *s.* to 4 *s.* an acre, 6318-6321——Number and depth of the rivers and nature of the levels of the country considered in reference to the practicability of the proposed canals of irrigation and navigation; witness is not minutely informed on these points, 6321-6339——Great importance of canals as a means of navigation further adverted to; illustration in the case of grain and oil seeds, 6328. 6332.

Banking Facilities. Advantage of an extension of banking facilities in India; how it might be effected, *Onslow* 6851-6858.

Belgaum. See *Cotton*, II. 2.

Bellary District (*Madras*). By means of a certain proposed canal, ten millions of acres in the Bellary district may be irrigated, a large proportion of which is now waste, and upon which cotton, sugar, rice, &c., may be grown, *Onslow* 6651-6653——Except the difficulty of procuring land, there is no practical obstacles to settlement in the Bellary district, *ib.* 6675-6682.

Bengal. Distribution of Europeans all over Lower Bengal as indigo planters, and purchasers of produce, *Theobald* 853. 856——Lower Bengal comprises a population of about 40,000,000, and is the most fertile part of all India; it includes Behar and Tirhoot, *ib.* 854, 855——Absence of increase of late years in the number of Europeans engaged in agricultural and commercial pursuits in the interior districts of Lower Bengal, *ib.* 857 ——Larger operations, but not larger number of the European agriculturists in the

Reports, 1857-8—*continued.*

Bengal—continued.

interior of Bengal, *Theobald* 1094——Although the Europeans generally have increased in number of late years, the colonists have not increased, *ib.* 1211. 1212.

Great development of the resources of Bengal through European enterprise, *Freeman* 1541; *MacNair* 2018, 2019. 2080; *Wise* 2696-2699. 2702-2704; *Dalrymple* 3266, 3267; *Marsham* 9509-9511——There has not been an increase of twenty-five or thirty Europeans in the Mofussil in Bengal within the last twenty-five or thirty years, *Freeman* 1808——There are now fewer European settlers in the interior of Bengal than there were twenty years ago, *MacNair* 1981——Principal products of Lower Bengal, *ib.* 2017——Increased value of late years of estates in Bengal, *ib.* 2140-2146.

Explanation as to the non-increase in the number of settlers, notwithstanding the success of settlement, *MacNair* 2341-2347——Different districts in which Europeans might advantageously settle as overseers and capitalists, *ib.* 2491-2493——There is scarcely any opportunity at present for an increase of European planters in the districts in Lower Bengal, *ib.* 2502——Probable causes of the zemindaries in Bengal being so valuable, *ib.* 2531. 2565.

Under a proper state of laws, and with power to hold land in perpetuity, cultivation would soon be immensely extended by Europeans, *Wise* 2681, 2682——The number of Europeans in the Mofussil has not increased, *ib.* 2705, 2706——There are not above thirty or forty Europeans in the five districts of European Bengal in which witness is interested, *ib.* 2897——Many parts of Lower Bengal are occasionally very unhealthy, *ib.* 3092-3096.

Absence of increase in the number of Europeans in the Mofussil, notwithstanding the increase of factories; more Europeans and natives are employed than formerly, *Dalrymple* 3233-3235. 3277-3281. 3502——Difficulty in procuring estates, *ib.* 3337. 3504-3506——Number of years purchase fetched by the sale of zemindaries and putnees in Bengal, *ib.* 3338-3343. 3451-3453——Insufficiency of the inducement as regards the employment of European assistants, adverted to as the cause of the insufficient number available for the factories, &c. *ib.* 3360-3369. 3407-3413——With proper laws and police, and proper means of communication, there is no country more advantageous for settlement than Bengal, *ib.* 3551, 3552.

The gross produce per acre throughout Bengal is about thirty-two shillings money value, *Mackenzie* 3657——Number of settlers outside the Presidency towns, and altogether in Bengal and Agra, *Mullens* 7144-7147——Witness has understood that European settlers have at present a capital of 4,000,000 *l.* invested in land in Bengal, *ib.* 7144——Particulars as to the English and East Indian population in Calcutta and throughout Bengal before the rebellion broke out; rapid advance of late years, *ib.* 7340.

Witness does not know any part of Bengal where colonization is practicable, *Mills* 9021——There is no scope for the capitalist in the Upper Provinces, *Marsham* 9764.

See also *Administration of Justice* (*Mofussil*). *Affrays and Affray Bill. Assam. Bridges. Canals. Climate. Coal. Copper. Cotton*, I., II. 1. *Criminal Jurisdiction* (*Mofussil Courts*). *Dacca. Darjeeling. Degeneracy of Europeans. European Capital and Skill. Foreign Settlers. Ganges Valley. Grand Trunk Road. Hill Districts. Indigo and Indigo Planters*, 1. *Irrigation*, 4. 6. *Land Revenue Settlement, and Tenure and Sale of Land*, I., V., VI. *Legislative Council. Minerals. Nuddea Rivers. Police*, I., VII. *Public Works. Redemption of Land Tax. Resumption of Rent-free Tenures. Roads*, I. *Ryots. Zemindars.*

Bengal Coal Company. Complaint as to Government withholding from the Bengal Coal Company the services of a scientific overseer in the case of the erection of blast furnaces for iron ore, *Freeman* 1926-1928.

Bentinck, Lord William. Lord William Bentinck was very favourable to European settlement, *MacNair* 1975-1978——Great improvements effected since Lord William Bentinck's system of employing the natives; his government is looked upon by many as the great era of modern improvement in India, *Marsham* 9650-9664——As regards the numerous changes in our system of administration during Lord William Bentinck's time, witness questions whether they can all be considered improvements, *Saunders* 10185-10196.

Bhutan. Character of the government and nature of the soil in Bhotan (Bhutan), *Hooker* 669-674——Inaccessibility of Bhutan Proper to European trade; causes of this, *H. and R. Schlagintweit*, 6998. 7032-7039.

Bidwell, Alfred Clarke. (Analysis of his Evidence.)—Went to India in 1830, and filled various offices in the Bengal revenue service from 1831 up to 1856, when he left India, 9262-9268. 9328, 9329——Grounds for considering the colonization of India by Europeans to be, in the ordinary sense of the term, impracticable, 9270——The Government offer no obstacle to European settlement, *ib.*——Great obstacle, on account of the rains,

to

Reports, 1857-8—*continued.*

Bidwell, Alfred Clarke. (Analysis of his Evidence)—*continued.*

to the construction of roads in Bengal, 9270——Neglect until within the last few years of roads and public works in Bengal; cause of this, 9270. 9366.

Europeans and their property have been perfectly secure from open violence, 9270——Weakness of the law in enforcing contracts or agreements, *ib.*——Low standard of morality in the native character, and malpractices resorted to in order to evade the law, *ib.*——Peculiar inefficiency of the police owing to the corrupt character of the natives, *ib.*——Probability of arbitrary and unpopular conduct on the part of some indigo planters, whilst others bear a high character for fairness and benevolence, *ib.*

Inaccuracy of the statement that the civil servants are unacquainted with the language of the country, 9270——Stringent examination undergone by the civil servants in the native languages, 9270. 9306, 9307——The judge or magistrate is not, as a rule, under the influence of his omlah; the reverse is the rule, 9270. 9300-9302——The indigo planter is very much at the mercy of his native *employés*, 9270——Statement as to M. Courjon and Mr. Larulletta having successfully carried on business in the Mofussil, though subject to the jurisdiction of the mofussil courts, 9271-9282. 9335-9341.

Very great improvement of late years in the character of the native judges, owing very much to their better education; they are now very trustworthy, but about twenty years ago they were very corrupt, 9283, 9284. 9289-9293. 9328-9334. 9342, 9343. 9371-9373——Greater confidence of the natives in European judges than in native judges, 9284. 9309. 9343. 9346, 9347——Properly qualified Europeans cannot be procured at the pay of the native judges, 9285. 9288. 9314——The sons of European soldiers may advantageously be trained for employment in the police 9286, 9287.

Less efficiency of native magistrates than of native judges, 9294, 9295. 9312, 9313. 9377, 9378——Although the police are very inefficient, they are not universally corrupt; witness has seen some very good darogahs, 9296, 9297. 9312——Approval of increasing the pay of the darogahs, although in some instances better pay may have led to heavier bribery, 9298, 9299——Witness considers that the civil service as an administrative body has improved every year, 9302. 9328-9333.

As regards Mr. Grant's sale law it is a great pity it was not tried, 9303——Improvement of late years through the more stringent operation of the sale laws, 9304, 9305——Disapproval of a separation of the judicial and revenue services, on the score that the training in the latter is very useful in the former, 9315-9318——Improvement if the civil servants before going to India were more directed to the study of the principles of law, 9315. 9318——Advantage in allowing proprietors to redeem the land-tax at thirty years' purchase, 9319-9323——Circumstance of savings banks not being resorted to by the native community, 9324-9327.

Propriety of Europeans being subject to the civil courts in the Mofussil, 9344-9347——Grounds for objecting to the introduction of the English language into the Mofussil courts, 9348-9365. 9382——Occasional inaccuracies of the interpreters in the Supreme Court at Calcutta, 9349-9351. 9379, 9380——Satisfaction of the Calcutta natives with the Supreme Court, 9352-9357——Advantage in public opinion in this country being brought to bear upon the conduct of affairs in India, 9367-9370.

Expediency of a further increase in the pay of the native judges, 9373-9376——Necessity of the judges understanding the native language even if the English language be introduced, 9381, 9382——Importance of encouraging the spread of the English language; the natives are very desirous to learn it, as a qualification for employment, 9383-9389.

Black Acts. See *Criminal Jurisdiction (Mofussil Courts).*

Bombay. More healthy character of some of the districts in Bombay than of Bengal or the Carnatic, *J. R. Martin* 285-289. 329-331——Much more fertile character of the Bombay Presidency than of Bengal or Madras, *Balston* 5908——Opening for European capitalists in Bombay in the superintendence of cotton and sugar cultivation, *Warden* 6170, 6171——Witness never met with any European capitalist in the Mofussil, *ib.* 6172——Any European capitalists who may have gone out to Bombay are exceptional cases, *ib.* 7491-7494.

Except in Khandeish there is no great extent of unappropriated land in the Bombay Presidency, *Wingate* 7648. 7653——Opinion that there is no part of the Presidency suitable for colonization for Europeans, *ib.* 7648——Depressed state of agriculture at one period in the districts conquered by the Peishwa, *ib.* 7699.

Quotation from an article by witness, in the "Bombay Quarterly Review," for April 1857, referring to great improvements during recent years, and great prospective improvements in the condition of the agriculturists, *Wingate* 7699——The experience of witness goes to show that the Presidency of Bombay has, during the last twenty-five years, made great advances in commerce, manufacture, population, and colonization, *ib.* 7715-7729——Great increase in the use of bullock carts in the Deccan, &c., *ib.* 7723-7729——Increased size of the towns and villages, and improved character of the houses in Guzerat, Khandeish, &c., *ib.* 7723.

Reports, 1857-8—*continued.*

Bombay—continued.

There is no obstacle to the purchase by colonists of individual properties in Bombay, *Wingate* 7747, 7748——Inexpediency of the disallowance by the Supreme Government of expenditure required for proper roads in Bombay, *ib.* 7752. 7756——Bar to the efficient administration of the Bombay Presidency, through the control exercised by the supreme authority at Calcutta, *ib.* 7754-7761——Reference to the circumstance of Bombay not having yet paid its own expenses, *ib.* 7754-7761——Limited extent to which European settlement now exists in the Bombay Presidency; absence of European agricultural settlements, *ib.* 8124-8133. 8144, 8145.

See also *Administration of Justice* (*Mofussil*). *Climate. Cotton. Enam Commission. European Capital and Skill. Guzerat. Hill Districts. Indigo and Indigo Planters*, 3. *Irrigation*, 3, 4. 6. *Khandeish. Land Revenue, Settlement, and Tenure and Sale of Land*, II. V. VI. *Parsees. Police*, II. III. *Roads*, II. *Ryots. Zemindars.*

Brahmins. Illustration of the opposition of the Brahmins to everything in the way of improvement, *Onslow* 6499.

Bribery. See *Administration of Justice. Native Officials. Police.*

Bricks. Facility for procuring bricks in Bengal for roads or railways, *Freeman* 1942-1944.

Bridges. Great want of bridges throughout Bengal, *Theobald* 981——Importance of a bridge being built over the river at Calcutta, *Waller* 5229-5235——Numerous and excellent bridges in Mysore, *Onslow* 6506——There are 284 bridges on the 131 miles of road from Raj Ghaut to Kuttack, *Thornton* 8216. 8240.

See also *Grand Trunk Road.*

British Indian Association of Calcutta. Reference, in a petition from this association, to the want of proper qualification in the judges of the Company's courts, *Waller* 5145-5149.

British Manufactures. See *Manufactures.*

British Rule. The more commerce is extended in India the greater will be the security to British rule, *Waller* 5034-5036 —— Tendency of increased European settlement to produce indentity of interests between Europeans and natives, and to strengthen our hold over the country, *Ouchterlony* 5550——The security of our rule in India depends upon the natives' opinion of our power and justice, *Warden* 6049——Lower opinion entertained by the natives during the last fifteen or twenty years of our power or justice, *ib.* 6050, 6051——Tendency of increased settlement to strengthen our hold upon the country; line of demarcation now existing between the governing and the governed adverted to hereon, *Wingate* 8171-8175——If India is to be held by the English the natives must be excluded from any influential share of the government, *Landon* 8667. 8698. 8700. 8724.

Broach (*Guzerat*). Quiet, contented, and prosperous state of the people in the Broach district, *Landon* 8360-8362.

See also *Administration of Justice*, V. 3. *Guzerat.*

Building Sites (*Calcutta*). Statement as to the ryots' tenures, or pottahs, by which land in Calcutta, on building sites, is held; absence of any bar to settlement, through the indefinite right conveyed by the pottahs, *Baillie* 4573-4577.

Buller, Sir Arthur. Reference to the views of Sir Arthur Buller, in condemnation of the Black Acts, and of the proposed exemption of all government servants from their operation, *Freeman* 1559. 1826; *MacNair* 1983-1988——Misapprehension on the part of Sir Arthur Buller in regard to the exemptions contemplated under the proposed Black Act, *Hawkins* 4107-4112. 4256. 4372-4380.

C.

Calcutta Canals. Particulars relative to the Calcutta canals, their bad management, and utter inadequacy to accommodate the traffic, *Theobald* 989*-992.

Campbell, Dr. Energetic and successful exertions of Dr. Campbell, in developing the trade and resources of Sikkim, Darjeeling, &c., *Hooker* 562-565. 629. 688.

Canals. Bad state of the canals in witness's district in Eastern Bengal, *Wise* 2758——Absence of new canals in Lower Bengal, *ib.* 2923——Information relative to the canals of communication or navigable canals in the south of India; importance of a large sum of money being appropriated to this purpose, *Ouchterlony* 5374.

Proposition for the construction of canals to be used for purposes of navigation and irrigation, which, if carried out, will immensely facilitate successful colonization by Europeans, *Balston* 5921 *et seq.*——Goods might be carried on a large canal in India at one

Reports, 1857-8—*continued.*

Canals—continued.

one-tenth of the cost of conveyance on the Mississippi, *Balston* 5921, 5922——The capital expended would be covered by the profits arising from the charge for irrigation, *ib.* 5922. 5951——Calculation that by these canals goods might be drawn at the rate of 2 *s.* 11 *d.* per ton for a distance of 1,400 miles, *ib.* 5922——European skill and capital would be required in making the canals, *ib.* 5943, 5944.

Belief as to the facility in an engineering point of view, of constructing the required canals; their maintenance also would be very easy, *Balston* 5952-5966. 5986-5990——In the plains of Hindostan the canals might be made for 5,000 *l.* a mile, *ib.* 5953.

Great importance of canals as a means of navigation further adverted to; illustration in the case of grain and oil seeds, *Balston* 6328. 6332——A canal, even if it were to cost 50,000 *l.* a mile, would be more profitable to India than a railway at 15,000 *l.* a mile, *ib.* 6331.

Canals as a means of navigation and irrigation are of the utmost importance, *Onslow* 6517-6520. 6536-6538. 6649, 6650.

See also *Ganges Canal.* *Irrigation.*

Capital. See *European Capital and Skill.* *Hoarding.* *Native Capital.*

Cashmere. Very neglected state of Cashmere, *Hooker* 662, 663. 714-716——Cashmere is an exceedingly favourable place for European settlement, *H. and R. Schlagintweit* 6986, 6987——Importance of an improvement of the British trading relations with Cashmere; obstacles at present to European settlement there, *ib.* 7062-7064. 7084-7086.

Caste. Anticipation that in course of time, caste will, if not interfered with in any way, gradually disappear, *Waller* 5037-5041——Effect of caste in preventing the Hindoo from changing his views of life or his general conduct, *Landon* 8672, 8673.

Cauvery River. Extensive channels of irrigation in connexion with the River Cauvery, *Ouchterlony* 5371, 5372——There are many old channels and works on the Upper Cauvery which should be restored, *ib.* 5372——Particulars relative to the Neringepett Anicutt, an old work now in decay; means for restoring this work without any great expense, *ib.*

Central Asia. Principal articles of Central Asia and Tibet, which might be exported to India, *H and R. Schlagintweit* 7012, 7013. 7025-7031——Necessity of facility of transport in order that English goods may be substituted for Russian goods, such as cloth, &c., now supplied in Central Asia, *ib.* 7014-7020. 7070-7079——The people of the country carry on an extensive trade, *ib.* 7020. 7064——Indirect way in which British trade must take place with Central Asia, *ib.* 7064——Suggestions with a view to an improved communication with Central Asia, through Cashmere, *ib.* 7073-7079——The fact that the Hindoo commercial classes in India, have not established an extended trade with the regions north of the Himalayas is explained by the want of proper and safe communications, which want it is most expedient to supply, *ib.* 7087-7104.

See also *Bhutan.* *Cashmere.* *Sikkim.* *Tibet.*

Ceylon. Good effect of the Ceylon climate upon the European constitution, *J. R. Martin* 222, 223——Beneficial results of European colonization and capital in Ceylon, *Freeman* 1525-1527——There is no parallel between the settler in India and the settler in Ceylon, *Mackenzie* 3824. 4005——Witness has purchased the fee simple of land in Ceylon for a guinea an acre, *Fowler* 5695, 5696——Much higher cost of labour in Ceylon than in the Neilgherries; the former labour is supplied from India, *ib.* 5698-5706. 5715——The labour in Ceylon was the worst and dearest that witness had ever known, *ib.* 5715.

Failure of an attempt to form a colony at Newera Ellia, the great high central plain of Ceylon, *Mullens* 7125——Large increase of European settlers in Ceylon; causes thereof, *ib.* 7148-7152——Advantage of the system of selling the land out and out at a low price, *ib.* 7149, 7150. 7180——Advantage in the Ceylon Council, comprising non-official as well as official members, *ib.* 7172——The use of the English language in the courts, with interpreters, gives very great satisfaction, *ib.* 7273-7276——Particulars as to the European population, and the progress of settlement, *ib.* 7340.

Consideration of the circumstance of Ceylon being in a prosperous state under what may be termed the colonial form of government; grounds for concluding, nevertheless, that the same system of government is not applicable in the case of India, *Landon* 8614-8639. 8651. 8741-8758——Witness understands that the Cingalese are a more tractable people than the natives of India, *ib.* 8758.

Children of European Soldiers. Proposition that the children of European soldiers be removed from the plains to hill stations, and there trained at the cost of Government for different pursuits, *Tremenheere* 110 *et seq.*——Different places at which stations or asylums, like the Lawrence Asylum, might be formed for the reception of soldiers' children, *ib.* 110——Several ways in which the children thus trained in the country, might when grown up be most usefully employed, *Tremenheere* 110, 111. 137. 142-146. 149; *J. R. Martin* 260——Respects in which the cost of the proposed establishments would in a great measure be counterbalanced, *Tremenheere* 137-141. 502. 504.

Reports, 1857-8—*continued.*

Children of European Soldiors—continued.

Evidence as to the possibility of rearing European children, or of retaining European settlers, on the mountains without degeneration, *J. R. Martin* 218. 302-310. 326. 334, 335——Nature of the training institutions desirable in the case of young Europeans intended for the uncovenanted civil service, or for agricultural or other occupations, *Tremenheere* 361, 362. 389, 390. 455——Means by which the parents of children removed to the proposed training institutions on the hills might at times visit their children, *ib.* 398-400——Soldiers in India do not now educate or provide for their children, *ib.* 495——Advantage in a moral point of view, both as regards the parents and their children, in removing the latter to the proposed training asylums, *ib.* 495-498——Improvident marriages need not be increased under the contemplated scheme of dealing with the children, *ib.* 499, 500.

Ways in which soldiers' children reared and trained in the hills would be exceedingly useful auxiliaries in spreading European commerce and enterprise throughout the country, *Tremenheere* 504-508; *Ouchterlony* 5538-5542; *Bidwell* 9270——The staff of the establishments should comprise natives as well as Europeans, *Tremenheere* 503——There should be a proper separation of the different religious denominations, *ib.* 509, 510.

Strong approval of well organised institutions on the hills for the education and practical training of the sons of soldiers, *Wise* 2717-2720——Doubt as to whether European soldiers' children, reared in the hills, can stand the climate of the plains, and so be introduced into the police, *Hawkins* 4283-4286——Advantage in training European children in the hill districts for situations under Government, that is, provided their health does not suffer, *ib.* 4350-4355. 4395-4397.

Importance of establishing a school in the Neilgherries for the education of the children of European soldiers in the Presidency; Government should take part in the matter, *Ouchterlony* 5298-5302——Obstacles unduly raised by a religious section of the community to a proposition by the late Sir Henry Lawrence, for the establishment of a school in the Neilgherries for soldiers' children, *ib.* 5299-5302. 5458-5460——Facilities would soon arise in the hills for the care of settlers' children during the absence of the parents, *ib.* 5435——The removal of soldiers' children to the hills would be a most humane measure, and would not be likely to produce any injurious effect upon the parents' character, *ib.* 5454, 5455. 5518. 5537——Impression that there will be no material deterioration so long as settlers' children in Madras are removed, when young, to a hill station, *ib.* 5487-5489.

Some colonists may be obtained from the rearing of soldiers' children on the hills, *Mutlens* 7132——Localities on the east of the line of ghauts in Bombay might be fixed upon as favourable places for asylums for European children; the Mahableshwar hills are too wet for the purpose, *Wingate* 7906-7911——The children of Anglo-Indians are generally delicate, *Bidwell* 9270——Sundry advantages to be derived from an education in the hills of the children of soldiers, *ib.*

See also *Climate.* *Degeneracy of Europeans.* *Dum Dum.* *Lawrence Asylums.*

Chittagong. More healthy character of Silhet and Cachar than of Chittagong, *Hooker* 637-641——Oppression of the ryots in Chittagong by the zemindars, whilst in the neighbouring province of Arracan their position is immensely improved, *Marsham* 9771.

Christianity. There are very few native Christians in India, *Mackenzie* 3723. 3779-3782——Importance of neutrality on the part of Government and its officials towards missionary action, *ib.* 3724-3726——The people do not object to the operations of the missionaries, so long as they are unconnected with Government, *ib.* 3724——Non-opposition by Government to the employment of native Christians, *ib.* 3872-3880——Government do not in any way oppose the operations of the missionaries, *ib.* 3905, 3906——Number of native Christians in India further adverted to; doubt as to there being 400,000 altogether, *ib.* 3990-3993——The native Christians should be as eligible as other natives for public employment, *Mackenzie* 3994, 3995; *Waller* 4960. 4966. 4999. 5054, 5055. 5214, 5215. 5217-5220.

Upon the general question of upholding in India the institutions and religion of our country witness considers that we have rather failed in doing so, *Hawkins* 4502-4504.

Advantage if Government had taken an open and plain course in regard to Christianity; instead of professing to be hostile to its introduction, they should be perfectly neutral in the matter, *Waller* 4960. 4965. 4974. 4997-5001. 5112-5114——There are a great many coloured Christians in Bengal, *ib.* 4966. 5212, 5213——Degraded condition of the coloured Christians or Eurasians; they are unjustly held in much contempt, *ib.* 4967-4971. 5071-5073——The lower orders of natives who turn Christians are not considered very trustworthy, *ib.* 4972——More better feeling of the Mahomedans than of the Hindoos against Christians and Christianity, *ib.* 4975. 5031-5034——The Hindoos believe the Christian religion to be a true religion, and consider that its progress will be great if not forced in any way, *ib.* 5042——Advantage if the Church were entirely disconnected from the State in India, *ib.* 5043-5047.

Reports, 1857-8—*continued.*

Christianity—continued.

In India and Ceylon there are now 112,000 natives converted by the Protestant missionaries, *Mullens* 7187-7189. 7194——Belief as to the more moral and industrious character of the converts as a whole than of the natives; many of the nominal converts have however been a scandal to the natives, *ib.* 7190-7196. 7335-7338——The Hindoos are much more open than the Mahomedans to the arguments of the missionaries, *ib.* 7350-7352——Belief as to the probability of an increased number of Eurasians in India, and as to their fitness as colonists, *Wingate* 7869-7871——Suggestion that our Government in India should be publicly declared a Christian government, but with perfect liberty of conscience to every individual, *Marsham* 9711.

See also *Missionaries.*

Churrah Poonjee (*Assam*). Objection to the hill station of Churrah Poonjee as being situated in a very wet country, *J. R. Martin* 300——Immense fall of rain annually at the hill station of Churrah Poonjee; the place is not unhealthy, *Hooker* 632-636——Explanation as to the failure of an attempted agricultural settlement near Churrah Poonjee, *ib.* 645-647.

Civil Jurisdiction (*Mofussil Courts*). See *Administration of Justice.*

Civil Service:

1. *Generally as to the Qualifications of the Civil Servants.*
2. *Whether conversant with the Native Languages.*
3. *Examination before Appointment or Promotion.*
4. *Number; Increase recommended.*
5. *Inability of the Civil Servants to hold Land.*
6. *System of Furlough.*
7. *Practice as regards Uncovenanted Servants.*
8. *Evidence in favour of an Abolition or Modification of the Covenanted System.*
9. *Evidence opposed to the foregoing Proposition.*
10. *Proposition for a Mixed System of Competition and Nomination.*
11. *Social distinction between the Civil Servants and the Settlers.*
12. *Question as to the Civil Servants having opposed Settlement.*

1. *Generally as to the Qualifications of the Civil Servants:*

Reference to the large number of young men sent out from Haileybury in 1853, and to the probable cause thereof; their inexperience as magistrates, &c., *Theobald* 942-949; 1221-1227——Witness has found efficiency and inefficiency in the covenanted officers; some have been ignorant of the languages, *Auld* 1427——Youth and inefficiency of the Company's judicial officers in Bengal, more especially of late years, *MacNair* 2426-2433; *Wise* 2645-2647. 2933-2936; *Dalrymple* 3209, 3210; *Mackenzie* 3587. 3602, 3603. 3703-3705. 3881-3884. 3898-3900. 3940-3950——There was no change of system being adopted when witness left India in 1857, *MacNair* 2443-2445——Great evil of the present system of the covenanted civil service in its leading to the appointment of magistrates and judges exceedingly inexperienced and inefficient, *Waller* 4840. 4873, 4874.

When in India, witness imbibed the general prejudice that the civil service, as a body, was not efficient; but since his return to England, and his experience of English officials, he has quite changed his opinion, *Mackenzie* 3697, 3698. 3702, 3978-3982——The superior servants of the Company are as a body most efficient. *ib.* 3697——Necessity of the employment of late years of younger men as magistrates, *Hawkins* 4154-4158; *Mills* 8814.

Belief as to the excellence personally, of the civil servants in Madras, *Ouchterlony* 5511——Strong testimony to the efficiency of the civil service of Madras, and of all India, *Onslow* 6795——There are doubtless some members of the civil service in Bombay, who are not efficient, but the body is on the whole a zealous and efficient one, *Wingate* 7852——Good conduct of the European portion of the uncovenanted service in Bombay *Landon* 8459——Inexpediency of the practice of occasionally placing civil servants in responsible positions before they have acquired due experience, *ib.* 8725, 8726.

Witness considers that the civil service as an administrative body has improved every year, *Bidwell* 9302. 9328-9333——The efficiency of the civil service has been very greatly improved since Lord William Bentinck's time, *Marsham* 9425——Much greater confidence of late years by the natives in the civil servants, owing very much to the better control exercised over the latter by Government, *ib.* 9451. 9453——Illustration of the improper and unjust conduct of the civil servants some thirty years ago, *ib.* 9453, 9454.

2. *Whether conversant with the Native Languages:*

Inadequacy of the attainments of the civil servants of Bengal in the native languages adverted to in connexion with the examinations which they undergo, *Theobald* 1056-1066; *Freeman* 1720-1723; *Mac Nair* 2200-2209——With some few exceptions, the civil servants as judges, are far from familiar with the languages in which the evidence

Reports, 1857-8—*continued.*

CIVIL SERVICE—continued.

2. *Whether conversant with the Native Languages*—continued.

is given, *Freeman* 1775-1777. 1787——Means for procuring Europeans in India competent as judges on the score of a knowledge of the languages, *ib.* 1778-1780——Statement as to the general inability of the civil servants to keep up conversations in the native language considered in connexion with their extent of intercourse with the natives in making revenue settlements and on other occasions, *ib.* 1843-1849. 1854-1863——An intimate knowledge of the native language is essential in the judge who presides where such language is used *ib.* 1864——When witness left India the real fact was that the civil officers were very unfit to read or speak the languages, *ib.* 1865. 1872.

In exceptional cases only can the European magistrates and judges converse or deliver judgments in the native language, *Wise* 2899. 3006-3009. 3109-3114——Inefficiency of the great majority of the European magistrates in the Mofussil, more especially in their want of a practical knowledge of the native languages, *Dalrymple* 3226-3232. 3371-3375. 3414——Concurrence in the evidence as to the difficulties experienced by the English magistrates and judges through their imperfect acquaintance with the native language, *Waller* 4840——Passages in certain petitions from Calcutta and Madras, as to the very imperfect knowledge of the judges in the native languages, *ib.* 5149. 5153——As regards the imperfect acquaintance of the civil judges with the native language the fault is in the system, *ib.* 5150.

Inability at present of the judges in Madras to comprehend the native witnesses, *Ouchterlony* 5551——Obstacle to the satisfactory administration of justice by European judges in the Mofussil in Western India on account of the several native languages spoken, and which they do not perfectly understand, *Warden* 6081-6083. 6090. 6249, 6250.

Witness entirely dissents from the evidence of Messrs. Theobald, Freeman, Mac Nair and Wise, that the civil servants are, as a rule, ignorant of the native language, *Mackenzie* 3783. 3912, 3913——Occasional instances of suitors suffering through the civil servants not being properly conversant with the native language, *Hawkins* 4147. 4152, 4153——By sending the civil servants occasionally to a police tannah they would soon become conversant with the language, *ib.* 4153——Belief that the civil servants generally understand Bengalee, *ib.* 4424-4426——Fitness, generally, of the European judges to carry on conversations with the vakeels, and to make themselves understood by the native juries, *ib.* 4462-4469.

Opinion that the use of the native language in the Zillah courts does not tend to the perversion of justice; in witness's time, at least, the judges were sufficiently acquainted with the language, *Baillie* 4563. 4580. 4621, 4622——Different native languages spoken in Bombay, *Wingate* 7853-7855——Efficiency of the Bombay civil servants generally, in regard to the native languages, *ib.* 7853-7856——Proficiency in the native languages of the great majority of the civil servants in Guzerat, *Landon* 8728, 8729——Inaccuracy of the evidence that few of the civil servants can converse with natives; the test to which they are submitted necessitates a knowledge of the languages, *Mills* 8794-8809——Further evidence relative to the knowledge of the European judges as regards the native language, more especially in the case of native documents, *ib.* 8938-8953.

The civil servants in Bengal, in witness's time, were efficient in their knowledge of the native language, *W. H. Martin* 9158——Witness was conversant with Bengalee and Hindostanee, *ib.* 9159-9162. 9230-9238——The experience of witness shows that the civil servants in the Mofussil in Bengal are quite conversant with the language of the natives, *Bidwell* 9270; *Marsham* 9426-9428.

3. *Examination before Appointment or Promotion:*

Nature of the examinations undergone by the civil servants adverted to, in connexion with their imperfect acquaintance, as magistrates, with the native language; whatever the examination there is inadequacy on this score, *Theobald* 1056-1066; *Freeman* 1720-1723; *MacNair* 2200-2209——Instances of inefficient young men having passed examinations, *Theobald* 1056——Advantage of some system of examination of civil servants before each promotion; witness has not heard of any recent regulations to this effect, *Freeman* 1785. 1865. 1872——As regards a certain test of late years in the reading of native documents, witness, who was not aware that such test was applied, admits that officers could not go through the same without a very great knowledge of the native languages, *ib.* 1865-1872.

Examination and training now undergone, so that magistrates soon become properly acquainted with the language, *Hawkins* 4147. 4149. 4153——Disapproval of the present system of competitive examination as not supplying the qualifications most required; this matter rests with the Board of Control, *ib.* 4271, 4272. 4300-4302. 4342-4344——Objection to a system of competitive examination in India, before promotion to the superior grades, *ib.* 4305, 4306. 4383, 4384——Necessary qualification before appointment to any district, in a knowledge of the vernacular used there, *ib.* 4485-4487.

Entire

Reports, 1857-8—*continued.*

Civil Service—continued.

3. *Examination before Appointment or Promotion*—continued.

Entire failure of the present system of competitive examination to secure the most efficient men for India, *Waller* 4869, 4870——Further statement as to the unsuitable test to which the candidates for the civil service are subjected, *ib.* 5002–5007. 5085–5087——Higher test, and further examination proposed, with a view to greater proficiency in the native languages, *Warden* 6083. 6249, 6250——Civil servants are not always examined with reference to the language of the district to which they are appointed, *ib.* 7478.

Witness, who was one of the board for conducting the examinations in the native languages, shows that the examinations were very strict, and that those who passed them must have had a thorough knowledge of the languages, *Mills* 8794-8805——Stringent examination undergone by the civil servants in the native languages, *Bidwell* 9270. 9306, 9307——Reference to the stringent examinations established by Mr. Grant for the civil service, as showing the impossibility of the judges being now unacquainted with the native languages, *Marsham* 9426——Slight use of the education in this country in the native language, *ib.* 9681. 9685——The knowledge of the oriental languages is the least qualification brought from Addiscombe or Haileybury, *ib.* 9681. 9785.

Copies of the revised rules for the examination of assistants in the lower provinces of the Bengal Presidency, *App.* (*Fourth Rep.*) *p.* 258–261.

4. *Number; Increase recommended:*

There are about 800 civil servants in the three Presidencies; there should be 1,200, *Hawkins* 4303, 4304——Advantage if the districts in charge of the civil servants were largely reduced, *Onslow* 6797–6799.

5. *Inability of the Civil Servants to hold Land:*

Prohibition of the civil servants in India from holding land; propriety of re-considering the same, *Theobald* 872–875. 1195, 1196.

6. *System of Furlough:*

Greater number of civil servants absent on leave since the opening of the overland route, *Theobald* 1278–1282——Mischievous effect upon the civil service of the new regulation of permitting furlough at the end of seven years, *ib.* 1283.

7. *Practice as regards Uncovenanted Servants:*

Action respectively of the Indian and Home authorities in regard to the appointment of uncovenanted servants in lieu of covenanted servants, *Theobald* 1142–1152——Belief that the exclusion of uncovenanted servants from certain judicial offices rests entirely upon custom, *ib.* 1151, 1152——The uncovenanted service has greatly increased, but chiefly as regards natives, *Wise* 2920–2922——Illustration, in the case of a relative of witness, of the undue preference given to the covenanted over the uncovenanted servants; improper action of the home authorities in the case in question, *Ouchterlony* 5525–5534——Reference to the exclusion from high office of a person who was formerly a domestic servant; the appointment conferred upon him by Lord Dalhousie was disallowed by the home government, *Warden* 6202, 6203. 7497, 7498.

Inability of Government to employ uncovenanted servants in certain offices; a revision is very desirable on this point, *Marsham* 9475–9479. 9482–9485——Modification of the civil service of late years, more especially in the Punjaub, inasmuch as several offices formerly held always by civil servants are now in the non-regulation provinces held by military servants, *ib.* 9485–9489——Further statement as to the employment of military servants as well as of civil servants in the administration of the Punjaub; success of the plan, *ib.* 9670–9680.

8. *Evidence in favour of an Abolition or Modification of the Covenanted System:*

Approval of an extension of the uncovenanted service, and of an abolition of the social and pecuniary distinction between uncovenanted and covenanted judicial officers, *Theobald* 1153–1156——The civil service should be re-cast, but not abolished, *ib.* 1157——The revenue and judicial services should be thrown open to all competent Englishmen in India, *ib.* 1277.

Prejudicial operation of the exclusive system of the civil service, *Mac Nair* 2000. 2058——Advantage if judicial and other appointments were open equally to the uncovenanted and covenanted services, *ib.* 2000. 2004, 2005. 2484——Check upon abuse of patronage if the uncovenanted servants were eligible for all public offices; efficiency thus to be obtained, *ib.* 2092–2095. 2256–2261. 2434–2440——Means by which a newly appointed Governor-general might select the most fitting settlers for judicial offices, &c., *ib.* 2530——Incentive to official exertion and efficiency if the civil service were thrown open, *ib.* 2561–2564.

Improvement in the conduct of the civil service towards the settlers if some of the higher appointments were open to uncovenanted servants, *Dalrymple* 3476–3482——Effects of the exclusive system of the civil service in deterring well educated and profes-

Reports, 1857-8—*continued.*

Civil Service—continued.

8. *Evidence in favour of an Abolition, &c.*—continued.

sional men from going out from this country, *Waller* 4840——Evil at present through the series of antagonisms in the judicial and other services, *ib.* 4842——Necessity of throwing the service entirely open in order to obtain efficiency, *ib.* 4870——Absence of difficulty in finding members of the uncovenanted service to fill positions previously occupied by covenanted servants at much larger salaries, *ib.* 4875——Further statement as to the expediency of abolishing the present exclusiveness of the civil service, *ib.* 4898. 4919-4924. 5006, 5007. 5223, 5224——Evil in the necessity, under the present system, of keeping incompetent men in the service and of promoting them, *ib.* 4948-4951. 5087——Way in which the patronage should be administered, with a view to efficient appointments, if the civil service were thrown entirely open; checks upon jobbery under this system, *ib.* 5006-5025. 5102-5109. 5164-5188.

Greater countenance should be given to the uncovenanted service, *Ouchterlony* 5524——The abolition of the covenanted civil service would not have any effect in deterring European settlement, *Warden* 6198, 6199——Advantage if uncovenanted servants of tried efficiency were eligible for offices now held exclusively by the covenanted servants; it would, in fact, be well to abolish the covenanted system, *ib.* 6200-6205. 6275-6278——Decided approval of the abolition of the exclusiveness of the covenanted service, *Onslow* 6801——With reference to a strong statement by Lord Macaulay, in the House of Commons, in 1853, in opposition to throwing open the public appointments, the same does not alter witness's opinion on the subject, *Warden* 7495, 7496.

9. *Evidence opposed to the foregoing Proposition:*

Grounds for objecting to a power in the Governor-General to appoint gentlemen of the uncovenanted service in offices hitherto appointed to the covenanted service, *Hawkins* 4159. 4270. 4273-4277——The Indian civil service has always been very free from jobbery, *ib.* 4278, 4279——Approval of the present system of appointment to civil offices rather than of throwing the service open; the latter plan cannot co-exist with the former, *Mills* 8876-8880.

Advantages of the present plan of training the civil servants in India for the higher appointments, *Marsham* 9455-9463——Inexpediency of interference with the prospects of the civil servants by the appointment of those who may be termed "outsiders" to the higher offices; the integrity of the present system should be strictly upheld, *ib.* 9476-9478. 9483, 9484——Apprehended jobbery if the civil service be thrown open, *ib.* 9490, 9491. 9623——Doubt as to the expediency of opening any of the higher offices, even to such men as Mr. Venables, *ib.* 9624-9626. 9637——Origin of the introduction of the covenant into the civil service, *ib.* 9663——Beneficial operation of the covenanted service further adverted to; witness does not see any substitute for it, *ib.* 9665 *et seq.*

Although the employment in greater numbers of competent Europeans is very desirable, witness does not consider it expedient to throw open the civil service, or to select Europeans in India for any of the higher offices, *Saunders* 10162-10184. 10224.

10. *Proposition for a Mixed System of Competition and Nomination:*

Suggestions with a view to providing a really efficient service from this country; proposition for a mixed system of competition and nomination, *Hawkins* 4271-4273. 4308, 4309. 4381, 4382——Concurrence in Mr. Hawkins' suggestions as to the best means of improving the civil service, *Mills* 9113.

11. *Social distinction between the Civil Servants and the Settlers:*

Evil of the wide line of social distinction drawn between the civil servants and the indigo planters, *Hawkins* 4310——Evil of the constant antagonism between the official and non-official Anglo-Indian communities, *Waller* 4840, 4841——Causes of the antagonism between the settlers and the civil servants, *ib.* 4891-4893. 4946, 4947. 5081, 5082——Means suggested for putting an end to the antagonism between the official and non-official community, *ib.* 4898. 4930-4934.

The local authorities should be enjoined to extend something of their countenance to settlers of good character, *Ouchterlony* 5522, 5523——Higher social position of the civil servants than of the settlers; the civil service is in fact a caste, *Warden* 6190-6193——Social distinction between the civil servants and the settlers, *Marsham* 9585. 9684-9687——Removal since the mutiny of the feeling of antagonism existing between the civil servants and the settlers, *ib.* 9585.

12. *Question as to the Civil Servants having opposed Settlement:*

Evidence to the effect that the civil servants have discouraged settlers by their cold or hostile treatment of them, *Theobald* 976-980; *Mac Nair* 2589, 2590; *Ouchterlony* 5522. 5577; *Saunders* 9815-9830——Prejudicial action of the European magistrates towards European planters, &c.; cause of this, *Theobald* 976——Witness did not personally experience any hostility from the local authorities, but doubts whether settlers were equally unimpeded in other districts, *Auld* 1338-1343. 1349-1354. 1373-1377. 1429, 1430—

Reports, 1857-8—*continued.*

Civil Service—continued.

12. *Question as to the Civil Servants having opposed Settlement*—continued.

1430——Denial that the civil servants have treated the settlers in a spirit of hostility, *Mackenzie* 3922, 3928. 3938; *Hawkins* 4325-4328; *Fowler* 5732, 5733. 5821-5824. 5894; *Warden* 6189. 6194; *Onslow* 6726-6728. 6860. 6879-6884; *Wingate* 7834-7839. 7913, 7914.

See also *Administration of Justice* (*Mofussil*), XI. 4. *European Superintendence* (*Native Officials*). *Haileybury. Judicial Service* (*European Judges*). *Magistrates. Patronage. Public Appointments. Revenue Service. Salaries.*

Climate. Obstacle on the score of climate to the permanent settlement of Europeans and their families in India, *Tremenheere* 110. 413, 414. 460-469; *Mullens* 7119, 7120; *Marsham* 9759. 9763. 9765. 9767, 9768——Principle diseases produced by residence in the plains of India, *J. R. Martin* 201——The alluvial plains are the most unhealthy, *ib.* 202——The amount of heat is less injurious than long residence in it, *ib.* 220. 225——Importance of previous soundness of constitution in the case of Europeans settling in India, *ib.* 293——Greater unhealthiness of Bengal proper than of the plains of Hindostan, *ib.* 299.

The climate in the different parts of India is now fairly understood, *Hooker* 642——Examination on the question of the climate of Bengal, to the effect that it is less unhealthy and less deteriorating than is generally supposed, *Theobald* 858. 1026-1032——Good health enjoyed by the European planters and settlers in the Mofussil in Bengal; illustration in the case of witness, *Theobald* 1028, 1029. 1294-1296; *Freeman* 1552-1554; *MacNair* 2064, 2065; *Wise* 2686-2688. 2852-2856; *Dalrymple* 3548——Laxity of discipline to which witness attributes the bad health of the soldiers in India, *Freeman* 1555——The deleterious nature of the climate is exaggerated, *Wise* 3167.

Europeans may, by proper precautions, enjoy good health in Bengal, *Mackenzie* 3985-3989——Temporary settlers may repair to India, but the climate is an insuperable bar to colonization, *Hawkins* 4356——The climate does not offer any serious impediment whatever to settlement by Europeans, *Waller* 4837——In the plains, settlement, as distinct from colonization, may be carried out notwithstanding the climate, *ib.* 5204.

Families or generations of Europeans could not, generally, exist on the plains of India, *Ouchterlony* 5254——The suitableness of the climate for purposes of colonization refers only to settlers of abstemious, or rather of temperate habits, *ib.* 5428-5431——Practicability by the removal of certain obstacles of colonization of the plains as well as of the hills, *ib.* 5560-5562——The plains of India are decidedly hotter than the West Indies, *Fowler* 5592.

Witness considers that the climate of India, so far as it affects the health, is no obstruction to the settlement of Europeans who intend eventually to leave the country, *Balston* 5898——The climate, however, as affecting the productive power of the soil, is the chief obstacle to extensive settlement, *ib.*——The climate in Bombay need not prevent colonization by Europeans, that is, as capitalists or superintendents of native labour, *Warden* 6028——Illustration of the effects of the climate as shown by an examination of the lives and services of 250 missionaries; inference that where Europeans live moderately the climate does not very rapidly injure them, *Mullens* 7133, 7134. 7299-7301.

The repugnancy of the climate to the European constitution will prevent European families from taking root in the country, as in Australia, &c., *Wingate* 7915; *Bidwell* 9270——Good health enjoyed by witness at Broach; in Guzerat generally Europeans might, by proper precautions, live for many years in fair health, *Landon* 8377-8382. 8680——Better climate in the North Western Provinces than in Bengal, *Saunders* 9902——Witness and his relations in the Doab have not found the climate unhealthy, *ib.* 10130, 10131. 10135-10137.

See also *Children of European Soldiers. Darjeeling* (*Bengal*). *Degeneracy of Europeans. Hill Districts. Mortality. Mysore*, 7. *Neilgherry Hills* (*Madras*), 9.

Coal. Particulars as to the available supplies of coal in Bengal; the coal of Burdwan and of the Nerbudda is the best adapted for commercial purposes, *Tremenheere* 19-24——Different places in Bengal where coal exists; its character, *Theobald* 878-882——Successful development by Europeans of the coal mines in Bengal, *Theobald* 883-885; *Freeman* 1541——Very good steam coal procurable in the Nerbudda valley, *Ouchterlony* 5401, 5402——Difficulty as regards the transit of the Nerbudda coals, *ib.* 5402, 5403.

See also *Bengal Coal Company.*

Cochin. Great increase in the trade of the port of Cochin; it should, instead of Beypoor, have been the terminus of the Madras railway, *Ouchterlony* 5278——Further evidence relative to the advantages of Cochin over Beypoor as the terminus of the Madras Railway, and the importance of Government outlay on the former harbour, *ib.* 5374-5378

Reports, 1857-8—*continued.*

Cochin—continued.

——It is not yet too late to convert the line to Beypoor into a branch, and to make that to Cochin the trunk line, *Ouchterlony* 5374——Belief that Government have done but little towards improving the harbour, *ib.* 5378.

Explanation as to the measures taken for improving the harbour of Cochin, *Onslow* 5609.

Code of Laws. See *Administration of Justice,* XI. 2. 8. *Law Commission. Penal Code.*

Coffee. Instance of successful colonisation brought about by Europeans in the cultivation of coffee in a tract of forest land in the Malabar district, *Ouchterlony* 5303-5307—— Instances of intended taxation of coffee plantations procured from the native proprietors, and which, till they came into the possession of the settlers, had been exempt from taxation, *ib.* 5446-5449——All coffee pays an export duty, *Fowler* 5670——Lands with dense forests, as in Coorg, are very suitable for coffee plantations, *ib.* 5680. 5687, 5688. 5736-5739——Necessity of scientific as well as practical men, in order to grow coffee successfully, *ib.* 5886.

See also *Mysore,* 10. *Neilgherry Hills* (*Madras*), 3.

Coilamully Hills (*Salem*). Particulars as to the climate and resources of the Coilamulley hills in Salem, *Ouchterlony* 5278.

Coimbatore. Character of the country comprised in the Barahmahl and northern part of Coimbatore; imperfect survey of this tract, *Ouchterlony* 5278——There are not many native agriculturists in Coimbatore who are possessed of large capital, *ib.* 5482-5484 ——The land in Coimbatore is not sufficiently fertile to be favourable to the investment of European capital, *Fowler* 5595-5600.

Coleroon Anicut (*Madras*). Incalculable benefit of the Coleroon anicut to the adjacent district, *Ouchterlony* 5372.

Commerce. See *European Capital and Skill. Mercantile Operations.*

Communication, Means of. The want of proper means of intercommunication throughout the country is the first and chief obstacle to European settlement, *Tremenheere* 14-17, 404-412. 422-424——Importance of facilities for the transit of the products of the country from one district to another, *ib.* 17. 20, 21——Enhanced value of products if there are increased facilities of export, *ib.* 404-406——The want of roads and railroads must be supplied before Europeans can properly penetrate and develope the country, *Theobald* 877, 886.

The want of proper means of communication has operated very much against settlement, *Freeman* 1510, 1511; *Waller* 4381——Check upon the development of the agricultural resources of the country through the want of means of transit, *Freeman* 1519, 1520——Very slow travelling formerly in India by dawk, as compared with travelling by horse carriages or railways, *ib.* 1535-1540——Excellent effect of the improved means of communication with this country further adverted to, *ib.* 1817, 1818.

Great want of improvement by Government as regards roads, rivers, and canals in Lower Bengal, *MacNair* 2519-2522——Statement showing the exceedingly low value of cotton, wheat, &c. in the interior as compared with the value at the place of export, on account of the difficulties of transit, *Balston* 5904-5906——Great importance to the settlers as well as to the natives of improved means of transit, *Onslow* 6944-6950; *Wingate* 7730——Of all classes of the community the agriculturist will be most benefited by improved means of communication, *Wingate* 7699——Roads and railways are essential in order to attract settlers to the interior, and to facilitate the transfer of produce, *Landon* 8286.

See also *Bridges. Canals. Cotton,* I. 4; II. *East Indian Railway. Famines. Grand Trunk Road. Railways. Rivers. Roads. Steam Communication. Transit Duties.*

Contract Law. A law is much wanted for the enforcement of contracts, and for the regulation of proceedings with the natives; reference hereon to a repealed law of Lord W. Bentinck on the question of indigo contracts, *Theobald* 958-964——Importance of a proper law of contract applicable to Europeans and natives, *MacNair* 2001. 2096-2107. 2459-2467; *Dalrymple* 3222-3225——Alterations in the law of contract, or in the sale law should not be made merely for the benefit of Government without reference to the planters, *Dalrymple* 3469-3472——The natives are very unpunctual in their money engagements, *Mackenzie* 3627. 3641.

A contract is under no law in the Mofussil; great want of a written law on this subject, *Hawkins* 4162. 4166. 4345-4349——Respects in which a decree in the hands of a zemindar against a ryot, for breach of contract, may be used as an instrument of oppression, *ib.* 4188-4193——Different provisions in the former Opium Contracts Act, and in the present one as regards the means given to Government for enforcing their claims, *ib.* 4203-4210——It would never do to give the indigo planters a Contract Act, similar to the Government Act in the case of opium contracts, *ib.* 4211-4213——Decrees in cases of contract

Reports, 1857-8—*continued.*

Contract Law—continued.

contract should stand over for not more than six, instead of twelve years, before execution, *Hawkins* 4225-4230.

Particulars as to the operation of the coercive legislation relative to advances by the planters to the ryots; necessity of a summary remedy in the hands of the planters, *Baillie* 4546-4549. 4555——Respect in which the process against defaulting cultivators may be said to be more stringent in the case of opium than of indigo, *ib.* 4628——Practice as regards the application of the English law where the Hindoo or Mahomedan laws of contract do not apply, *ib.* 4702-4705——Instance of extreme dilatoriness and of injustice before the final settlement of a suit instituted by witness against a native for breach of contract, *Landon* 8400, 8401. 8405-8414——Weakness of the law in enforcing contracts or agreements, *Bidwell* 9270.

Contractors (*Public Works*). A class of European contractors in India would be found most useful as regards public works, *Ouchterlony* 5383——Absence of encouragement to contractors to go from this country to Madras, *ib.* 5384-5387.

Coolie Emigration. The migration eastward from the Coromandel coast is ascribed by witness to the ryotwar settlement, *Theobald* 888-890. 1080-1082——Stop to emigration from Madras if there were works of irrigation as a means of developing the resources of the country, *Onslow* 6861, 6862.

Coompta Harbour (*Madras*). Importance of an improvement of the harbour of Coompta, *Onslow* 6826-6832.

Coorg. Witness has some land in Coorg, which he got from Government for nothing, but he pays a duty of four annas per maund on all the coffee raised; exception taken to this duty, *Fowler* 5655-5669. 5688-5693——Coorg province is very small, *ib.* 5694——System as regards the tenure of land under Government, the natives paying a small tax for permission to collect cardamoms, *ib.* 5756-5760. 5798——Facilities given by Government to European settlement in Coorg; the land is all being taken up, *ib.* 5759. 5763. 5797. 5825-5828——Witness has not more than 250 or 300 acres of land in Coorg; circumstances under which he obtained it, *ib.* 5761-5763.

Reference to the possibility of Coorg being restored to native government, as operating against European settlement, *Onslow* 6396-6399. 6672-6674. 6771——Explanation that the tenure of land, as in Mysore, does not apply to Coorg, *ib.* 6520.

See also *Coffee. Mysore.*

Copper. Copper exists in the Himalayas, but has not yet been profitably worked, *Tremenheere* 26—— Particulars as to the copper mines in Singbhoom and Beerbhoom, in Bengal, *Theobald* 878. 885——Copper is rather brought to than from the Himalayas, *H. and R. Schlagintweit* 7031.

Coringa (*Madras*). Character of Coringa as a port, *Ouchterlony* 5287, 5288——Considerable works have been carried on for the improvement of the port, *ib.* 5378.

Coromandel Coast Canal. Reference to the Coromandel Coast Canal, and the objections formerly urged by witness against the large outlay upon it, *Ouchterlony* 5374.

Cost of Production. The cost of production in India is less than one-half the cost in America, *Balston* 6332.

COTTON:

I. *As to Production generally:*
1. Natural facilities for increasing the Produce and improving the Quality.
2. Importance of European Superintendence and Preparation.
3. Improvement by the use of the American Saw-gin.
4. Advantages from increased means of Irrigation and Transport.

II. *As to Production in particular Districts:*
1. Lower and Eastern Bengal.
2. Dharwar and Belgaum, &c.
3. Guzerat.
4. Khandeish.
5. Mysore.
6. North-Western Provinces.

I. *As to Production generally:*

1. Natural facilities for increasing the Produce and improving the Quality.

Excellent natural facilities for the production of cotton in India, *Wise* 2679——Probability of procuring cotton more cheaply from India than from the United States, *ib.* 2915, 2916——Ample supply of labour for collecting a largely increased cultivation, *Balston*

Reports, 1857-8—*continued.*

Cotton—continued.

I. *As to Production generally*—continued.

1. Natural facilities for increasing the Produce, &c.—*continued.*

6013-6016——Opinion that cotton in India, though it may be much improved, can never be brought to equal American cotton, *Warden* 6178-6183——Probability of the deterioration of improved cotton seeds, as not being indigenous to the soil, *ib.* 6178-6180. 6183.

Question as to the necessary degeneracy in India of the Mexican or American cotton seed, *Onslow* 6704-6707——Effect of the market price of cotton upon the quantity grown in India, *ib.* 6905; *Landon* 8326-8329——Belief that although cotton may be very extensively cultivated in India, a sufficient quantity cannot at any time be relied upon to make this country independent of American cotton; the price, in fact, will govern the production in India, *Wingate* 7924-7932. 8176-8185.

Cotton can be cultivated only once in three years advantageously on the same land, *Landon* 8326——Inferior quality of the Indian to the American cotton, *ib.* 8330, 8331——Large crops and inferior quality of the cotton grown upon those moist soils, where the land is allowed to lie fallow; a rotation of crops is not, however, largely practised, *ib.* 8514-8526——Remunerative price of cotton at the present time, *ib.* 8527-8530——The ryots are fully alive to the cultivation of that crop which yields most profit, *ib.* 8713-8715.

2. Importance of European Superintendence and Preparation:

Great importance of European superintendence in the production and preparation of Indian cotton, *Tremenheere* 50-52. 176-179——Probability of cotton being cultivated with the same success as indigo, if the same energy be applied thereto by settlers, *Freeman* 1929-1936——Objection to a system of purchasing cotton from the natives, *Ouchterlony* 5485, 5486.

Improved character of the cotton, accordingly as it is cultivated or picked with care, *Onslow* 6407——Illustration of the improvements which may be carried out in the cultivation and cleaning of cotton, *ib.* 6701-6704——Opening to European capitalists in buying up and preparing native cotton, *ib.* 6701, 6702. 6740*——Tricks played by the natives with the cotton in order to add to its weight, *ib.* 6702.

Advanced price obtained for the cotton cleaned by natives, as compared with that cleaned by the native process, *Landon* 8565——Tendency of the natives to tamper with the cotton, *ib.* 8556-8563.

3. Improvement by the use of the American Saw-gin:

Great advantage in Dharwar, &c., from the use of the American gins, *Onslow* 6701, 6702——Particulars as to the increased use of saw-gins in cleaning cotton; great importance of these machines, *Wingate* 7733-7744——Considerable advantage derived by witness in Guzerat from the use of the American saw-gin, *ib.* 8337-8341——Circumstance of the native producers not using the saw-gin, save by occasionally sending their cotton to witness's establishment, and having the use of his machinery, *ib.* 8342-8348.

4. Advantages from increased Means of Irrigation and Transport:

Very low price of cotton in the interior as compared with the price at the place of export, *Balston* 5904——Immense improvements effected by irrigation in the quality and produce of the cotton plant; grounds for this statement, *ib.* 5967-5980. 5997-6006——Calculation that by means of the proposed canals a bale of 400 lbs. of cotton may be produced per acre, and delivered at the seaport in India at a total cost of 2*l.* 8*s.* 6*d.*, which bale would be worth 10*l.*, and the seed 18*s.*, leaving a profit of 8*l.* 9*s.* 6*d.* per acre, *ib.* 5984-5996——Anticipation that in the course of time the proposed canals would result in driving the American cotton out of the English market, *ib.* 6007-6018——In order to encourage the cultivation of cotton in India, irrigation is wanted more than railways or other works, *ib.* 6018.

Witness is confident that irrigation would greatly improve the growth of cotton, *Onslow* 6609-6611——Necessity of irrigating cotton on a different system from sugar, rice, &c., *ib.* 6740——Enhancement in the market price of cotton through the cost of transit, *Wingate* 8100-8113——In several districts of India the cultivation of cotton cannot be further increased, but in many districts railway communication will lead to a considerable development of cotton and other produce, *Landon* 8710-8718.

II. *As to Production in particular Districts:*

1. Lower and Eastern Bengal:

Reasons to which the non-cultivation of cotton in Lower Bengal is to be attributed, *MacNair* 2348-2361. 2468. 2534-2543——The main difficulty is on the score of inland transport *ib.* 2539-2543.

Cotton is grown in large quantities on the Tipperah hills, *Wise* 2679——Large crops of very good cotton grown by witness near Dacca, *ib.* 2679, 2680. 2735——Experiment by the Government in cotton cultivation in Dacca; causes of its failure, *ib.* 2683, 2684. 2742-2757——Further particulars relative to the cultivation of cotton in Dacca, and the reasons

Reports, 1857-8—*continued.*

Cotton—continued.

II. *As to Production in particular Districts*—continued.

1. Lower and Eastern Bengal—*continued.*

reasons why it has not been more extensively purchased, *Wise* 2729-2766. 2742-2757. 2790-2793. 2803-2807. 2908-2916.

2. Dharwar and Belgaum, &c.:

Greatly increased growth of Mexican cotton in the Dharwar country, *Onslow* 6703——Large growth of New Orleans cotton in the South Mahratta country, where it was first introduced in 1845, *Wingate* 7733——Tabular statements delivered in showing the extent of cotton cultivation in the collectorates of Belgaum and Dharwar, for a series of years between 1841 and 1857, *ib.* 7916——Further reference to the successful cultivation of New Orleans cotton in Dharwar, although in adjacent districts the experiment has failed, *ib.* 8194-8200.

3. Guzerat:

Grounds for concluding that by means of canals of irrigation and navigation cotton of improved quality may be produced in Guzerat, &c., and exported in an immensely increased quantity, and at a low price, *Balston* 5904. 5967 *et seq.*——The present cost of Guzerat cotton in Bombay may be taken at 3*d.* per pound, of which the cultivator gets only 33 per cent., *ib.* 5981-5983.

Witness has resided as a cotton merchant for eleven years in Bombay and Guzerat; has a cotton factory and other interests in Guzerat, *Landon* 8274-8282——In the Broach and Kattwar districts of Guzerat a full proportion of the soil is under cotton cultivation, *ib.* 8325, 8326——Increased value of the Guzerat cotton through the increased care of the natives in packing and cleaning, *ib.* 8332-8336——There is one native establishment on the same principle as witness's for purchasing and cleaning cotton, *ib.* 8493-8496——Witness's establishment when in full work can turn out about 25,000 lbs. of clean cotton daily, *ib.* 8497.

Practice in regard to the packing and screwing of the cotton cleaned by witness, *Landon* 8498-8500——Distinguishing mark put by witness on all cotton sent by him to market, *ib.* 8501, 8502——Export by witness of large quantities of native cleaned cotton, *ib.* 8502-8504——Varying yield per acre of cotton in Guzerat, *ib.* 8506-8517——In the Broach districts an increased quantity cannot advantageously be grown, *ib.* 8531, 8532. 8691, 8692.

Varying quality of the Guzerat cotton in different seasons, *Landon* 8537, 8538——Value respectively of the best Broach cotton and of the American upland cotton, *ib.* 8539——Failure of the application of irrigation in growing cotton in Guzerat, *ib.* 8540-8544——Further reference to the native establishment similar to witness's; fraudulent character of the native at the head of it, *ib.* 8546-8557——Expense incurred by Government in encouraging and improving cotton cultivation in the Broach district, *ib.* 8683-8690——Failure of the New Orleans seed in Guzerat, *ib.* 8685, 8686.

4. Khandeish:

Witness has estimated that there are 5,000,000 acres of waste lands in Khandeish, upon the greater part of which cotton or other produce might be grown, *Wingate* 7653, 7654. 7667-7669——Considerations as to the probable amount of cotton which, by means of European capital, may be produced in Khandeish; opinion that it is not possible to produce a crop at all approaching to that of the United States, *ib.* 7654 *et seq.*——Calculation showing that Khandeish may produce about one-eighth of the United States production, *ib.* 7655, 7656. 7926.

Cotton is now extensively grown in Khandeish, and its cultivation is increasing very rapidly, *Wingate* 7656, 7657——Doubt as to any particular improvement in the mode of cleaning cotton in Khandeish, *ib.* 7685-7688——Very superior quality of the Khandeish cotton as compared with that of Broach or Surat, *Landon* 8533-8538.

5. Mysore:

Very excellent cotton grown upon an experimental farm which witness had charge of in the Nugger district in Mysore, *Onslow* 6363-6366. 6425-6430——The experiment of witness did not pay its expenses, but it was on a very small scale, and was not intended to do so, *ib.* 6877, 6878.

6. North Western Provinces:

Falling off in the cultivation of cotton in the Doab for export; causes thereof, *Saunders* 10132-10134. 10225-10229——The cultivation of cotton in the North-west Provinces may be increased and improved by means of irrigation, but its competition with American cotton must be very uncertain, *ib.* 10230-10240——The cotton of the Doab, &c., is inferior to all the Bombay cottons, *ib.* 10250.

See also *Neilgherry Hills (Madras)*, 4. *Spinning Factories.*

Reports, 1857-8—*continued.*

Courts of Law. See *Administration of Justice.*

Covenanted Service. See *Civil Service.*

Craufurd, Capt. H. W. Proposition by Captain Craufurd on the subject of Government sales of land for arrears of revenue, *App.* (*Fourth Rep.*), *p.* 328-332.

Criminal Jurisdiction (*Mofussil Courts*):

1. *Strong Objections to the contemplated "Black Act."*
2. *Explanation on the part of the Law Commission.*
3. *Mode of Introduction of the Act in the Legislative Council.*
4. *Views expressed in the Council by Sir Arthur Buller.*
5. *Proposed exemption of Government Officials.*
6. *Present State of the Criminal Law in the Mofussil; Amendment required.*

1. *Strong Objections to the contemplated "Black Act:"*

Reasonableness of the objections of the Europeans to be placed under the Black Acts; that is, Acts placing them indiscriminately with the natives of the country under the same local tribunals, *Theobald* 968——Belief that the Act of 1833 does not enjoin the same law for natives and Europeans, and offers no proper foundation for the threatened Black Act, *ib.* 1034, 1035——Witness further contends that it is essential to have one law for the natives and another for the Europeans, *ib.* 1112-1119——False charges would constantly be brought against Europeans if liable to be tried by the local tribunals for capital offences, *ib.* 1140——Defence of the principle upon which witness contends that Europeans in the Mofussil should be subject to the jurisdiction of the Supreme Courts alone, until a system of courts can be devised with which they may reasonably be satisfied, *ib.* 1248-1263——Witness does not wish to look upon the Europeans in any way as the dominant class, *ib.* 1258. 1263.

Deterrent effect upon settlement in consequence of the threatened enactment from time to time of measures subjecting Europeans to the jurisdiction of the natives, *MacNair* 1981-1988. 2213-2216. 2341-2346——The Europeans must not be under the same laws as the Hindoos and Mussulmans, *ib.* 2002——If the Black Act be passed, many indigo planters will leave the country, and there will be a great depreciation and loss of property, *ib.* 2569-2575——Repetition of objections to the proposition for putting Europeans in the Mofussil under the jurisdiction of the native courts and juries, *ib.* 2611-2620.

Strong complaints against the threatened enactment of measures for subjecting European settlers to the criminal jurisdiction of native judges and native juries, *Wise* 2637. 2645. 2647. 2650; *Dalrymple* 3310-3327——Very limited number of European judges required in the Mofussil in order to exercise jurisdiction over the planters, *Wise* 3069-3080——With competent English judges in the Mofussil to try European cases, the proposed Black Acts would not be objected to, *Dalrymple* 3328-3335——The planters would most probably be willing to pay for the expense of English criminal judges, *ib.* 3503——Illustration of the evil of a power in the native judges to imprison Europeans, *ib.* 3558.

Witness disapproves of European settlers or East Indians being tried criminally before the native judges; grounds for the objection, *Mackenzie* 3772. 3773. 3832; *Hawkins* 4083-4086. 4088-4092. 4261; *Baillie* 4525. 4586. 4738, 4739; *Waller* 4878, 4879; *Mills* 8863, 8864. 9086-9090; *Marsham* 9431. 9555. 9557——Objection to Europeans being subject to the Company's courts in the interior presided over by Europeans, *Waller* 4881——Approval of the exemption for the present of Englishmen from native criminal jurisdiction, *W. H. Martin* 9167, 9168——Objection by the Europeans in the North Western Provinces to be placed under the jurisdiction of native judges in criminal cases, *Saunders* 9800-9803.

Petitions from planters, merchants, and British subjects generally, in Bengal, in opposition to the proposed jurisdiction in criminal matters, *App.* (*Fourth Rep.*), *p.* 233-238.

2. *Explanation on the part of the Law Commission:*

Passage in the Law Commission Criminal Procedure Code, relative to the last proposed Black Act, *Hawkins* 4059——Foundation of all the Black Acts of late years upon the Act 3 & 4 Will. 4 c. 85, the inference drawn from such Act, having been that Europeans should be made liable to the criminal courts in the Mofussil, but not punishable capitally by them, *ib.* 4063-4065——Instructions to the Law Commissioners under which they could not have felt empowered in making courts from which Europeans should specially be exempt, *ib.* 4065-4069——The main objection by Europeans in India to the Commissioners' scheme is to the provision making them liable, criminally to native jurisdiction, *ib.* 4070.

Nature of the jurisdiction proposed by the Black Act, in the case of the subordinate criminal courts of the first and of the second class; constitution of these courts, *Hawkins* 4071-4075——Except under a special order from Government the native judges could not, without a reference to a European magistrate, exercise criminal jurisdiction over Europeans; hence it was inferred by the Commissioners that Europeans would

Reports, 1857–8—*continued.*

Criminal Jurisdiction (*Mofussil Courts*)—continued.

2. *Explanation on the part of the Law Commission*—continued.

would not generally be brought before the native judges, *Hawkins* 4075–4082. 4087—— Outline of the system of criminal procedure as recommended by the Law Commissioners, *ib.* 4093–4099——Provision in the new code as regards the jurisdiction of the magistrate in cases of European criminal charges in the Mofussil, *ib.* 4251–4253.

3. *Mode of Introduction of the Act in the Legislative Council:*

Attempt of the Legislative Council to introduce at first a part only of the Law Commission, *Hawkins* 4257–4259.

Explanation as regards the introduction of the Black Act in the Legislative Council, that there was no attempt made to smuggle it through the Council without bringing in the whole as prepared by the Law Commission, *Hawkins* 4405.

4. *Views expressed in the Council by Sir Arthur Buller:*

Reference to the views of Sir Arthur Buller, member of the Legislative Council, against the contemplated Bill for making Englishmen in the Mofussil amenable to the Company's courts, and for exempting the civil servants therefrom, *Freeman* 1559. 1826–1829——Impression created by the views expressed by Sir Arthur Buller, relative to the Black Acts, *MacNair* 2453–2457.

Consideration of the views of Sir Arthur Buller, as expressed in the Legislative Council, relative to the proposed Black Act, and the exemptions contemplated in it as regards Government servants; misapprehension of Sir A. Buller, in supposing that native judges were not included in the exemption as regards trial only by the session court or the high court in Calcutta, *Hawkins* 4107–4112. 4256. 4372–4380.

5. *Proposed Exemption of Government Officials:*

Injustice in the proposed exemption of the company's officers from the operation of the Black Acts, *MacNair* 2237–2241——The clause exempting Government officials and soldiers and sailors from the Black Acts, was brought forward by Mr. Peacock, *ib.* 2529——Importance of distinguishing officials from settlers, and of exempting the former from the jurisdiction of the Mofussil criminal courts, *Hawkins* 4111. 4160. 4336, 4347.

6. *Present State of the Criminal Law in the Mofussil; Amendment required:*

Nature of the protection afforded by the existing criminal law in case of maltreatment of natives in the interior by Europeans; approval of other recourse in grave cases besides the Supreme Court, *Theobald* 1036–1039. 1137–1141——The present system of criminal jurisdiction does not give an impunity to Europeans, *ib.* 1141——Different ways in which Europeans are now amenable to the jurisdiction of the local magistracy, *ib.* 1228, 1229——Ample power at present of the country magistracy over Europeans, *Wise* 2649——Power at present of the native judges to fine, but not to imprison Europeans; witness has not known any grievance from this power, *Dalrymple* 3318–3327. 3446–3450.

In the Regulation Provinces, all criminal offences by natives are tried under the Mahomedan law, *Hawkins* 4238–4241——Englishmen charged with criminal offences in the Mofussil are sent to Calcutta for trial, frequently at very great inconvenience and expense, *ib.* 4242. 4249, 4250——In cases of petty assaults by Europeans in the Mofussil, the district or zillah magistrates may exercise jurisdiction, *ib.* 4242. 4250. 4252. 4254, 4255——Frenchmen in Calcutta are subject to the English law, and in the Mofussil to the modified Mohomedan law, *ib.* 4243–4248.

Limited jurisdiction of the English Mofussil magistrates over Europeans; advantage of some extension of this jurisdiction, *Baillie* 4623–4627——The criminal jurisdiction of the European magistrates might be enlarged, *Mills* 8865–8867——Great inconvenience of the present system of sending Europeans charged with crime to Calcutta, *ib.* 8868——Reference to a murder in Kishnaghur, about twenty-five years ago, when the Englishman concerned in it was acquitted by the Supreme Court, *W. H. Martin* 9169–9172.

See also *Administration of Justice* (*Mofussil*). *Penal Code.*

Crop-Assessment. Practice in regard to the assessment by the zemindars in Bengal, of the different descriptions of crops, *MacNair* 2037–2044——The system of Government assessment in Bombay, according to the crop, ceased several years since, *Wingate* 8085–8088. 8090.

Cuddalore (*Madras*). Failure of some works of improvement carried out at Cuddalore, contrary to witness's views, *Ouchterlony* 5378——Facilities of Cuddalore harbour for the export trade, *ib.*

Cultivation of the Soil. See *Agriculture.*

Reports, 1857-8—*continued.*

Currency. Evidence in favour of the introduction of a gold currency into India, and of the issue of Government paper bearing a certain rate of interest, and payable after twelve months, *Wise* 2689-2691. 2952-2962——Approval of the issue in India of a Government convertible paper, payable at terminable periods, *Mackenzie* 4001, 4002——Respects in which it is very desirable to restore the gold currency in India, *ib.* 4030-4036——Practice as to the gold circulation; its prohibition in 1853, *ib.* 4037-4042——Great inconvenience through the use of silver as the sole circulating medium, *Baillie* 4542-4544. 4740.

Very much larger metallic currency required under the British revenue system than under the native system; quotations hereon from an article by witness in the "Bombay Quarterly Review," *Wingate* 7707——Grounds for objecting to the substitution of a gold standard for a silver standard in India; reference hereon to witness's article in the "Bombay Review," *ib.* 7710-7714.

See also *Silver.*

Cutchery Compounds. Suggestions with a view to constituting every cutchery compound as a sort of fortress, *Ouchterlony* 5408.

Cuttack (Bengal). See *Land Revenue Settlement, &c.*, V.

D.

Dacca. Difficulty as regards water-communication between Dacca and Calcutta, *Wise* 2760-2769——Witness does not consider that the population of Dacca, &c. has retrograded during the last 50 years, *ib.* 2846-2848——There are many highly respectable and intelligent natives in Decca, but Europeans there would still like to be tried by a jury of their own countrymen, *ib.* 3081-3084.

Report of a meeting of Europeans to complain of disorders in the Dacca district, through the inefficiency of the deputy magistrate, *App.* (*Fourth Rep.*), *p.* 243, 244.

See also *Cotton*, II. 1.

Dacoitee. Improved practice in dealing with cases of dacoitee and thuggee, *Mackenzie* 3929, 3930.

Dalhousie, Lord. Considerable vigour and energy under Lord Dalhousie's Government in the way of improvement, *Marsham* 9660.

Dalrymple, James. (Analysis of his Evidence).—Has been upwards of thirty years in different parts of Lower Bengal; was in the management of the firm of J. & R. Watson, 3168-3174——There are upwards of fifty Europeans in Messrs. Watson's concerns; difficulty in keeping up the number, 3175-3177——Messrs. Watson have in their indigo, silk, and sugar concerns, a capital of about 300,000 *l.* in block, and expend about 200,000 *l.* annually, 3178-3187.

Concurrence generally in the evidence of Messrs. Freeman, MacNair, and Wise, in regard to the state of the law, police, and magistracy, 3188-3190——The police are extortioners, and constant instigators of quarrels, and are corrupt in every sense of the word; witness has known many instances of this, 3192-3297, 3466-3468. 3527-3534——It is very important to introduce European superintendence into the police, 3193. 3208-3215——Instance of corrupt and extortionate conduct on the part of a darogah; this case, in which witness was the victim, occurred about twenty years ago, and ended in the exculpation of the darogah by the magistrate, 3196-3205. 3466-3468.

The covenanted magistrates have not, as a body, improved since witness has been in India, 3209, 3210——The native deputy magistrates are very unfit for the police, 3211-3214——Efficient magistrates might, without difficulty, be found in the uncovenanted servants, 3216——Advantage if an increased number of Europeans could be procured for the concerns of Messrs. Watson, 3217-3221——The European settlers are much in want of a proper law of contract, 3222-3225.

Inefficiency of the great majority of the European magistrates in the Mofussil, more especially in their want of a practical knowledge of the native languages, 3226-3232. 3371-3375. 3414——Absence of increase in the number of Europeans in the Mofussil, notwithstanding the increase of factories; more Europeans and natives are employed than formerly, 3233-3235. 3277-3281. 3502——Witness attributes the non-increase of settlers mainly to the bad state of the laws, and of the police, and the general insecurity of person and property, 3236-3238. 3282-3293. 3352-3370. 3574, 3575.

Confirmation of the evidence of other witnesses as to the insufficient security, under the sale law, to the under-tenures, 3239-3244——Roads are much wanted in Bengal; there are very few there, 3245-3247——Advantage on the score of road-making if there were an increased number of settlers conjointly, with a system of local self-government, 3248-3257——Probability of the Europeans and natives maintaining the roads if made by Government, 3253-3255. 3391-3397——The natives understand road-making, and there is no want of labour, 3255. 3398-3401.

An improvement is urgently required in the state of the Nuddea rivers, but Government has not taken any effectual steps in the matter; the required improvement would be

Reports, 1857–8—*continued.*

Dalrymple, James. (Analysis of his Evidence)—*continued.*

expensive, but might be defrayed out of the tolls, 3258–3265. 3386–3390. 3436–3442. 3484–3495. 3559–3563. 3571–3573——Cultivation has been greatly improved and increased wherever there has been European settlement, 3266, 3267 —— Settlement has also greatly improved, and if extended, will further improve the physical condition of the natives, 3268–3270. 3402–3406——Increased native education if the settlers increase, 3270–3274——Assistance now given by the settlers towards native education; instance in the case of Messrs. Watson, 3271–3273. 3443. 3565–3567.

Suggestions with a view to the protection of the putneedars without prejudice to the security of the revenue, 3294–3309. 3462–3464. 3553–3557——Decided objection to Europeans being subject to the criminal jurisdiction of native judges, 3310–3327—— Approval of the retention of the native civil judges, 3312–3318——Power at present of the native judges to fine, but not to imprison Europeans; witness has not known any grievance from this power, 3318–3327. 3444–3450——With competent English judges in the Mofussil to try European cases, the proposed Black Acts would not be objected to, 3328–3335.

Difficulty in buying estates in Bengal, 3337. 3504–3506——Number of years' purchase fetched by the sale of zemindaries and putnees in Bengal, 3338–3343. 3451–3453—— Higher prices generally bid at sales by natives than by settlers, 3344–3346—— Difficulty as regards the rights of the ryots if the land were to be sold out and out, 3347–3351——Insufficiency of the inducement as regards the employment of European assistants adverted to as the cause of the insufficient number available for the factories, &c., 3360–3369. 3497–3413.

The behaviour of the civil servants towards Europeans has a deterrent effect upon settlement, and Government has, on the whole, become more despotic of late; grounds for this statement, 3370. 3380–3385. 3454–3457. 3469–3476. 3520–3526——Good conduct of the police, and excellent order in those districts where there happen to be competent magistrates, 3376–3379. 3527–3530——Reason why Government rather than the zemindars should make the roads; provision to that effect under the decennial settlement, 2391–3397. 3431–3433——Tendency of the ryots to become attached to the European settlers, 3402. 3576–3580——Increased consumption of English manufactures through the effects of settlement, 3404–3406. 3507.

The numerous forms proposed under Mr. Grant's sale law led to the planters' objections to it, 3415–3419——In making roads, bricks may be procured without any great expense; they are laid down broken, 3420. 3483–3487—— On the resumed lands in Bengal, but not in the zemindaries, the Government rent is, in many instance, high, 3421–3430——Want of proper funds and local committees for the formation of roads, 3434, 3435——Approval of a substitution of Europeans for natives in some of the higher public situations, 3458–3461.

The local authorities have of late years made much greater efforts than they did thirty years ago towards developing the resources of the country, 3465——Alterations in the law of contract, or in the sale law, should not be made merely for the benefit of Government without reference to the planters, 3469–3472——Approval of all revenue questions being tried in separate revenue courts, 3475——Improvement in the conduct of the civil service towards the settlers if some of the higher appointments were open to uncovenanted servants, 3476–3482.

The population of Bengal are not generally in want of rice, as food, but in winter are under-clothed, 3497–3499——The planters would most probably be willing to pay for the expense of English criminal judges, 3503——The magistrates often detain people in prison unlawfully, and witnesses are constantly detained in a very improper manner, 3508–3519——Approval of the operation of the Lawrence Asylum as a means of providing Europeans for factories, &c., 3535–3539——Advances to the ryots by the firm of Messrs. Watson have accumulated during the last thirty years to about a million sterling, of which about half has been remitted, 3540–3544.

Importance of the use of the English language in the courts instead of the Hindee, which is not the vernacular of the country, 3545–3547——Witness did not suffer from bad health in Bengal, 3548——Abundance of available labour in India, 3549, 3550—— With proper laws and police, and proper means of communication, there is no country more advantageous for settlement than Bengal, 3551, 3552——Illustration of the evil of a power in the native judges to imprison Europeans, 3558——Witness suffered through the operation of the resumption laws, 3564——Many cases of torture by the natives have come to witness's knowledge, 3568, 3569——Advantage if the agricultural and commercial interests were represented in the Legislative Council, 3570.

Darjeeling (Bengal). The Darjeeling station is very promising as a sanatarium, *J. R. Martin* 214. 233——Origin of the establishment of a sanatarium at Darjeeling about the year 1840, *Hooker* 528–531——Immense increase since 1840 in the population of Darjeeling, more especially as regards the natives, who flocked thither as to a new colony, *ib.* 532. 537–542——Exceedingly healthy climate of Darjeeling; the summers, however, are very rainy, and the winters rather cold, *ib.* 533. 536——The station of

Reports, 1857-8—*continued.*

Darjeeling (*Bengal*)—continued.

Darjeeling is between 7,000 and 8,000 feet high, which elevation is about the best in the Himalayas, *Hooker* 534, 535——Favourable character of Darjeeling as a station for troops, *ib.* 543, 544——Probable establishment in time of schools for the education of European children, *ib.* 545-547.

Evidence as to the great importance of Darjeeling as the basis for establishing a trade with Tibet and Central Asia, *Hooker* 548 *et seq.*——Darjeeling, which is now British territory, was purchased from the Rajah of Sikkim, who made a very good bargain in the matter, *ib.* 568, 654-656——Suitableness of Darjeeling for settlement and cultivation, *Hooker* 643, 644. 664, 665; *Waller* 5200, 5201.

Opinion that settlers' children or grandchildren would not degenerate in Darjeeling, *Waller* 5202, 5203——The annual fall of rain exceeds 120 inches, *H. and R. Schlagintweit* 6984——Difficulty of access to Darjeeling from Calcutta, from which it is about 300 miles distant, *Mullens* 7123, 7124.

See also *Dum Dum.*

Darogahs. See *Police.*

Date Plantations. Suggested modification of the sale law, as regards the duration of leases in the case of the date plantations in Bengal, *Mackenzie* 3661, 3662. 3966-3968.

Deccan. See *Bombay.* *Enam Commission.*

Degeneracy of Europeans. European life and vigour may be preserved much longer in the hills than in the plains; in the plains of Bengal a third generation of Europeans is not to be found, *J. R. Martin* 245-249. 290-292——Belief that in the plains the European race would die out in the third generation, *Baikie* 833——Although witness has had excellent health in Lower Bengal, and has known several instances of the sons of planters remaining there in good health up to the time of manhood, he is not aware of any instance of a third generation there, and considers that deterioration takes place after the first generation, *Wise* 3140-3149. 3160, 3161. 3164-3167——Settlers' children are always sent to England; they degenerate, both physically and morally, by remaining in India, *Mackenzie* 3925-3927——Illustration in exception to the rule that Europeans degenerate in the second and third generation, *Ouchterlony* 5254.

See also *Children of Europeans.* *Climate.* *Portuguese Settlers.*

Dharwar. See *Cotton*, II. 2.

Diamonds. Evidence as to the probable existence of diamonds in a particular district in Madras, which witness believes to be the real Golconda, *Ouchterlony* 5342-5354.

Discouragement of Settlement:

I. *Government:*

1. Evidence as to Discouragement by Government.
2. Evidence to a contrary purport.

II. *Civil Service:*

1. Evidence as to Discouragement by the Civil Servants.
2. Evidence to a contrary purport.

I. *Government:*

1. Evidence as to Discouragement by Government:

Check to settlement through the spirit of Government opposition, *Theobald* 976-980——Respects in which the policy of the East India Company has always been opposed to the settlement of Englishmen in India, *MacNair* 1979 *et seq.*——Advantage to the country if the former policy of the East India Company had encouraged English settlement, *ib.* 2210-2212——Except as regards the wish to enforce the Black Acts, witness does not complain more of the present Government of India than of the Government in former years, *ib.* 2417-2423.

Constant hostility displayed by the Indian Government, through its laws, towards European settlement, *Wise* 2630. 2647. 2650-2653. 2877-2885. 2984, 2985——The behaviour of the civil servants towards Europeans has a deterrent effect upon settlement, and Government has, on the whole, become more despotic of late; grounds for this statement, *Dalrymple* 3370. 3380-3385. 3454-3457. 3469-3476. 3520-3526——Argument that the real impediment to the colonisation of India is to be found in the exclusive policy of the system under which the country has been governed, *Waller* 4840.

2. Evidence to a contrary purport:

Impression that there is not on the part of Government any obstacles to settlement, *Tremenheere* 379, 380. 410. 413. 420, 421——Absence of discouragement or prejudice on the part of the Government against European settlement, *Auld* 1329-1331; *Mackenzie* 3922. 3928. 3938; *Hawkins* 4325-4328; *Bidwell* 9270.

Emphatic

Reports, 1857-8—*continued.*

Discouragement of Settlement—continued.

I. *Government*—continued.

2. Evidence to a contrary purport—*continued.*

Emphatic denial of the statement that Government and its officials show a marked hostility to, and jealousy of European settlers; in Mysore, at least, every encouragement has been given, *Onslow* 6726-6728. 6860. 6879-6884——Statement, based on an experience of twenty-five years in Bombay, that the general tendency of Government and its officers is, not in any way to thwart or discourage, but in every way to promote and encourage European settlement, *Wingate* 7834-7839. 7913, 7914.

Government has done everything it could to encourage European settlement, *Mills* 8810-8813——Greater favour shown by Government of late years than previously towards European settlement, *ib.* 9107-9111——Absence of discouragement to settlers by the Government when witness was in India, *W. H. Martin* 9164——Since 1833 there has been an entire absence of any hostility on the part of Government towards European settlement; witness has never heard any one complain that such hostility existed, *Marsham* 9497-9502. 9657. 9659. 9758.

II. *Civil Service:*

1. Evidence as to Discouragement by the Civil Servants:

Cold treatment experienced by the European inhabitants from the upper ranks of the civil service, and from the Government; instances of this, *Theobald* 976-980——As manager of the estates of Messrs. Watson & Co., witness did not experience any hostility from the local authorities; doubt as to Englishmen being equally unimpeded in other districts, *Auld* 1338-1343. 1349-1354. 1373-1377. 1429, 1430——Impression that the civil service is somewhat jealous of the public employment of settlers, *MacNair* 2589, 2590——Respects in which the settlement of Europeans in the Neilgherries, &c., is discouraged by the Government functionaries; a sort of cold shade is thrown over them, *Ouchterlony* 5522. 5577——Unfriendly disposition of the majority of the Government officials in the Allygurh district towards the settlers, *Saunders* 9815-9830.

2. Evidence to a contrary purport:

Absence of obstruction or hostility on the part of Government or the civil service towards European settlement, *Mackenzie* 3922. 3928. 3938; *Hawkins* 4325-4328; *Onslow* 6726-6728. 6860. 6879-6884; *Wingate* 7834-7839. 7913, 7914——The Government officials showed witness every attention and encouragement as a settler; he never heard of any opposition to settlement, *Fowler* 5732, 5733. 5821-5824. 5894——Impression that there is no disinclination among the civil servants in Bombay to encourage European settlers, *Warden* 6189. 6194——There are very few settlers in Bombay, but those who have gone there have received every encouragement from the Government officers, *Wingate* 7835.

Drought. The drought prevents the land from producing enough to support any cultivator except the Hindoo or Mussulman, who lives on less than 2*d.* a day, *Balston* 5898. 5935.

Dum Dum. Advantage if the 900 children at Dum Dum were removed to Darjeeling, *J. R. Martin* 301.

E.

East Indian Railway. Statement as to the East Indian Railway being more on the line of commerce than on the line of production, *Tremenheere* 343-345——Great importance of numerous branches to the railway adverted to, in connexion with the delay in sanctioning lines into Oude and Rohilcund, *ib.* 483-486——Blame attributed to Government as regards the delay in the progress of the railway, *Freeman* 1945-1949; *MacNair* 2544, 2545——The railway to Rajmahal will in some respects be better than a canal, *MacNair* 2299, 2300.

East Indians. Reference to the plan several years ago for East Indian colonisation in the Bombay Presidency, which was encouraged by Sir John Malcolm, but was disapproved of by the Court of Directors, *Theobald* 868-870——Right of East Indians, and of children born in India of European parents, to hold land without restriction, *ib.* 876——There are very few East Indians in the lower parts of Bengal, *Mackenzie* 3996, 3997——Unsuitableness of the East Indians as materials for colonisation, *Mullens* 7127-7129.

See also *Lex Loci.*

Eastern Bengal Railway. Benefit anticipated when the Eastern Bengal Railway from the Ganges to Calcutta is completed, *Theobald* 882; *MacNair* 2015.

Education of Natives. The attention of the planters, &c. has not been particularly given to the providing of schools; assistance given in some cases; *Freeman* 1556-1558. 1724, 1725——Increased assistance given of late years by the settlers and by Government

Reports, 1857-8—*continued.*

Education of Natives—continued.

towards the establishment of schools, *MacNair* 2066-2069——Efforts by Government to extend education, *MacNair* 2525; *Wise* 2926——Increased native education if the settlers increase, *Dalrymple* 3270. 3274——Assistance now given by the settlers towards native education; instance in the case of Messrs. Watson, *Dalrymple* 3271-3273. 3443. 3565-3567.

Improvement anticipated in the natives from increased means of education, the means now afforded them working very advantageously, *Ouchterlony* 5519——Witness kept up a school at his own expense, but is not aware of other planters having done so, *Fowler* 5780-5783——Education must go hand in hand with the reforms contemplated by witness in the courts of justice, *Warden* 7486. 7503——Witness had no personal knowledge of any young men educated at the Elphinstone College, but he fully believes that English education will vastly improve the native mind, and that properly educated natives may be largely made use of for Government employment, *Wingate* 7954-7965——Education is sought by the natives solely as an avenue to public employment, *Landon* 8669-8671.

Elphinstone College (*Bombay*). Examination as to the deficiencies of students educated at the Elphinstone College, *Warden* 6105-6108. 6262-6264. 7449-7461. 7514-7527——The students at the college are all natives, without reference to caste or religion, *ib.* 7561-7563——The college was principally founded by the natives of Bombay in honour of Mr. Elphinstone, *ib.* 7563.

Emigration. See *European Capital and Skill.*

Enam Commission (*Bombay*):

1. *Origin and Constitution of the Commission.*
2. *Complaint as to the Practice in dealing with Claims.*
3. *Injustice and Impolicy involved in the Resumptions.*
4. *Slow Progress of the Investigation.*
5. *Parliamentary Return, containing certain Particulars.*
6. *Tendency of the Resumptions to deter Settlement.*
7. *Popular Feeling produced by the Commission.*
8. *Contemplated Extension of the Investigation to Guzerat.*
9. *Propriety of the Commission being revoked, and of there being a proper Appeal from its Decrees.*
10. *Information generally relative to Enams in Bombay.*

1. *Origin and Constitution of the Commission:*

Explanation of the origin of the Enam Commission, *Warden* 6062——Impropriety in the Commission being composed of inexperienced and unqualified men, *ib.* 6075——Further reference to the members of the Enam Commission, as not the most competent men for the office; Mr. Hart is a very able man, of some twenty-three years' standing in the service, but Captain Cowper is probably under thirty years of age, *ib.* 6233-6242——Age and experience of Captain Cowper further adverted to, *ib.* 7438-7445——Judges of Her Majesty's courts would have made most efficient members of the Commission, *ib.* 7466.

2. *Complaint as to the Practice in dealing with Claims:*

Hardship of the exclusion of enamdars from the right of supporting their claims in a court of justice, *Warden* 6066-6068. 6129-6134——Impropriety of the *onus probandi* being thrown upon the enamdar, *ib.* 6074, 6075. 6138, 6139——Impropriety of the final appeal being only to the Governor in Council, and in the claimant not being allowed to support such appeal in a proper manner, *ib.* 6074, 6075. 6129-6134——If it be the fact that a large proportion of the land in Western India is alienated and held by fraudulent titles, the proper way to test such titles is through the courts of law, *ib.* 6075.

Further evidence in confirmation of the statement that the *onus probandi* is improperly thrown upon the claimant or defendant, *Warden* 7370 *et seq.* 7528, 7529——If Government have reason to believe that lands are held by fraudulent titles, the adjudication of such titles should be delegated to a properly constituted court, founded on recognised principles of justice, and carrying out the general provisions of the law, *ib.* 7387-7394. 7424. 7578——Want of a proper appeal in Indiaa gainst the decision of the Commissioners further adverted to, *ib.* 7419-7422. 7530-7535——Origin of the law by which in the Deccan enamdars were unable to sue the Company in courts of justice, *ib.* 7462, 7463.

Grounds for the statement that the *onus probandi* really rests with the Commissioners, *Wingate* 7933-7937.

3. *Injustice and Impolicy involved in the Resumptions:*

The Commission has disturbed Mr. Elphinstone's settlement, and has unduly interfered with the rights of the Peishwa's subjects, *Warden* 6062 *et seq,*——Main objection to the operation of the Commission on the ground that active steps were not taken until

1852,

ENAM COMMISSION (BOMBAY)—continued.

3. *Injustice and Impolicy involved in the Resumptions*—continued.

1852, twenty-five years after the abdication of the Peiswah, when many prescriptive titles had been established by the mere lapse of time, and that then sixty instead of thirty years' possession before the abdication should be shown, or ninety-five years' possession altogether, *Warden* 6068-6075, 6126-6128. 6138, 6139. 6211, 6212. 6219. 6223. 6225. 6229. 6248——Deprivation by the Act of 1852 of the right of female succession to enams; belief that under the native system such succession was unquestioned, *ib.* 6069. 6071. 6247——Confirmatiun by Mr. Elphinstone of all grants or promises of enam, where the right was properly shown, *ib.* 6165-6167.

Examination with reference to certain statements (put forward by Mr. Mangles) in justification of the principle of a resumption of rent-free tenures; witness repeats his objections to the practice pursued in the matter, *Warden* 6209-6232——Instead of reassessing the lands held in enam, it would have been better to have levied some new tax on the enamdars, *ib.* 6216-6219. 6226, 6227. 6230.

The main objection of witness to the Enam Commission is, that time alone had established prescriptive titles, and that whatever was done under the Commission was done too late, a period from 1817 to 1852 having been allowed to elapse, *Warden* 7363-7365. 7389-7395——Certain provisions in the Act XI. of 1852 adverted to, as professing to acknowledge titles confirmed by British authority, or declared hereditary under a sunnud; the Commission is nevertheless the opposite of protection, *ib.* 7365 *et seq.*——Less trustworthy evidence now procurable from the Peishwa's dufter at Poonah than in Mr. Elphinstone's time, *ib.* 7425-7430.

Practice under the native Governments always, on receipt of a nuzzer, to grant the right to convey to an heir by adoption any interest in the public revenue, *Warden* 7431. 7581——Witness fully believes that whatever may have been the orders of the Court of Directors, adoptions to enams are disallowed by the Enam Commission, *ib.* 7432-7437——Probability of Mr. Elphinstone having contemplated extensive resumptions, but not at so distant a period as 1853, *ib.* 7446-7448——Although Government cannot be said to have altered the law of prescription in the Deccan, they instituted a rigorous and unjust law there as compared with the law in other parts of the Peishwa's dominions, *ib.* 7468-7472.

Explanation, by reference to Mr. Elphinstone's History of India, of the practice in regard to the succession of females, *Warden* 7511——Where the emander is ousted, the sub-tenures are not disturbed, *ib.* 7571-7573——Further reference to the interference by Government with the system of adoption, *ib.* 7581, 7582. 7588, 7589——The practice of adoption was general under the Peishwa and the Hindoo rajahs, *ib.* 7585-7587.

The Enam Commission, if instituted at all, should have been carried into operation before the mutiny, *Marsham* 9613, 9614.

4. *Slow Progress of the Investigation:*

Grievance in the slow progress of the Commission; particulars hereon, *Warden* 6075. 6146-6153——Probable necessity of a long delay before the settlements of the numerous claims to be investigated, *ib.* 7389-7395. 7423, 7424.

5. *Parliamentary Return, containing certain Particulars:*

Reference to the information contained in a certain return to the House of Commons relative to the different ways in which the cases before the Enam Commission have been decided, *Warden* 6146-6153. 7405-7418.

6. *Tendency of the Resumptions to deter Settlement:*

As an obstacle to European colonisation, the Enam Commission has not attracted that notice in this country which it should have done, *Warden* 6061, 6062——Excellence of the tenure of enamdars under the native rule and at the time of Mr. Elphinstone's settlement; enams, in fact, offered the best investment for European colonists, *ib.* 6062. 6073. 6075——The liability of enamdars to be called upon to prove their titles for a period extending back sixty years before the abdication of the Peishwa occasionally operates in deterring settlers from investment in the security of enams, *ib.* 6062-6077. 6143-6145.

Rare instances of any grants by Government, either in jagheer or enam, *Warden* 6140, 6141——Gradual disappearance of enamdars in Bombay, under the present system of resumption as pursued by Government, and growing obstacles thereby to European settlements, *ib.* 6142-6145. 6154-6156. 6168, 6169——Difficulty in Europeans settling in Bombay by the purchase of land from the enamdars, *ib.* 7579-7584.

7. *Popular Feeling produced by the Commission:*

Disaffection and symptoms of rebellion through the operation of the Commission, *Warden* 6075. 6243-6246——Circumstance of its having been said by some one in the Bombay Council, that the introduction of the Act of 1852 into Guzerat would produce a rebellion,

Reports, 1857-8—*continued.*

ENAM COMMISSION (BOMBAY)—continued.

7. *Popular Feeling produced by the Commission*—continued.

a rebellion, *Warden* 7399. 7403. 7404. 7467——Tendency of the Commission to produce disquiet and rebellion on the part of the natives in Bombay, *ib.* 7575-7577.

The establishment of the Commission was by no means calculated to create a rebellion in the country, *Wingate* 7939, 7940.

8. *Contemplated Extension of the Investigation to Guzerat:*

Impression as to its having been contemplated to extend the Act XI. of 1852 to Guzerat, *Warden* 7396-7404. 7467.

9. *Propriety of the Commission being revoked, and of there being a proper Appeal from its Decrees:*

As the operation of the Commission involves a violation of public faith, and a rigorous and partial administration of the laws, the Commission should at once be revoked, *Warden*, 6075——All decrees passed by the Commission should be declared open to appeal to the Sudder Courts and Her Majesty in Council, *ib.* 6075——Witness repeats that the Commission should be revoked; his opinion is fortified by a reference to Mr. Elphinstone's proclamation, *ib.* 7569.

10. *Information generally relative to Enams in Bombay:*

Distinction between an enam and a jagheer or serinjaum; an enam is hereditary, and is in fact a grant of land in fee simple, *Warden* 6136, 6137——Belief that under the native Governments, enams were not saleable, *ib.* 7441-7445——Enam means literally a gift, *ib.* 7570——The enams are principally in the Deccan and the South Mahrattan country, *ib.* 7574.

Very large proportion of land in Dharwar and Belgaum which is alienated in the shape of enams, &c., from the Government assessment, *Wingate* 7840——Enamdars possess an exemption from taxation rather than a property in the land, *ib.* 7841——Reasons why enamdars are not generally cultivators of their enams, *ib.* 7842-7844——Impression that the rent-free land in Bombay amounts to a third of the entire revenue of the Presidency, *ib.* 7845-7849——Only a small portion of the property held under free grants is appropriated to religious purposes, *ib.* 7850, 7851——The general impression of witness was, that a great many of the enams were held on imperfect or fraudulent titles, *ib.* 7872.

Engineers. Want of engineering skill for the proper prosecuting of public works, *MacNair* 2002——Considerable advantage if there were a proper number of civil engineers in the service of Government; qualifications of the military engineers adverted to hereon, *ib.* 2108-2114. 2262-2277——Approval of the establishment in India of a school of civil engineers, although it might interfere with the prospects of the military engineers, *Ouchterlony* 5321. 5325——Circumstance of a number of civil engineers having lately been sent out by Government, *ib.* 5322-5324——There is not one-third of the number of engineers in Madras that are required, *ib.* 5381——Suggestion as to the best means for providing an increase of engineers for civil duties, *ib.* 5388.

English Language. Importance of encouraging the spread of the English language; the natives are very desirous to learn it, as a qualification for employment, *Bidwell* 9383-9389——An extension of the English language throughout the country is very desirable, *Marsham* 9783.——*See* also *Administration of Justice (Mofussil)*, V.

Eurasians. See *Christianity.*

EUROPEAN CAPITAL AND SKILL:

1. *Opening in India for Capitalists and Directors of Native Labour, but not for European Labourers.*
2. *Great Importance of Capital and Skill as a means of developing the Resources of the Country.*
3. *Benefits conferred or to be conferred upon the Natives by European Capital and Settlement.*

1. *Opening in India for Capitalists and Directors of Native Labour, but not for European Labourers:*

Necessity of colonisation in India springing from the capitalist instead of from the labourer, *Tremenheere* 4-6——Capital is indispensable in colonists, *ib.* 16——The true function of the European in India is, not as a labourer, but as a director of native labour, *ib.* 110. 162-179 — Impracticability of a settlement of India by European emigrants in large numbers, *Theobald* 877 — Belief that, although colonisation, as in America or Australia, may not be practicable even on the hills of India, colonists may, with success, go to India in much greater numbers, *ib.* 1033.

Necessity of European example and superintendence in order to induce native enterprise and labour, *Freeman* 1532-1534——Only the middle or upper class of Europeans would

Reports, 1857-8—*continued.*

European Capital and Skill—continued.

1. *Opening in India for Capitalists, &c.*—continued.

would settle as planters, &c., *MacNair* 2503——Young Englishmen, well acquainted with the native language, are much wanted in the service of the planters, *Wise* 2716, 2717. 2720——A small capital is of little use in India, *Dalrymple* 3413.

One of the greatest wants of India is that of capital, *Baillie* 4538. 4540, 4541. 4556——Different sense in which colonisation can take root in India, as compared with other colonies, *Waller* 5078–5080; *Ouchterlony* 5461–5464; *Wingate* 7866–7868; *Landon* 8374. 8465——Mechanics and skilled labourers would be of the greatest use in India, *Waller* 5228——In a political sense, it is better that colonisation should be confined to those above the labouring class, *Ouchterlony* 5464——Europeans cannot successfully compete with the natives as actual tillers of the soil, *Ouchterlony* 5512, 5513; *Warden* 6028. 6047, 6048; *Onslow* 6601, 6602; *Wingate* 7689——The claims of India upon settlers cannot compete with those of the United States or Canada, or of Australia, *Mullens* 7119, 7120.

European capitalists or colonists can most advantageously operate by setting in motion labour, and by purchasing and preparing native produce, *Wingate* 7689, 7690. 7749, 7750——The direct, as opposed to the indirect, cultivation of the land by Europeans is not likely to be profitable, *ib.* 7866–7868. 7887–7890——The inducements to settlement offered by Canada, the United States, and Australia, and the unhealthy climate of India, sufficiently account for the non-settlement of the latter country by the masses, *Wingate* 7915; *Bidwell* 9270.

2. *Great Importance of Capital and Skill as a means of developing the Resources of the Country:*

European supervision is most essential in the care of all vegetable or agricultural productions in India, *Tremenheere* 50 *et seq.*——English settlement and English capital will assuredly increase the prosperity of India, *Freeman* 1518——Enumeration of sundry matters of great moment in connexion with India which have been introduced or developed by European energy and skill, *ib.* 1541——People of skill and capital are required to develope the resources of the country, *MacNair* 2005–2007——Great importance of European superintendence in cultivation; it is largely resorted to by native proprietors, *ib.* 2018, 2019. 2080.

Enhanced value of indigo, silk, sugar, &c., when produced under European superintendence, *Wise* 2696–2699——Vast increase of production through the extended settlements of Europeans, *ib.* 2702–2704——Advantage of an increased introduction of capital as a means of adjusting the balance of trade, which under the present system continues much against this country, *ib.* 2709–2713——Cultivation in Lower Bengal has been greatly improved and increased wherever there has been European settlement, *Dalrymple* 3266, 3267——Importance of capital in order to develope the resources of the country, *Baillie* 4760–4763.

The European settler has in India all the inducements that a rich and fertile country, with an abundance of cheap labour, can offer to skill, capital, and enterprise, *Waller* 4836——European settlement would be most beneficial to India; it would effect more than any number of legislative enactments, *ib.* 4839——Great value of European colonisation on the score of the investment of capital in the soil, *Ouchterlony* 5303——Advantage of European colonists or capitalists in being able to introduce science in cultivation, *Onslow* 6601. 6603——Benefit to Government through the settlement of witness, *Fowler* 5745–5747.

Sundry advantages anticipated as regards the natives, the European community, and the Government from an increased settlement of Europeans in India, *Mullens* 7115–7118——More energetic, skilful, and enterprising character of the European settlers than of the natives, *ib.* 7143——The commerce of the country would doubtless be increased by the settlement of Europeans in the interior, *Landon* 8375——Too much European capital and skill cannot be introduced into India, *Marsham* 9593. 9658.

3. *Benefits conferred or to be conferred upon the Natives by European Capital and Settlement:*

Beneficial effect upon the natives through the introduction of European skill and capital, *Theobald* 1187, 1188; *MacNair* 1974, 1975. 2046–2049; *Wingate* 7893, 7894——Effect of the increased number of Europeans in Calcutta in improving the native character, *Freeman* 1516, 1517——The great improvement in the value and cultivation of land in Bengal, and in the condition of the natives, is owing to the settlers and not to Government, *MacNair* 2328–2333——Twofold advantage to the natives by the increase of Europeans, *ib.* 2605. 2609.

Marked improvement in the condition of the people of India wherever Europeans have settled, *Wise* 2630. 2637——Sundry respects in which the presence of the settler has benefited the material condition of the native, and protected him from oppression, *ib.* 2637, 2643. 2777–2786. 2858, 2859——Increased benefit to the native accordingly as settlement is extended, *ib.* 2638–2642. 2713, 2714. 2776. 2963, 2964——Settlement has

Reports, 1857-8—*continued.*

EUROPEAN CAPITAL AND SKILL—continued.

3. *Benefits conferred or to be conferred upon the Natives, &c.*—continued.

has greatly improved, and, if extended, will further improve the physical condition of the natives, *Dalrymple* 3268-3270. 3402-3406——The estates are better managed, and the cultivators are better off where there is European superintendance in management, *Mackenzie* 3692-3696——Better position of the ryot if capital were more abundant, *Baillie* 4545——Beneficial effect of increased European settlement upon the moral and social condition of the people, *Wingate* 8167-8170——Beneficial effect upon the natives by the employment of European capital, and the settlement of Europeans amongst them, as illustrated in witness's case, *Landon* 8349-8359.

See also *Administration of Justice. Advances to Cultivators. Assam. Bellary District* (*Madras*). *Bengal. Bombay. British Rule. Central Asia. Ceylon. Children of European Soldiers. Civil Service*, 11. 12. *Climate. Coffee. Coimbatore. Communication, Means of. Cotton. Degeneracy of Europeans. Discouragement of Settlement. Drought. Enam Commission* (*Bombay*), 6. *Guzerat. Hill Districts. Indigo and Indigo Planters. Interest on Loans. Khandeish. Labour. Land Revenue Settlement, and Tenure and Sale of Land. Legislative Restrictions. Madras. Manufactures. Mercantile Operations. Mysore. Neilgherry Hills* (*Madras*). *North Western Provinces. Police. Profitable Settlement. Railways. Redemption of Land Tax. Resumption of Rent-free Tenures. Ryots. Sugar. Tea. Tenasserim. Tibet. Wheat. Zemindars.*

European Superintendence (*Native Officials*). Importance of a large increase of Europeans in the uncovenanted service, *Tremenheere* 339-341. 449-451; *Theobald* 951-954——Great importance of an extension further downwards of European agency in India, *Theobald* 937-941; *Auld* 1390. 1393. 1418. 1455; *Wingate* 7775-7779; *Marsham* 9776——With more efficient European superintendence the native material would work much better, *MacNair* 2576, 2577——European superintendence generally would be appreciated by the mass of the people, and would strengthen rather than weaken our influence in the country, *Landon* 8667. 8698. 8700——Paramount importance of increased European supervision generally of all departments in India, *Saunders* 9896-9899. 10108-10112——Much less bribery if there were Europeans in every department, *ib.* 10201-10206.

See also *Administration of Justice* (*Mofussil*). *Native Officials. Police*, VII.

European Troops. Particulars as to the large mortality of English soldiers in India, *Tremenheere* 107-109——As part of witness's scheme for increasing European settlement, he proposes that an increased proportion of married soldiers be taken to India with their wives; objections to this suggestion considered; slight increase of cost in consequence, *ib.* 110. 112-122.

Grounds upon which witness has on more than one occasion advocated the removal of European troops from the plains to the hilly districts, *J. R. Martin* 199 *et seq.*——Varying mortality of European soldiers and children at different times, *ib.* 220——The periodical if not the permanent removal of the European soldiers to the hills has become a State necessity, *ib.* 232——Much better health in the Bengal army than in the Madras army, *ib.* 243, 244——Belief that by removing the soldiers to the mountains the mortality may be reduced to the level of England; experience of the West Indies adverted to hereon, *ib.* 255-257.

Advantage of a larger proportion of the soldiers being allowed to bring wives from England, *J. R. Martin* 258, 259. 294. 314-316. 320-324——Effect of the climate respectively upon the European soldiers or officers and upon their wives, *ib.* 311-313——Circumstance of the European soldiers in the Company's service not generally returning to this country, *ib.* 316; 317. 336——Better sanitary arrangements generally in the case of the Company's troops than of the Queen's troops, *ib.* 317, 318——Witness hopes and believes that in a very few years the great bulk of the European soldiers will be permanently located in the mountains, *ib.* 319——Advantage of some system of employment of the Europeans when not in active service, *J. R. Martin* 332, 333; *Ouchterlony* 5547——Amount of additional expense in the event of increasing the proportion of married soldiers further adverted to, *Tremenheere* 395-397.

Great saving of life and of expense if all recruits for the Madras artillery or engineers were at once sent direct to the Neilgherries, *Ouchterlony* 5296——Illustration of the importance of locating and training the soldiers in the Neilgherries, instead of near Madras, *ib.* 5296, 5297.——Except at the Neilgherries there should be no European troops in Madras, save at a few stations, *ib.* 5297——Doubt as to the expediency of encouraging an undue amount of marriage among the soldiers unless located permanently on the Neilgherries, *ib.* 5453. 5518——Wretched condition and demoralising habits of the soldier in many parts of the low country, *ib.* 5453, 5454.

See also *Children of European Soldiers. Hill Districts.*

Examinations (*Civil Service*). See *Civil Service*, 3.

Reports, 1857-8—*continued.*

Exchange (*Monetary*) *Operations.* Exceptions to the general dishonesty of the natives in the faithfulness of their monetary or exchange operations, *Landon* 8727——Greater honesty on the part of natives of the banking class than of any other class, *Saunders* 10116, 10117.

Exports and Imports. Statistics as to the great increase of the exports and imports of India in different periods since 1824, *Freeman* 1560, 1561——For the three years ending 1856 the imports and exports amounted to 124,000,000 *l.* as compared with 58,000,000 *l.* in 1832, *ib.* 1561. 1810——The introduction of British capital is the cause of the greatly increased export of produce, *ib.* 1562——Effect of the increased prices of Russian produce during the Russian war upon the increased export of Indian produce, *ib.* 1562. 1602-1610——With proper means of transport and a proper system of administration there is no reason why India should not be able to export certain produce as cheaply as Russia, *ib.* 1611, 1612——Capacity of India to extend its export of many valuable articles to an unlimited extent, provided settlement increases and proper means of communication be provided, *ib.* 1811-1814. 1819.

Statement to the effect that the general products of Bengal and of the North Western Provinces have no exportable value on account of the great difficulty and cost of carriage by the Indus and Ganges, *Balston* 5908-5921.

See also *Coffee. Cotton. Jute. Linseed.*

F.

Famines. Great importance in times of famine of facilities for the transport of produce, *Tremenheere* 60——The famines which now occur occasionally would be entirely prevented by a system of irrigation and navigation, *Onslow* 6632-6634. 6965.

Fee Simple of Land. See *Land Revenue Settlement and Tenure and Sale of Land,* VI. *Redemption of Land Tax.*

Five per Cent. Loan. Distrust of the natives through the reduction in 1854 of the interest on the 5 per cent. loan, *MacNair* 2061——Examination as to the existence of proper grounds for complaint in regard to the reduced interest on the 5 per cent. loan, *ib.* 2368-2387.

Foreign Settlers. Statement as to some foreign planters in the Mofussil in Bengal having carried on business successfully under the system of the Mofussil courts, *Mills* 8784-8793; *Marsham* 9503-9506. 9512——Instances in the cases of Mr. Laruletta, Count de Framont, and M. Courjon, of success on the part of foreign indigo planters subject to the jurisdiction of the Mofussil courts in Bengal, *W. H. Martin* 9122-9131. 9137, 9138. 9205-9209; *Bidwell* 9271-9282. 9335-9341.

Explanation relative to the success of M. Courjon and Mr. Laruletta as indigo planters in the Mofussil, although subject to native jurisdiction; it is several years ago since these gentlemen were in business, *Theobald* 9392-9396.

Forests (*Madras*). Neglected state formerly of the public forests in Madras; of late years a Government supervision has been strictly carried out, *Ouchterlony* 5278-5280.

Fowler, Alfred Grant. (Analysis of his Evidence.)—Has lived on the Neilgherry Hills, about twenty-four miles from Ootacamund; has also been in Ceylon and Malabar, 5578-5582——Had a coffee plantation on the Neilgherries, 5583——From about 2,500 to 4,000 feet above the level of the sea is the best elevation for the growth of coffee, 5584——Considers the climate of the Neilgherries to be exceedingly healthy, 5585-5591. 5770-5774. 5861——The plains of India are decidedly hotter than the West Indies, 5592.

Witness first went to the Neilgherries with a view to the cultivation of cotton, 5594, 5595. 5601——The land in Coimbatore is not sufficiently fertile to be favourable to the investment of European capital, 5595-5600——Witness commenced on the Neilgherries with about 100 acres, and has now 600 or 700 acres, 5602——He has no tenure of land and does not pay any land-tax, but is threatened with one; the land was originally purchased at a very low rate from the Rajah of Nellumboor, 5603-5615. 5785-5796. 5862-5867.

Gradual increase of coffee planters on the Neilgherries; at first the cultivation was unsuccessful but now it is very profitable, and, in witness's case, has been extremely so, 5616-5621. 5729-5731. 5752, 5753——British capital may be very profitably invested in coffee growing on the Neilgherries, 5622, 5623. 5708-5717. 5734, 5735——Propriety of the non-payment of a land-tax; witness pays an export duty and expends large sums on labour, 5624-5631. 5752-5754. 5785-5796——Great want of roads from the Neilgherries to the coast; survey by Government of a road from Ootacamund, 5632-5654. 5766. 5803.

Witness has some land in Coorg, which he got from Government for nothing, but he pays a duty of four annas per maund on all the coffee raised; exception taken to this duty, 5655-5669. 5688-5693——The duty levied on coffee in Mysore has deterred many

Reports, 1857-8—*continued.*

Fowler, Alfred Grant. (Analysis of his Evidence)—*continued.*

persons, including witness, from cultivating it there, 5665. 5674-5676. 5688——All coffee pays an export duty, 5670——Suitableness of the Mysore country for an extended cultivation of coffee, 5677-5686——Land with dense forests, as in Coorg, is very suitable for coffee cultivation, 5680. 5687, 5688. 5736-5739.

Witness has purchased the fee-simple of land in Ceylon for a guinea an acre, 5695, 5696——Encouragement to settlement in the Neilgherries, and throughout India, if there were a power of acquiring the land in fee, 5697. 5713. 5716. 5766, 5767. 5868-5880. 5885——Much higher cost of labour in Ceylon than in the Neilgherries; the former labour is supplied from India, 5698-5704. 5715——Average produce and value per acre of coffee in the Neilgherries; both produce and quality are equal to the Ceylon coffee, 5708-5710. 5717. 5800-5802——Besides the forest land there is not much other land in the Neilgherries, &c. available for coffee cultivation, 5718-5721.

Witness never came in contact with the police in the Neilgherries, and never felt the want of police; nor was he ever in a court of justice, 5722-5728. 5775-5779. 5831-5834. 5894—— The Government officials showed witness every attention and encouragement as a settler; he never heard of any opposition to settlement, 5732, 5733. 5821-5824. 5894 —— Improvement in the condition of natives by the employment given by witness, 5740, 5741——After a time witness never had the slightest trouble with the natives, 5742-5744. 5784——He never made an advance for produce, which system he considers to be the curse of India, 5742——Benefit to Government through the settlement of witness, 5745-5747.

Witness has never been in Coorg, 5755——System in Coorg as regards the tenure of land under Government, the natives paying a small tax for permission to collect cardamoms, 5756-5760. 5798——Facilities given by Government to European settlement in Coorg; the land is all being taken up, 5759. 5763. 5797. 5825-5828——Witness has not more than 250 or 300 acres of land in Coorg; circumstances under which he obtained it, 5761-5763——Witness's children thrive very well in the Neilgherries, 5770-5774——He kept up a school at his own expense, but is not aware of other planters having done so, 5780-5783.

Practicability of obtaining large tracts of uncultivated land in fee without interference with any existing rights, 5807-5820——The cultivated lands are mostly worn out soils, 5818. 5835-5839. 5844-5847——Varying character of the soil on the Neilgherries; that which has been cultivated by the natives requires renovation by manuring, 5840-5860 —— Witness cleared very large timber off his land, and brought it into bearing for 16 *l.* an acre, 5852-5854——Importance of British capital and science in order to improve the worn out soils, 5882-5886——Necessity of scientific as well as practical men in order to grow coffee successfully, 5886.

Free Grants of Land. See *Retired Officials.*

Freeman, John. (Analysis of his Evidence.)—Has spent about twenty-five years in India, and has resided in most of the districts in Bengal, where he is largely interested as a zemindar and an indigo planter, 1456-1460——Different reasons which tend to make the land tenures in Bengal very insecure, 1462, 1463. 1476, 1477. 1505——Witness wishes to preface his evidence by stating that his complaints against the mode of administration of justice, &c., are against the system, and not against individuals, 1463.

In illustration of the corrupt state of the police, witness gives the particulars of a false accusation of murder, as brought against a European in Rajshaie in 1826; great indignities and violence manifested towards this gentleman by the darogah and other native officials, previously to his exoneration, 1464-1473——Statement as to witness having been obliged by false charges against him, and a mal-administration of justice to quit an estate near Calcutta, for which he gave 20,000 *l.*, and to employ a manager over it at a salary of 500 rupees a month, 1473-1475. 1478-1481.

Incompetency in many instances of the civil servants in the Mofussil courts to interpret the laws, 1477. 1479——The corrupt state of the omlah is a main cause of the insecurity of property, 1477, 1478——Witness has generally managed to get redress in cases of attempted injury to him, but it has often been at considerable trouble, expense, and demoralization, 1482.

Way in which the Sale Law in Bengal operates very injuriously and unjustly, more especially as regards the rights of the different lessees under the zemindars, 1483-1497 ——Forfeiture of the interest of the putneedars, or perpetual leaseholders, in the event of their own default, or the default, real or pretended, of the zemindars to pay up the revenue; instance of stratagem on the part of the latter to the injury of the former, 1484-1497——Reference to Mr. Grant's Bill for an amendment of the Sale Law, as comprising many suggestions made by witness before leaving India; the Bill is still under discussion, 1498-1503.

Injurious consequences to purchasers of estates, owing to the preliminary formalities connected with the sale being frequently improperly carried out by the revenue authorities,

Reports, 1857-8—*continued.*

Freeman, John. (Analysis of his Evidence)—*continued.*

rities, 1503-1508——Opinion that the adoption of the English language in the courts of law would be the greatest beneficial reform that could be introduced into India, 1509. 1563——The want of proper means of communication has operated very much against settlement, 1510, 1511.

Great increase of Europeans in Calcutta, and almost total absence of increase in the Mofussil, attributed to the mal-administration of justice, and the insecurity of property in the latter place, as compared with the operation of the Queen's courts in the former, 1512-1517——Circumstance of planters, &c., in the Mofussil, being obliged to pay as much as 15 per cent., and even more, for loans from capitalists in Calcutta, 1515——Effect of the increased number of Europeans in Calcutta in improving the native character, 1516, 1517——English settlement and English capital will assuredly increase the prosperity of India, 1518.

Check upon the development of the agricultural resources of the country through the want of means of transit, 1519, 1520——Hardship of the great difference in the price of salt in different parts of Bengal, 1521——Great adulteration of the salt by the native traders; how Government might prevent this, 1521. 1599——Successful introduction of European vegetables and fruits, through English settlement, 1522-1524——Beneficial results of European colonization, and capital in Ceylon, 1525-1527——Opinion that the climate of India need not prevent small colonies of Europeans from settling on the hills, 1528——Successful French colonization in Algeria, 1528, 1529——Steam communication and the overland route have led to great progress in the commercial habits of the natives, 1530-1532.

Necessity of European example and superintendence, in order to induce native enterprise and labour, 1532-1534——Very slow travelling formerly in India by dawk, as compared with travelling by horse-carriages or railways, 1535-1540——Enumeration of sundry matters of great moment in connexion with India, which have been introduced or developed by European energy and skill, 1541——Coarse character of the wool produced in India; it may easily be improved, 1542-1545——Explanation as to the higher price fetched by indigo produced by Europeans than by that produced by the natives, 1546-1551.

Good health of the planters in the Mofussil, 1552-1554——Witness has reason to consider the country most healthy; during sixteen years on one stay, he never took any medicine, or consulted a doctor, 1552——Laxity of discipline to which witness attributes the ill-health of the soldiers in India, 1555——The attention of the planters, &c., has not been particularly given to the providing of schools, 1556-1558.

Quotation of the views of Sir Arthur Buller in favour of the remonstrances of the British settlers against the Black Act, 1559——Statistics as to the great increase of the exports and imports of India in different periods since 1824; 1560, 1561——The introduction of British capital is the cause of the greatly increased export of produce, 1562——Supply from India during the Russian war of many articles previously obtained from Russia, *ib.*

Great improvement in the administration of justice, if special education were required in the judicial officers, 1563——It is considered that the only means of improving the police is by a further introduction of the European element, 1564——Great pecuniary losses to the indigo planters when, through false charges brought against them, their business operations are necessarily suspended, 1565, 1566.

Anticipation that the transfer of Government from the East India Company to the Crown, will lead to many reforms, which will tend to increase colonization, 1567——The reform of Government most needed, is a re-casting of the constitution of the Legislative Council, by the introduction of the commercial and agricultural elements, 1567-1573——Incompetent practical knowledge of the existing Legislative Council, 1567. 1572.

Evidence relative to the great want of roads, and the exceedingly bad condition of the existing roads in different parts of India, 1574-1596——Illustration of the loss to the producer through the badness of the roads, 1584-1596——There are a few good roads near Calcutta, 1597, 1598——Enhanced grievance in the case of salt, through the difficulties of transit, 1599-1601.

Effect of the increased prices of Russian produce during the Russian war upon the increased export of Indian produce, 1602-1610——With proper means of transport, and a proper system of administration, there is no reason why India should not be able to export certain produce as cheaply as Russia, 1611, 1612——Great importance of a system of irigation in Lower Bengal: much larger crops of indigo, &c., thereby, 1613-1616——The Ganges, though requiring improvement, may be used as it is, 1617——An improvement of one of the Nuddea rivers would be very beneficial, but less so in consequence of the railways, 1618-1623.

Way in which efficient interpreters might be provided, in the event of the use of the English language in the Mofussil courts, 1624-1629——Nature of the qualifications desirable in the case of European judges, 1630-1632——Expediency of an additional

Reports, 1857-8—*continued.*

Freeman, John. (Analysis of his Evidence)—*continued.*

number of judges, 1633——The introduction of the English language in the courts would cut at the root of the present corruption, and do away with the native omlah, 1634-1636.

Suggestions for improving the police, as regards the number, character, and expense of European superintendents, 1637-1640——Improper way in which darogahs are often appointed, 1642, 1643——Suggestion with a view to the darogahs speaking English, 1644. 1652——Bad material from which the police in Bengal are selected, 1645-1648——Advantage if the police in any locality were brought from a distance, 1650——Darogahs should not be allowed to examine witnesses, 1651——Pay per month of the darogahs, peons, and jammadars, 1653.

Improvement in the tenure of land by some security to the perpetual leaseholder, in the event of the sale of the zemindary, 1654, 1655——Litigation and loss under the present system of the indigo planters in renting the land from numerous small tenants, 1655-1658——Where the village system prevails, witness suggests that estates be sold out and out, with a view to the creation of a proprietary class, 1659-1663——Reference to the rights of the tenants or ryots, under the village system and under zemindars; how these should be dealt with, 1662, 1663. 1671——Advantages of a permission to zemindars to redeem the tax assessed under the permanent settlement; the sum required would, however, probably deter redemption, 1664-1678.

[Second Examination.]—Witness went to India as a settler in 1825; he first went into an indigo factory, 1679-1682——Notwithstanding the insecurity of property, he has been enabled by experience to invest profitably large sums in land, indigo, factories, coal mines, &c., 1683, 1684.

Further evidence as to the practice under the present law of sales for arrears of revenue whereby the zemindar, by making sudden default, may deprive the putneedar of his under-tenure, 1685-1691——Any surplus beyond the Government claims is paid over by Government to the proprietor, 1686——Failure in practice of any attempt or theory in law for the protection of the rights of the putneedars, 1687-1691——Further complaint in regard to the cancelling of purchases of estates through certain formalities not having been observed by the revenue collectors; instances in witness's experience, 1691-1703.

Although it is provided that objections to purchases at auction sales should be made within a month of the sale, it frequently happens that purchases are cancelled after two or three years' possession, 1697-1699——Those who make the laws are unacquainted with their practical working, 1700——The theory of the law of sale may be good in many instances, but it is badly construed, and frequently misapplied by the Mofussil authorities, 1700-1703——System of compulsory registration of putnees, and of inquiry by the collectors, suggested as a means of protection to the under-tenures, without prejudice to the security of the revenue, 1704-1706. 1805.

Nature of the rights of the cultivators of the soil in Bengal, and means by which those rights might be extinguished; difficulty hereon, 1707-1713——Further statement as to the greatly enhanced rate of interest which planters are obliged to pay for loans of money for Mofussil purposes, 1714-1719. 1820-1823——Inadequacy of the attainments of the civil servants in the native languages further adverted to in connexion with the examinations which they undergo, 1720-1723——Further reference to the assistance given by the planters towards the establishment of schools, 1724, 1725.

Further evidence strongly in favour of introducing the English language into the courts of justice; it would give satisfaction to the natives, and would benefit them in a still greater degree than the Europeans, 1726. 1731-1735——Importance of introducing English agency into the police, as at Calcutta, further adverted to, 1727, 1728——Further reference to the importance of special training in the English judges, 1728, 1729——In all important cases Europeans should have full opportunity to employ English advocates, 1728——English law has been administered satisfactorily in Calcutta for eighty years, 1730.

Particulars as to the languages now used in the Mofussil courts in Bengal; the official language is the Persian, 1732, 1733. 1781-1783——Advantages to be derived from requiring a knowledge of the English language in the darogahs, 1736——Evils of the present system of interpreters in there not being a proper check upon them; how this might be remedied by a proper system of advocates, 1737-1744——Numerous appeals from the decisions of the native magistrates and judges, 1745-1749.

Facilities for colonization respectively in India and Algeria, 1750-1752——General concurrence by witness in the evidence of Mr. Theobald, as to the inefficiency of the administration of justice up to a recent period, 1753-1757——An increase recently made in the salaries of the darogahs has been detrimental rather than otherwise, 1757, 1758——Instance of resort to torture, about twenty months ago, by a darogah at Pubna, near Calcutta; particulars of this case, and of the action of the magistrate in the matter; the darogah received only a slight reprimand and a caution to be more careful in future,

1759-

Reports, 1857-8—*continued.*

Freeman, John. (Analysis of his Evidence)—*continued.*

1759-1762. 1766. 1852——Instance of delinquency, about two years ago, on the part of a moonsiff in Jessore; slight punishment awarded to him, 1762-1766.

The mal-administration of justice in the Mofussil, has been a matter of common notoriety ever since witness went to India, thirty-three years ago; it is the permanent state of things, 1765-1767. 1773——Absence of complaint by natives or others against the operation of the Supreme Court at Calcutta, 1768-1770——The way in which justice is administered deters not only European settlement, but native enterprise, 1771——Further reference to the circumstance of witness having been compelled by false accusation to leave one of his estates, 1772. 1774.

With some few exceptions the civil servants, as judges, are far from familiar with the languages in which the evidence is given, 1775-1777. 1787——Means for procuring Europeans in India competent as judges on the score of a knowledge of the languages, 1778-1780——Satisfaction to be felt by the natives with the extended employment of competent European judges, 1784——Advantage of some system of examination of civil servants before each promotion; witness has not heard of any recent regulations to this effect, 1785, 1865. 1872——Suggestion that before appointment to the judicial office, the civil servants should undergo a certain practical ordeal in the courts, 1786. 1866. 1870, 1871.

Further reference to the effect of the uncertainty of the tenure of land in deterring settlement, 1788. 1806-1810——Although witness and many others have contrived to be successful as settlers under the badness of the laws or of their administration, numbers have been unsuccessful or have been afraid to settle, 1788. 1806-1810. 1903-1907——Insecurity of the putneedars under the practice as regards sales further adverted to; the regulation for the protection of the putneedars applies only in theory, 1789-1799——Further reference to the disadvantages under which purchasers labour; they know scarcely anything of the boundaries of the estates, 1800-1805.

Capacity of India to extend its export of many valuable articles to an unlimited extent, provided settlement increases and proper means of communication be provided, 1811-1814. 1819——Almost total absence of provision by Government of roads, canals, or other beneficial public works in Bengal, 1815, 1816——Excellent effect of the improved means of communication with this country further adverted to, 1817, 1818——No improvement arises from the initiative of the native, 1818——The Government of India does not appear to progress unless forced on by Parliament, *ib.*

Frequency in some parts of Bengal of sales of land for arrears of revenue, many of the defaults being for fraudulent purposes, 1824, 1825——Further reference to the views of Sir Arthur Buller, member of the Legislative Council, against the contemplated Bill for making Englishmen in the Mofussil amenable to the Company's courts, 1826-1829——Absence or difficulty of redress in the event of planters being aggrieved by the civil servants, 1830-1834. 1841.

Lateeals or bludgeon-men, are not, to witness's knowledge, kept in pay by the Bengal planters, 1835. 1840——Circumstances under which the planters in Bengal are constantly brought into contact with the zemindars, and find it necessary to bring numerous cases into the courts, 1836, 1837——The planters in Tirhoot are no healthier than those in Bengal, 1838, 1839——Too much indulgence is often given to defaulting zemindars by the collectors, 1842——Statement as to the general inability of the civil servants to keep up conversations in the native language, considered in connexion with their extent of intercourse with the natives in making revenue settlements and on other occasions, 1843-1849. 1854-1863.

Further reference to the improper way in which darogahships, &c. are often filled up, 1850——Contrast between the proper treatment of the mooktears or vakeels, in the Sudder court at Calcutta, and their improper treatment in the Mofussil courts, 1851——Witness absolves all gentlemen in the civil service from a disposition to encourage torture, 1852——He repeats that he has no ill feeling or prejudice of any kind against the gentlemen of the civil service, 1853.

An intimate knowledge with the native language is essential in the judge who presides where such language is used, 1864——As regards a certain test of late years in the reading of native documents, witness, who was not aware that such test was applied, admits that officers could not go through the same without a very great knowledge of the native languages, 1865-1872——When witness left India the real fact was that the civil officers were very unfit to read or speak the languages, 1865. 1872.

Objectionable system in the administration of the Sale Law previously to the modifications in 1841 and 1845; fewer reversals of sales of late years, 1873, 1874——Further evidence as to the defect of the present Sale Law in its abandonment, in practice, of the interests of the putneedars, and as to the actual extent of injury thereby, 1874-1884——Circumstances under which, notwithstanding the risk of loss under the Sale Law, fines are paid for under tenures, instead of small annual rents, 1875-1882.

Further statement as to the difficulties experienced by witness from the under-tenants on the estate purchased by him in the Hooghly district for 20,000 *l.*; 1885. 1890-1897

 ——Doubt

Reports, 1857-8—*continued.*

Freeman, John. (Analysis of his Evidence)—*continued.*

——Doubt as to the Government survey of the Bengal and Berar districts being yet brought into practical use in remedying the difficulty, through the absence of settled boundaries to estates, 1886-1890——Sum realised by witness on the sale of the Hooghly estate, 1898-1902.

Grounds for the statement that those who enact the laws are not practically acquainted with their working, 1908-1920——Consideration of the extent to which Government assisted in the cultivation of tea in Assam and Kumaon, 1921-1925——Complaint as to Government withholding from the Bengal Coal Company, the services of a scientific overseer in the case of the erection of blast furnaces for iron ore, 1926-1928——Probability of cotton being cultivated with the same success as indigo, if the same energy be applied thereto by settlers, 1929-1936.

Further evidence as to the degree of blame attaching to Government for the non-formation of roads in Bengal, 1937-1944——Advantage if the mouth of one of the Nuddea rivers were kept always open, 1938, 1939——Facility for procuring bricks in Bengal, for roads or railways, 1942-1944——Blame attributed to Government as regards the delay in the progress of the East Indian Railway, 1945-1949——Very slight Government works in improving the state of the Nuddea rivers; shifting course of these rivers adverted to hereon, 1950-1958.

Further statement that the increased salaries of the darogahs have operated mischievously, they now require larger bribes, 1959-1962——Nothing but a proper European superintendence can really improve the native police, 1963.

"Friend of India" Newspaper. Witness was for twelve years the Bengalee translator to the Government, and his newspaper was frequently designated the mere organ of Government, but the latter report was altogether a fabrication, *Marsham* 9573-9580.

Fuel. Great importance of branch railways in Bengal, as a means of remedying the want of wood-fuel in different districts, *Tremenheere* 343. 345.

Furlong, Mr. Benevolence and popularity of Mr. Furlong, an indigo planter in the Kishnagur district, Bengal, *Marsham* 9434. 9586.

Furreedpore (*Bengal.*) Sufficient communication in Furreedpore by means of the numerous rivers, *W. H. Martin* 9139, 9140.

G.

Ganges Canal. The Ganges Canal has cost much too small a sum of money to be a good canal, *Balston* 5929, 5930.

Ganges River. Want of a better police for the protection of the Ganges traffic, *Theobald* 988——Want also of engineering appliances for deepening part of the Ganges, *ib.*——Long period now taken in the transit of goods by the Ganges, &c., from Calcutta to Delhi, *ib.* 1288, 1299-1302——The Ganges, though requiring improvement, may be used as it is, *Freeman* 1617——Impracticability of improving the navigation of the river, *Balston*, 5934.

Ganges Valley. Very fertile character of the great plain of the Ganges, *Mullens* 7175.

Godavery River. Extensive irrigation works in connexion with the River Godavery, *Ouchterlony* 5371——Benefits stated by Colonel Cotton to result from the improvement of the Godavery, *Onslow* 6538.

Gold. Grounds for concluding that there are large quantities of gold in the soil in parts of India, *Hooker* 585. 590-596——Gold has been obtained in the Neilgherries and Malabar, and is reported to exist in other districts, but it has been concluded that it does not exist to any extent which would repay the cost of mining, *Ouchterlony* 5355-5364.——*See* also *Currency.*

GOVERNMENT:

1. *Approval of a Transfer of the Government to the Crown.*
2. *Objection to an Administration on the Colonial System.*
3. *Proposition for a largely increased Power in each Presidency.*
4. *Improvement, if the Non-Regulation System were adopted generally.*
5. *Action of the Government towards European Settlers.*
6. *Character generally of the Government of late Years.*

1. *Approval of a Transfer of the Government to the Crown:*

Anticipation that the transfer of Government from the East India Company to the Crown will lead to many reforms which will tend to colonization, *Freeman* 1567——India should be governed more as an English colony, *MacNair* 2004. 2278-2286——Approval

Reports, 1857-8—*continued.*

GOVERNMENT—continued.

1. *Approval of a Transfer of the Government to the Crown*—continued.

Approval by the settlers of the transfer of Government to the Crown, *MacNair* 2581——General belief amongst the cultivators in Lower Bengal that the East India Company are lessees under the Government, *Mackenzie* 3716-3719——Decided approval of the transfer of Government from the Company to the Queen, *ib.* 3720-3722. 3977.

Immense importance of a transfer of authority from the Company to the Crown; the change would be very popular with the natives, *Waller* 4842, 4843.

2. *Objection to an Administration on the Colonial System:*

Advantages of the present local administration of the affairs of India over a system of direct administration by the Crown on the colonial principle, *Landon* 8482-8487. 8564, 8565.

Examination with reference to former statement that the colonial system of Government is not applicable to India; further argument to a similar purport, *Landon* 8612 *et seq.* 8738-8758——If the colonial system were introduced, witness would be anxious to withdraw his property from the country as soon as possible, *ib.* 8637——Witness does not make any objection to the colonial system as applied to the colonies, *ib.* 8639.

3. *Proposition for a largely increased Power in each Presidency:*

Suggested re-constitution of the Legislative Council, by the formation of a separate Council for each Presidency, and by the infusion of unpaid non-official Europeans and natives, *Waller* 4843-4851. 4933-4939. 4955-4958. 5048-5051——Each Presidency should enact its own laws, and should act as far as possible, subject to the imperial authority of this country, instead of to the authority of the Governor-general, *ib.* 5110, 5111. 5155-5163. 5189-5191.

There should be a greater freedom of action and power of legislation in the local Government, and the superintending authority over each Presidency should be in England rather than Calcutta, *Wingate* 7762-7772——Witness does not directly recommend the abolition of the office of Governor-general, *ib.* 7764. 7767. 7770. 7773, 7774——Political danger in the present system of centralization on account of the community of feeling throughout all India, to which it leads, *ib* 7769-7772.

Improvement, if the present system of administration of the several Presidencies were more independent of the Supreme Government, *Landon* 8487-8491.

Approval of a centralization of the legislative power, rather than of a power in each Presidency to legislate for itself, *Mills* 8963-8976; *Marsham* 9566.

4. *Improvement if the Non-Regulation System were adopted generally:*

Improved administration if the system of the non-regulation provinces were adopted generally, *Landon* 8566——From all that witness knows of the Punjaub system of government, he fully approves of it on the score of its simplicity, *Saunders* 10103.

5. *Action of the Government towards European Settlers:*

Evidence to the effect that hostility is or has been displayed by the Government towards European settlement, *Theobald* 976-980; *MacNair* 1979. *et seq.* 2210-2212. 2417-2423; *Wise* 2630. 2647. 2650-2653. 2877-2885. 2984, 2985; *Dalrymple* 3370. 3380-3385. 3454 *et seq.*; *Waller* 4840——Statement that Government have not shown any hostility or disinclination to settlement; they have, on the contrary, displayed a willingness to encourage it; *Tremenheere* 379, 380. 410. 413. 420, 421; *Auld* 1329-1331; *Mackenzie* 3922. 3928. 3938; *Hawkins* 4325-4328; *Onslow* 6726-6728. 6860. 6879-6884; *Wingate* 7834-7839. 7913, 7914; *Mills* 8810-8813. 9107-9111; *W. H. Martin* 9164; *Bidwell* 9270; *Marsham* 9497-9502. 9657. 9659. 9758; *Saunders* 9831——The knowledge that Government wished to encourage settlement is much required, *Saunders* 10257, 10258.

6. *Character generally of the Government of late Years:*

The Government of India does not appear to progress unless forced on by Parliament, *Freeman* 1818——Approval of the principle of the Europeans, or the small minority making the laws for the government of the great majority, *MacNair* 2278-2286——Sundry respects in which it may be said that reforms or improvements have of late years been introduced by the Indian Government, *Wise* 2920-2926.

The local authorities have of late years made much greater efforts than they did thirty years ago towards developing the resources of the country, *Dalrymple* 3465——Steps taken by Government in developing the resources of the country, *Mackenzie* 3931-3936 Belief that good faith exists on the part of the Government of India towards its subjects, and that in course of time the many causes of complaint on the part of the latter will be remedied, *Wingate* 8201-8204——Considering the character of the people the wonder is, not that Government has done so little, but that it has done so much, *Landon* 8721, 8722.

Reports, 1857-8—*continued.*

GOVERNMENT—continued.

6. *Character generally of the Government of late Years*—continued.

Within the last ten years there has been a vast improvement in the character and spirit of the Government of India, *Marsham* 9650. 9660, 9661——Causes of the great improvements effected in India within the last thirty years, *ib.* 9650-9662, 9664——The greater development of the country during the last thirty years has been owing to measures that have been pressed upon the Company, *Saunders* 10197-10200.

See also *Administration of Justice* (*Mofussil*). *Civil Service.* *Dalhousie, Lord.* *Enam Commission* (*Bombay*). *European Superintendence* (*Native Officials*). *Legislative Council.* *Municipal Government.* *Public Opinion.*

Grand Trunk Road (*Calcutta to Lahore*). Want of bridges on the Grand Trunk Road, *Waller* 4840. 5238——Particulars as to the present state of the trunk road from Calcutta to Lahore; it is excellently metalled nearly the whole way, and is completed between Calcutta and Delhi save that about eight bridges are yet to be made, *Thornton* 8208-8215——Use of kunkur for metalling the road, *ib.* 8208, 8209——Perfect character of the road where completed, *ib.* 8209. 8257——Explanation relative to the bridges, more especially as to those yet to be built; stupendous character of some of these works; the delay in the construction of which is by no means to be wondered at, *ib.* 8209-8216. 8223-8227. 8232-8234. 8255-8259. 8271-8273.

Great length and excellent character of the road, *Marsham* 9516-9521——Explanation as to the non-bridging of several rivers on the road; immense width of some of these rivers, and approval of non-bridging them, as the Great Indian Railway will provide the required accommodation, *ib.* 9521-9528. 9539, 9540. 9729-9734——Good state of the portion of the trunk road in the Doab; it is well bridged, *Saunders* 9929-9934.

Grant, J. P. See *Land Revenue Settlement, and Tenure and Sale of Land*, V.

Greek Merchants. Great increase of Greek traders in India; explanation of this, *Mackenzie* 3738-3740. 3764-3766. 3998-4000.

Dissent from Mr. Mackenzie's evidence in regard to the number and success of Greek houses in India, *Waller* 5216.

Guntoor District. Statement by Colonel Cotton as to the evils consequent upon the neglect of public works in the district of Guntoor, *Onslow* 6538.

Guzerat. Statistics connected with the province of Guzerat; it is the most favoured district of India, but even there, no European paying the wages of labour could cultivate the land to a profit, *Balston* 5898-5903——In the case of cotton in Guzerat, the land tax comes to 52 per cent. of the value, *ib.* 5898——Want of irrigation for cotton, wheat, &c., *ib.* 5938. 5972-5980——Witness did not consider the climate in Guzerat unfavourable to European settlement, *ib.* 6299-6302——Further statement as to the large amount of the land tax in Guzerat in proportion to the value of the crop, *ib.* 6303-6305.

Fine breed of cattle in Guzerat, but not in the Deccan, *Wingate* 7706——The productions of Guzerat, which are principally cotton and grain, have not much increased in witness's memory, *Landon* 8317-8324——Instance of injustice on the part of a sudder ameen in Guzerat whose conduct in the matter was not inquired into, *ib.* 8387-8395. 8398——In Guzerat the Government is undoubtedly well disposed towards European settlement, *ib.* 8464. 8676, 8677——Except in purchasing the produce of the soil, there is no field for European settlement, *ib.* 8492——There are no Europeans in Guzerat engaged in the same way as witness, *ib.* 8493——Witness might readily acquire land in Guzerat, but has not considered it advantageous to do so, *ib.* 8606-8611——The condition of the people in the districts of Broach, &c., is one of comparative prosperity, *ib.* 8695.

See also *Broach.* *Cotton*, I. II. 3. *Enam Commission* (*Bombay*) 8. *Irrigation*, 3. *Police*, III.

H.

Haileybury. A most excellent education was acquired at Haileybury, *W. H. Martin* 9252.

Half-Castes. Objections to half-castes being received in the proposed asylums for soldiers' children; degeneracy consequent upon the mixture of races, *Tremenheere* 112. 123-136——Every precaution should be taken to prevent the European soldiers from marriage with natives, *ib.* 112. 116. 150, 151——Varying degrees of degeneracy of half-castes, according to the race and the locality from which the mother comes, *J. R. Martin* 295-298——The natives, as a class, despise the mixed race, *Mackenzie* 3771——Obstacles to settlement through means of the families of the pensioners who intermarry with the natives, *Mullens* 7206-7208——Suitableness of the half-caste population for employments under Government; the natives, however, occasionally hold them in contempt; *Saunders* 10064-10070.

Reports, 1857-8—*continued.*

Halliday, F. J. Minutes by Mr. Halliday on the subject of sales of land for arrears of revenue, *App.* (*Fourth Rep.*) *p.* 332-340.

Harbours. On the south-eastern coast there are no sheltered ports, *Ouchterlony* 5286——Great want of harbours on the western coast for facilitating the export of Mysore products, *Onslow* 6509-6512——Further statements as to the importance of an outlay in improving the harbours on the western or Malabar coast, *ib.* 6665-6670. 6741-6751. 6887-6891——Ships do not often touch at Cochin or Mangalore, *ib.* 6903, 6904——Inefficient state of the harbours along the Bombay coast, *Wingate* 7729——Number and character of the principal ports of Guzerat; their improvement would not have any great effect upon the interests of European settlers, *Landon* 8311-8316.

Hawkins, John Abraham Francis. (Analysis of his Evidence.)—Went to India in 1822, and returned in 1849; filled several magisterial and judicial offices in Calcutta and elsewhere, and was also a commissioner and collector of revenue, 4051-4055. 4058——Was for a period one of the Law Commissioners in this country, and subsequently was secretary to the Commission, 4056. 4060, 4061——Is now in the examiner's office in the India House, 4057.

Passage in the Law Commission Criminal Procedure Code relative to the last proposed Black Act, 4059——Names of the Law Commissioners; several of them had served in India, 4060. 4062——Foundation of all the Black Acts of late years upon the Act 3 & 4 Will. 4, c. 85, the inference drawn from such Act having been that Europeans should be made liable to the criminal courts in the Mofussil, but not punishable capitally by them, 4063-4065.

Instructions to the Law Commissioners, under which they could not have felt empowered in making courts from which Europeans should specially be exempt, 4065-4069——The main objection by Europeans in India to the Commissioners' scheme is to the provision making them liable, criminally, to native jurisdiction, 4070——Nature of the jurisdiction proposed by the Black Act in the case of the subordinate criminal courts of the first and of the second class; constitution of these courts, 4071-4075.

Except under a special order from government, the native judges could not, without a reference to a European magistrate, exercise criminal jurisdiction over Europeans; hence it was inferred by the Law Commissioners that Europeans would not generally be brought before the native judges, 4075-4082. 4085. 4087——Witness disapproves of European settlers or East Indians being tried criminally before the native judges; grounds for the objection, 4083-4086. 4088-4092. 4261.

Outline of the system of criminal procedure, as recommended by the Law Commissioners, 4093-4099——Alteration by the new code as regards the system of appeal in criminal cases; practice hitherto in such cases, 4098-4106——Expediency of a power of appeal in each case to the superior court in Calcutta, 4106.

Consideration of the views of Sir Arthur Buller, as expressed in the Legislative Council, relative to the proposed Black Act, and the exemptions contemplated in it as regards government servants; misapprehension of Sir A. Buller in supposing that native judges were not included in the exemption as regards trial only by the sessions courts, or the High Court in Calcutta, 4107-4112. 4256. 4372-4380——Importance of distinguishing officials from settlers, and of exempting the former from the jurisdiction of the Mofussil criminal courts, 4111. 4260. 4336, 4337.

Regulations in the new code as regards the constitution of the jury by which Europeans are to be tried in criminal cases, 4113, 4114——Explanation of the main points of procedure in civil cases under the new code; great improvement to be effected thereby, 4115-4144——Inaccuracy of certain statements by Mr. Theobald, wherein he takes exception to the civil procedure under the new code, 4124-4144.

Evidence strongly opposed to the introduction of the English language into the courts; the natives would not feel confidence in its use, and would labour under a feeling that injustice was being done to them, 4145, 4146. 4148. 4262-4268. 4293. 4338-4341. 4391-4393——Occasional instances of suitors suffering through the civil servants not being properly conversant with the native language, 4147. 4152, 4153——Examination and training now undergone, so that magistrates soon become properly acquainted with the language, 4147. 4149. 4153.

Means by which the Persian language, when used in the courts, was rendered intelligible to the suitors, 4148——The Hindee language is not used in the courts in Lower Bengal, 4149——The language of the courts is Bengalee, and not Hindoostanee, but the latter is the *lingua franca* of India, 4150, 4151——Necessity of late years of employing younger magistrates, through the civil service not having been properly augmented, 4154-4158——Suggested union of the offices of magistrate and collector in Bengal, 4158. 4390——Grounds for objecting to a power in the governor-general to appoint gentlemen of the uncovenanted service in offices hitherto appropriated to the covenanted service, 4159.

Opinion that an amalgamation of the Supreme and Sudder courts is not either desirable or practicable at the present time, 4160, 4161——Suggestions with a view to a gradual

 approximation

Reports, 1857-8—*continued.*

Hawkins, John Abraham Francis. (Analysis of his Evidence)—*continued.*

approximation of the Queen's and Company's courts, so that in course of time an amalgamation may be effected, 4161——In the event of a Hindoo suing a Mahomedan, or *vice versâ*, the law of the defendant prevails both in Calcutta and the Mofussil, 4162-4164——A contract is under no law in the Mofussil; great want of a written law on this subject, 4162. 4166.

It is exceedingly important to enact a Mofussil substantive civil law; steps taken by the several Law Commissions with a view to supplying this want, 4166-4179——It is a very unfortunate thing tha tmore countenance has not been given to the Law Commissions, who have prepared two very superior codes for India, 4175-4181——Explanation as to the effect of the Act of 1850, giving protection to the company's judicial officers in the Mofussil; case of Calder *v.* Halkett adverted to hereon, 4182-4187.

Respects in which a decree in the hands of a zemindar against a ryot, for breach of contract, may be used as an instrument of oppression, 4188-4193——Explanation as to the means proposed, under Mr. Grant's Sale Law, with a view to the protection of undertenures, which now are unprotected, 4194-4202——Different provisions in the former opium contract Act and in the present one, as regards the means given to Government for enforcing their claims, 4203-4210——It would never do to give the indigo planters a contract Act, similar to the Government Act in the case of opium contracts, 4211-4213.

Witness sees no objection to a redemption of the land tax, but considers it quite hopeless to obtain twenty-five years' purchase, 4214, 4215——A proper survey of the land in Bengal would have saved a great deal of trouble and litigation, 4216——There have been no reports recently as to the progress of the survey, 4217——Dissatisfaction and alarm consequent upon the resumption laws, or the inquiry into the titles to hold lands rent free, 4218-4221.

Necessity of means for putting an end to the false claims which are made before decrees are executed, 4222-4224——Decrees in cases of contract should stand over for not more than six years, instead of twelve years, before execution, 4225-4230——There is now no legal maximum rate of interest in Bengal; until the last year or two, twelve per cent. was the maximum rate, 4231, 4232——The infusion of European superintendence is the best means for improving the bad state of the Bengal police, but the expense may be an obstacle, 4233-4237.

In the regulation provinces all criminal offences by natives are tried under the Mahomedan law, 4238-4241——Englishmen charged with criminal offences in the Mofussil, are sent to Calcutta for trial, frequently at very great inconvenience and expense, 4242. 4249, 4250——In cases of petty assaults by Europeans in the Mofussil, the district or zillah magistrates may exercise jurisdiction, 4242. 4250. 4252. 4254, 4255——Frenchmen in Calcutta are subject to the English law, and in the Mofussil to the Modified Mahomedan law, 4243-4248——Provision in the new code as regards the jurisdiction of the magistrate in cases of European criminal charges in the Mofussil, 4251-4253.

Attempt of the Legislative Council to introduce at first a part only of the scheme of the Law Commission, 4257-4259——Further objection to the civil service in India being thrown open to the European uncovenanted servants, 4270. 4273-4277——Disapproval of the present system of competitive examanation as not supplying the qualifications most required; this matter rests with the Board of Control, 4271, 4272. 4300-4302. 4342-4344——Suggestions with a view to providing a really efficient service from this country; proportion for a mixed system of competition and nomination, 4271. 4273. 4308, 4309. 4359-4363. 4381, 4382——The Indian civil service has always been very free from jobbery, 4278, 4279.

With a more efficient police, the duties of the civil service might be materially abridged, 4280-4282——Doubt whether European soldiers' children reared in the hills can stand the climate of the plains, and so be introduced into the police, 4283-4286——Objection to an extension of the Supreme Courts to the larger towns in the interior; the natives would strongly oppose it, 4287-4289——Less experience of the judicial authorities since the abolition of the office of registrar, 4290-4292. 4364, 4365——Success of the extended European agency in the Bombay police, 4294, 4295——The resumption laws are not now in force, 4296.

Numerous modifications of the Mahomedan law as now administered, 4297-4299——There are about 800 civil servants in the three presidencies; there should be 1,200; 4303, 4304——Objections to a system of competitive examination in India before promotion to the superior grades, 4305, 4306. 4383, 4384——Opinion that the increased pay of the darogahs is likely to improve them, 4307——Evil of the wide line of social distinction drawn between the civil servants and the indigo planters, 4310.

Objections urged by the settlers to the system of administration; how far a check to increased settlement, 4319-4323. 4329——Absence of discouragement or prejudice on the part of the East India Company or its civil servants against European settlement, 4325-4328——Political difficulties anticipated in the event of the natives being largely ousted

Reports, 1857-8—*continued.*

Hawkins, John Abraham Francis. (Analysis of his Evidence)—*continued.*

ousted from the soil by European colonization, 4326——Propriety of incurring the outlay necessary for an effectual improvement of the police in Bengal, 4330-4335.

Further statement as to the want of a written law, by which cases of contra., &c., in the Mofussil should be tried, 4345-4349—— Advantage in training European children in the hill districts for situations under government, that is, provided their health does not suffer, 4350-4355. 4395-4397——Temporary settlers may repair to India, but the climate is an insuperable bar to colonization, 4356——The best parts of India are now densely occupied, 4357.

Absence of any special judicial training before appointment to the office of civil judge, 4364-4366. 4385-4387. 4390—— Service of fifteen or sixteen years before promotion to the office of civil and sessions judge, 4365, 4366——Magistrates may be appointed after five or six years' service, 4367, 4368——The duty of the Law Commission was, by their instructions, confined to the preparation of a code of procedure, and rules for the amalgamation of the courts, 4369-4371——Expediency of the civil servants generally having an education in jurisprudence, 4388, 4389. 4394——Importance of the civil servants being strongly impressed with the expediency of treating the natives with kindness and consideration, 4395-4404.

[Second Examination.]—Explanation as regards the introduction of the Black Act in the Legislative Council that there was no attempt made to smuggle it through the Council without bringing in the whole code as prepared by the Law Commission, 4405.

Further statement that the language of record in the Mofussil courts is Bengalee, although the oral proceedings are generally in Hindoostanee, 4406-4416——Further evidence opposed to the introduction of the English language into the courts, 4414 *et seq.* 4487-4503——Belief that the civil servants generally understand Bengalee, 4424-4426—— Feeling among the natives in the Mofussil against an extension of the Supreme Court further adverted to, 4432-4447.

Importance of a special training for the judicial office further adverted to, 4457-4461 ——Fitness generally of the European judges to carry on conversations with the vakeels, and to make themselves understood to the native juries, 4462-4469——In Behar and the North-West Provinces of Bengal Proper, the Hindee, and not the Bengalee, is the language of the courts, 4477-4479.

Non-objection to the appointment of one or two English barristers as judges in the Sudder Court; an amalgamation of the Supreme and Sudder Court would not necessarily follow from this plan, 4480, 4481——Witness infinitely prefers the Punjaub non-regulation system to the present tedious system in Bengal, 4482, 4483——The best system of procedure is that provided by the code framed by the Law Commission, 4483.

Witness delivers in the rules for the examination of the civil servants, 4484——Necessary qualification, before appointment to any district, in a knowledge of the vernacular used there, 4485-4487——Witness does not object to the gradual introduction of the English language among the people by means of extended education; and the time may come when its introduction into the courts may be advisable, 4490-4497. 4501—— Upon the general question of upholding in India the institutions and religion of our country, witness considers that we have rather failed in doing so, 4502-4504.

Health. See *Climate. Degeneracy of Europeans. Hill Districts. Mortality.*

Hemp. Excellent hemp procurable in many parts of India, *Tremenheere* 471——Statement in letter from H. Williams, esq., as to the immense quantity of hemp which may be produced in the Saugor and Nerbudda territories, *App.* (*Fourth Rep.*) *p.* 261.

Hill Districts. It is most important, for several reasons, to make the hill stations accessible by railway from the plains, *Tremenheere* 98-110; *Ouchterlony* 5252. 5254. 5432-5435——Prevention, rather than cure, of disease, by removal to the mountain ranges, *J. R. Martin* 203. 205——Statement as to certain forms of bowel disorders being engendered in the elevated ranges, *ib.* 203. 206. 230, 231. 237-239——Witness has suggested to the Court of Directors the propriety of an inquiry into the respective climates of the medium ranges, and the high elevations, which inquiry has been ordered, *ib.* 203. 212, 213. 303, 304——Advantage of isolated mountains over mountain ranges, *ib.* 204. 229——Much greater advantage of a sea voyage than of a sojourn in the hills, *ib.* 207.

Consideration of the effect of the hill climates upon Europeans born and reared there; inadequacy at present of proper statistical information on this point, *J. R. Martin* 208-213. 246-249. 334, 335——Mention of different hill stations now resorted to for purposes of health, *ib.* 214, 215——Necessity of a proper inquiry, in order to decide upon the elevations most conducive to health; witness is in favour of medium elevations of from 3,000 to 4,000 feet, *ib.* 224, 225. 274-281——Considerable cold and damp where the elevations are 7,000 feet or more, *ib.* 234-239——The hills are likely to be more useful during education, or the restoration of health, than for cultivation; but there are large tracts which admit of cultivation, *ib.* 250-254. 261-265. 327, 328——Numerous mountains throughout India available as sanitariums, *ib.* 273, 274.

Reports, 1857-8—*continued.*

Hill Districts—continued.

Advantages anticipated from the settlement on the hills of European farmers as likely to lead to an interchange of the products of the hills and of the plains, *Tremenheere* 346-358——Unhealthiness of the hill climates in India where the elevation is below 3,500 feet, *Baikie* 735, 736——Exceedingly heavy falls of rain on the western ghauts in southern India, *ib.* 740-745——Opportunities of the Europeans in Bengal for change of air by journeys to the hills or by sea voyages, *Theobald* 859-864——Increased settlement in the interor when there is a readier access to the hills, and a speedier and cheaper means of return voyages to England, *ib.* 863-867——Opinion that the climate of India need not prevent small colonies of Europeans from settling on the hills, *Freeman* 1528——Natural facilities for the settlement of European troops and their families in the hill districts, *MacNair* 1978.

Mention of various hill districts in the south of India which are well known to witness, *Ouchterlony* 5247——Many of these hills have not been properly explored or surveyed, *ib.* 5248, 5249——An elevation of about 4,000 feet, if near the sea, gives a fair climate for Europeans, but in the interior an elevation of about 6,000 feet is required, *ib.* 5250——The several hill districts referred to are all adapted, in a greater or less degree, for European colonization, *ib.* 5252——If Europeans could, by means of railways, occasionally resort to hill stations in the south of India, they might, without any physical deterioration, superintend, and even initiate agricultural operations in the plains, *ib.* 5252. 5254. 5432-5435——Impression that Bengal comprises many more hill tracts than Bombay, *ib.* 5499——Favourable results anticipated from a system of military colonization in the hills, comprising free grants of land, *ib.* 5535, 5536.

From about 2,500 to 4,000 feet above the level of the sea is the best elevation for the growth of coffee, *Fowler* 5584——On part of the Mahableshur hills, and in other places in Bombay, depôts for the soldiers and asylums for their children may with great advantage be established, *Warden* 6037-6046——Drawbacks upon successful settlement in the hills, although on the score of climate they present far greater inducements than the plains, *Mullens* 7121-7126. 7135-7140——Liability to diarrhœa, on account of the large falls of rain on some of the hills, *ib.* 7122.

Europeans and their children might with much advantage be located on the Western Ghaut ranges in Bombay, *Wingate* 7648-7652——Although the hills may be advantageously used by Europeans, there are certain obstacles to European families taking root there, *Bidwell* 9270——Suitableness of the climate of the hill district of Mussoorie, Nynee Tal, &c. for the European constitution, *Saunders* 9944-9949——Unsuitableness of the land on these hills for European cultivation, *ib.* 9950-9953.

See also *Children of European Soldiers.* *Churrah Poonjee* (*Assam*). *Coilamulley Hills* (*Salem*). *Darjeeling* (*Bengal*). *European Troops.* *Himalaya Mountains.* *Mahableshwr Hills* (*Deccan*). *Neilgherry Hills* (*Madras*). *Nynee Tal* (*North Western Provinces*). *Pulney Hills* (*Madras*). *Terais.*

Himalaya Mountains. Limited extent to which the Himalayas are adapted to European colonization, *Tremenheere* 110——General absence of table land on the southern face of the mountains, *ib.*——The valleys are exceedingly hot, and not very healthy, *Tremenheere* 110. 352; *J. R. Martin* 253——Mention of several natural resources of the Himalayas, &c., *Tremenheere* 471——Supply of excellent timber in the Himalayas, *ib.* 471. 518, 519.

Nature of the facility of extended cultivation along the southern range of the Himalayas, *Hooker* 659-665. 673. 713-721——Different climates in different parts of the Himalayas; the north-western portion is most favourable for Europeans, *H. and R. Schlagintweit* 6983-6985——Character of the valleys, *ib.* 6989——Absence of dairy farms throughout the Himalayas, though some portions are exceedingly suitable for them, *ib.* 6991-6993.

See also *Copper.* *Tea.*

Hindoos. See *Christianity.* *Native Character.*

Hoarding. Practice of the natives to hoard their money, by burying it, in consequence of their dread of oppression and extortion, *Mackenzie* 3607-3613. 3677. 3677——A right to redeem the land tax would be the most efficient, or the only means for preventing hoarding, *ib.* 3675-3677——It is believed that immense quantities of money are lost by the burial of it, *ib.* 3677——Great importance of such measures as will impress the natives with a sense of security and will prevent hoarding, *ib.* 4016-4011. 4032.

Belief that the people of India are very poor, and that hoarding is not carried on to any extent, *Baillie* 4540. 4542——Absorption rather than hoarding of silver, *ib.* 4752-4759. 4822.

Hooker, Joseph Dalton, M.D., F.R.S. (Analysis of his Evidence.)—Extensive travels of witness in India in botanical pursuits, 522-527——Origin of the establishment of a sanitarium at Darjeeling about the year 1840; 528-531——Immense increase since 1840 in the population of Darjeeling, more especially as regards the natives who flocked thither as to a new colony, 532. 537-542——Exceedingly healthy climate of Darjeeling; the summers however are very rainy, and the winters are rather cold, 533. 536——The station

Reports, 1857-8—*continued.*

Hooker, Joseph Dalton, M. D., F. R. S. (Analysis of his Evidence)—*continued.*

station of Darjeeling is between 7,000 and 8,000 feet high, which elevation is about the best on the Himalayas, 534, 535.

Favourable character of Darjeeling as a station for troops, 543, 544——Probable establishment in time of schools for the education of European children at Darjeeling, 545-547——Evidence as to the great importance of Darjeeling as the basis for establishing a trade with Tibet and Central Asia, 548 *et seq.*——Great facilities for the cultivation of tea along the Himalayas, in Sikkim particularly, 551-557. 725-727——Growing trade of the natives for tea, 558-560——Good quality of the Assam tea, 561. 722-724.

Successful result of the fair established by Dr. Campbell about thirty miles from Darjeeling; numerous commodities brought thither from Tibet and the hills, 562-565——Impression that Sikkim is now an independent territory, 566——Darjeeling, which is now British territory, was purchased from the rajah of Sikkim, who made a very good bargain in the matter, 568. 654-656——Nature of the route to Tibet through Sikkim and Darjeeling, 569-575——Principal productions of Tibet; evidence hereon as to the attempts hitherto made, and as to the importance of further attempts to develop a trade between that country and India, 576 *et seq.*

Military and civil authority exercised by the Chinese in Tibet, 596, 597. 700-702——Statement as to the tea now used in Tibet and Central Asia; importance of some means for introducing tea from India, 598-617. 680-682——The frontier of Tibet is closed by the Chinese and Sikkim authorities against British trade from India; character of the communications or passes into the country adverted to hereon, 619-629. 666-668. 683-695——Energetic and successful exertions of Dr. Campbell in developing the trade and resources of Sikkim and Darjeeling, 629, 688.

Immense fall of rain annually at the hill station of Churrah Poonjee; the place is not unhealthy, 632-636——More healthy character of Silhet and Cachar than of Chittagong, 637-641——The climate in the different parts of India is now fairly understood, 642——Suitableness of Darjeeling for settlement and cultivation, 643, 644. 664, 665——Explanation as to the failure of an attempted agricultural settlement near Churrah Poonjee, 645-647——Increased cultivation in Silhet, Cachar, and the upper Gangetic delta, through the improved government in those districts, 648-652. 707-713——Nature of the facility for extended cultivation along the southern range of the Himalayas, 659-665. 673. 713-721——Very neglected state of Cashmere adverted to, 662, 663. 714-716.

Character of the government and nature of the soil in Bhotan, 669-674——Absence of restriction upon the purchase of land in Sikkim, 675-677. 717-721——Large fall of rain in Sikkim, 678, 679——Difficulty in procuring an indisputable legal title to land in India, 718-721——Reference to Assam as a very improving country generally, 722——Price of the tea now cultivated in the Upper Provinces, where Chinese labour is employed through British capital, 728-730——The people of Tibet are chiefly of the Mongolian race, 731.

Hops. See *Neilgherry Hills* (*Madras*), 6.

I.

Imports. See *Exports and Imports. Manufactures.*

Indapoor District. Letter from Mr. Frere in 1849, showing the immense benefit accruing in the Indapoor district from the re-assessment of the land revenue, *Wingate* 7626.

Indigo and Indigo Planters:
1. *Bengal.*
2. *North Western Provinces.*
3. *Western India.*

1. *Bengal:*

Strong illustration of the value of European enterprise and superintendence in the case of indigo, as in Bengal, *Tremenheere* 53-55——Higher price and better character of indigo when produced under Europeans, *Freeman* 1546-1551; *MacNair* 2019——Litigation and loss under the present system of the indigo planters in renting the land from numerous small tenants, *Freeman* 1655-1658——Statistics as to the indigo cultivation of Bengal, *MacNair* 2045——Alluvial soil required for indigo cultivation, *ib.* 2052——Immense property held by European settlers and capitalists in indigo cultivation, and immense value of the indigo produced annually by them, *Wise* 2692-2695——Witness has understood that 1,500,000 *l.* is invested in indigo factories in Bengal, *Mullens* 7144——Probable cause of the increased investments in indigo planting, *ib.* 7173——Undue extent to which indigo planting was forced in witness's time, *Martin* 9164-9166.

The indigo planters in Bengal are generally landlords; objects in their becoming so, *Theobald* 922, 923——Imperfect security of the planters even as landlords, *ib.* 924——

Reports, 1857-8—*continued.*

Indigo and Indigo Planters—continued.

1. *Bengal*—continued.

Nature of the security of the indigo planters previously to 1837, when they could only go into the country by licence, *Theobald* 925-931——Disposition among the planters to encourage the establishment of schools and the moral welfare of those about them, *ib.* 1024, 1025——Circumstances under which the planters in Bengal are constantly brought into contact with the zemindars, and find it necessary to bring numerous cases into the courts, *Freeman* 1836, 1837——Reasons why the European indigo planters generally become zemindars, *MacNair* 2020-2027.

Many more planters have been unsuccessful than successful, *Dalrymple* 3410, 3411——Unsuccessful operations generally of the indigo houses, in consequence mainly of the system of advances to cultivators, *Baillie* 4553-4555——Further statement as to the ill success generally of indigo speculations; belief that there has on the whole been a loss, *ib.* 4629-4631. 4736, 4737. 4804-4810. 4832——Dissent from Mr. Baillie's statement that the business of indigo planters has on the whole been a losing one, *Waller* 4894-4896.

Reference to a strong complaint by certain ryots in Bengal as to the evil operation of the indigo houses; weight attached to this complaint, *Mullens* 7154-7166——Reference to the testimony of other parties besides the ryots as to the evils of the indigo planting system, *ib.* 7168——Belief that many of the evils charged against the planters are forced upon them for want of a proper administration of justice, *ib.* 7168, 7169. 7211.

General complaints in Furreedpore and Kishnagur, when witness was there, of the conduct of the European, that is, of the English indigo planters towards the natives, *W. H. Martin* 9117-9119. 9127. 9210, 9211——Probability of arbitrary and unpopular conduct on the part of some indigo planters, whilst others have high characters for fairness and benevolence, *Bidwell* 9270——The indigo planter is very much at the mercy of his native *employés*, *ib.* 9270.

Evidence on the subject of the state of feeling existing in Bengal, more especially in Lower Bengal, between the European indigo planters and the zemindars, and the ryots; the planters in many instances bear the character of violent and oppressive men, though there are doubtless many who are exceedingly benevolent and popular, *Marsham* 9432-9444. 9586-9591——Witness expresses his dissent from much of the evidence of Mr. Freeman and Mr. Theobald; he concurs generally with Mr. Hawkins and Mr. Baillie, *ib.* 9583, 9584. 9714-9716. 9788——Benefit to the country through the pressure of the indigo planters, *ib.* 9589-9592——Considerable improvement in the character of the planters during the last thirty years; *ib.* 9777.

Petition of the Indigo Planters' Association in Bengal on the state of the magistracy law courts and police, and praying for certain reforms therein, *App.* (*Fourth Rep.*) *p.* 229-233.

2. *North Western Provinces:*

Diminution in the indigo trade and in the number of indigo planters in the North Western Provinces in consequence, principallly, of the increased cultivation of a better quality of indigo in Bengal, *Saunders* 9797-9799. 9804-9807. 10080. 10084. 10132, 10133. 10146, 10147—— Opportunity, by means of irrigation from the Great Ganges Canal, of improving the indigo cultivation in the Allygurh district, *ib.* 9808-9812. 10082, 10083. 10126-10129——Increased crops of indigo by means of irrigation; the quality can hardly be further improved, *ib.* 10245. 10251-10253——The indigo of the North West Provinces fetches a lower price by twenty-five or thirty per cent. than the Bengal indigo, *ib.* 10254-10256.

3. *Western India:*

Difficulty as regards the claims of the ryots which render the Bengal system of indigo planting inapplicable to Western India, *Landon* 8733-8737.

See also *Administration of Justice* (*Mofussil*). *Affrays, and Affray Bill* (*Bengal*). *Civil Service*, 11, 12. *Climate. Contract Law. Criminal Jurisdiction* (*Mofussil Courts*). *Foreign Settlers. Furlong, Mr. Irrigation. Magistrates*, 2. 4. *Police*, 1. *Recognizances to keep the Peace. Watson, J. and R.*

Intemperance. Obstacle to successful settlement on the score of liability to intemperate habits, intemperance now being the besetting sin of European soldiers, pensioners, and others in subordinate capacities on the railroads, &c., *Mullens* 7120. 7296-7298.

Interest on Loans. Circumstance of planters, &c. in the Mofussil being obliged to pay as much as fifteen per cent., and even more, for loans from capitalists in Calcutta, *Freeman* 1515. 1714. 1719. 1820-1823——Easier access to loans if there were more European capital, *Wise* 2710-2713. 2776——Great evil to the cultivators through the usurious and oppressive rates required by money-lenders, *Mackenzie* 3626. 3636——There is now no legal maximum rate of interest in Bengal; until the last year or two twelve per cent. was the maximum rate, *Hawkins* 4231, 4232.

Great

Reports, 1857-8—*continued.*

Interest on Loans—continued.

Great evil of the high rate of interest; way in which this is aggravated by Government operations and by speculative indigo contracts, *Baillie* 4539. 4557. 4567. 4572.

Frequency of natives in Mysore charging as much as thirty-six and fifty per cent. interest for loans to cultivators, *Onslow* 6766-6768——Advance by a European settler in Mysore of large sums at twelve per cent. on the mortgage of coffee plantations, *ib.* 6766-6769——High rates of interest, but not so high as fifty or sixty per cent., paid for loans by the ryots in Bombay, *Wingate* 8014-8017——The rate of interest on mortgage in the North West Provinces is usually twelve per cent., *Saunders* 10120, 10121.

Iron. Several parts of India in which iron exists abundantly, *Tremenheere* 25, 26. 33——Available supplies of wood fuel in Kumaon for the smelting of the iron of that district, *ib.* 26-30——Vicinity of coal, iron and lime on the Nerbudda River, *ib.* 33, 34——Considerable production of iron in the district near Monghyr; coal and lime are near at hand, *ib.*——Want of lime in many parts of India; available supply near Sylhet, as a flux for iron, *ib.* 36. 39, 40——Existence of deposits of kunkur, which is an impure carbonate of lime, and is hardly available as a flux for iron, *ib.* 36-38. 41.

Abundant existence of excellent iron in the Madras Presidency, *Ouchterlony* 5326. 5333-5335——Simple process by which the most ductile wrought iron is produced by the natives from the raw iron, *ib.* 5326-5328——Particulars as to an iron company which has been in operation in Madras for nearly twenty-five years, and has very exclusive privileges from Government, but has hitherto been most unsuccessful; witness attributes this failure to bad management, *ib.* 5329-5333. 5502-5504——Means by which iron may be profitably produced, *ib.* 5333——Facilities in Madras for smelting the iron, *ib.* 5336-5341.

The iron in Mysore is of very fine quality; difficulty hereon through the want of fuel for smelting, *Onslow* 6451-6461.

Statement in letter from H. Williams, esq., as to the great resources of the district round Jubulpore for the production of iron, *App.* (*Fourth Rep.*) *p.* 262.

IRRIGATION:

1. *Mysore and Southern India.*
2. *North Western Provinces.*
3. *Guzerat and Western India.*
4. *Generally as to the immense Advantages to be derived from increased Irrigation.*
5. *Expediency of private Enterprise, aided by Government.*
6. *Scheme for an Irrigation and Canal Company in Madras.*

1. *Mysore and Southern India:*

Information relative to the canals for purposes of irrigation in Southern India; more has been done by Government in this respect than seems generally understood or admitted in this country, *Ouchterlony* 5370-5374——Probability of many of the ruined tanks or reservoirs in Southern India having never been completed as means of irrigation, *ib.* 5470-5476.

The effects of irrigation in Mysore are absolutely prodigious, *Onslow* 6464——Information relative to the irrigation tanks in Mysore; immense number of these works; their size, state of repair, &c., *ib.* 6465-6475——In 1854 there were 8,607 tanks in use, besides a large number out of order, *ib.* 6465. 6475——The tanks in ruins, were found in ruins when British Government was introduced, *ib.* 6467. 6469, 6470——The Soolikerry tank in witness's division was nearly forty miles round, *ib.* 6470——Many of the tanks are less than a mile round, *ib.* 6473, 6474.

Means of irrigation in Mysore, &c. besides tanks, *Onslow* 6475-6477——Varying practice as regards the charge for irrigation, *ib.* 6478——Statement by Colonel Cotton that the average return on all the new irrigation works in the Madras Presidency for the last fourteen years is seventy per cent. per annum, *ib.* 6537, 6538——Number and condition of the tanks further adverted to; the tank system can hardly be extended, *ib.* 6638, 6639. 6643. 6648——Certain crops for which irrigation is indispensable in Mysore, *ib.* 6657, 6658.

2. *North Western Provinces:*

The best crops in the North West Provinces are now irrigated, *Saunders* 10243.

3. *Guzerat and Western India:*

Particulars as to the very slight extent, and the very imperfect means of irrigation in Guzerat, &c. at the present time, *Balston* 5936-5942. 5950. 5972-5979——Great cost of irrigation as at present provided; evidence of a charge of 5 *l.* per acre for irrigated land, *ib.* 5942. 5946-5949——Grounds for former statement as to the exceedingly heavy cost of irrigation in Western India, *ib.* 6308-6317——Opinion that in a great part of Guzerat it would be practicable to supply irrigation at a charge of from 2 *s.* to 4 *s.* an acre, *ib.* 6318-6321——Number and depth of the rivers and nature of the levels of the

Reports, 1857-8—*continued.*

IRRIGATION—continued.

3. *Guzerat and Western India*—continued.

country considered in reference to the practicability of the proposed canals of irrigation and navigation; witness is not minutely informed on these points, *Balston* 6321-6339.

Limit to the extent to which irrigation may probably be employed in Guzerat, *Landon* 8288-8290.

4. *Generally as to the immense Advantages to be derived from increased Irrigation:*

Great importance of a system of irrigation in Lower Bengal, &c., *Tremenheere* 80, 81; *Freeman* 1613-1616——Great profit anticipated from an outlay on works of irrigation of portion of the money acquired as proposed, by a redemption of the tax, *Mackenzie* 3681, 3682. 3751-3753——Approval of the present system of defraying the cost of works of irrigation, that is by a water rate, *Mackenzie* 3749, 3750. 3901-3904; *Wingate* 8086 —— Extent of Government outlay in irrigation; doubt as to any outlay by individuals, *Mackenzie* 3754, 3755——Immense importance of a large extension of works of irrigation as a means of increasing cultivation to an almost unlimited extent, *Ouchterlony* 5370-5372——Government outlay is urgently required on works of irrigation, and would be a most prudent and economical expenditure, *ib.* 5372.

By means of ample supplies of water, the European of small capital may cultivate land more profitably in India than elsewhere, *Balston* 5920——Calculation that by means of canals, as proposed, irrigation may be provided at from 2 *s.* to 4 *s.* per acre, and that such charge would yield a return of ten per cent. on the cost of the canals, *ib.* 5942. 5951-5953 ——Enormous advantage of irrigation to the cultivators, *ib.* 5942. 5945, 5951——The effect of irrigation on grain and oil seeds is to double the crop, and even to produce two crops in the year, instead of one, *ib.* 6286.

Irrigation is the great desideratum in India; it is, combined with internal communication, the *sine quâ non* of cultivation and progress, *Onslow* 6464. 6536-6538 ——Extract from Colonel Cotton's book on public works in India, relative to the great benefits conferred and the large revenue returned by works of irrigation, *ib.* 6537, 6538——There are millions and millions of cubic feet of water running to waste, while drought is destroying all vegetation, *ib.* 6537. 6631, 6632——Irrigation is a matter of science in cultivation, and is the one thing wanted to renovate India, *ib.* 6611-6613. 6632-6634——Advantage of canals over tanks in their being easily made to retain the water better, *ib.* 6655, 6656 ——Much larger and more valuable produce per acre by means of irrigation, *ib.* 6659—— Great virtue of irrigation in the alluvial deposit it leaves upon the land, *ib.* 6660-6664 ——Great benefit to native capitalists if they had opportunities of investing in works of irrigation, *ib.* 6764, 6765. 6810.

5. *Expediency of private Enterprise, aided by Government:*

Works of irrigation may well be undertaken by private enterprise, *Tremenheere* 80, 81; *Onslow* 6537——Advantage to private companies undertaking canals of irrigation, for which small tolls might be charged; advantage also to the cultivators, *Ouchterlony* 5373. 5415-5421——Necessity of Government aid in connexion with private enterprise in carrying out works of irrigation; private enterprise being most important as a means of introducing capital and energy in the execution of the works, *Onslow* 6623-6630. 6810-6817. 6951, 6952. 6961——Obstacles to Government undertaking all the necessary works, *ib.* 6958-6961.

6. *Scheme for an Irrigation and Canal Company in Madras:*

Reference to a scheme with which witness is connected for getting up an irrigation company; the Court of Directors have offered every encouragement in the matter, *Onslow* 6537. 6539-6541——Grounds upon which a Government guarantee of five per cent. is sought for in connexion with the proposed irrigation works in Madras, *ib.* 6623-6630. 6810-6817. 6951, 6952——Grounds for estimating an immense profit on the proposed works of irrigation; net profit of sixty-nine and a half per cent. on all the outlay of the East India Company on irrigation works, *ib.* 6953-6957. 6962-6964.

See also *Canals. Cauvery River. Coleroon Anicut* (*Madras*). *Cotton*, I. 4, II. *Godavery River.*

J.

Jafur Alee. Letter from Jafur Alee, a landowner in Bombay, to Sir Erskine Parry, complaining generally of the proceedings of Government, and especially of their disregard of native rights in land, *Warden* 6136.

Jessore. Instance of delinquency about two years ago on the part of a moonsiff in Jessore; slight punishment awarded to him, *Freeman* 1762-1766——A road is under construction to Jessore, *Thornton* 8246.

Report, dated 13th May 1857, of meeting of the Indigo Planters' Association respecting an outrage on an European in the Jessore district, *App.* (*Fourth Rep.*) *p.* 244, 245.

Joint-Stock Companies. Facility for the formation of joint-stock companies in India, *Theobald* 1303-1306.

Reports, 1857-8—*continued.*

Jubbulpore. Letter from H. Williams, Esq., to the Rev. F. A. Dawson, dated 3d May 1858, relative to the great resources of the districts round Jubbulpore, *App.* (*Fourth Rep.*) *p.* 261, 262.

Judicial Service (European Judges):

1. *Qualifications of the European Judicial Officers.*
2. *Objection to the Exclusiveness of the present System.*
3. *Whether desirable to separate the Judicial from the Revenue Service.*
4. *Consideration of Suggestions for improved Qualifications.*

1. *Qualifications of the European Judicial Officers:*

Incompetency in many instances of the civil servants in the Mofussil courts to interpret the laws, *Freeman* 1477. 1479——Young and inexperienced civilians appointed to judicial offices, *MacNair* 2000. 2058——The experience in the magistrates' courts is by no means of a nature useful to him on promotion to the offices of collector and of civil judge, *Mackenzie* 3703. 3744-3748. 3784-3794——Less experience of the judicial authorities since the abolition of the office of register, *Hawkins* 4290-4292. 4364, 4365; *Mills* 8904-8916; *W. H. Martin* 9183. 9189.

Absence of any special judicial training before appointment to the office of civil judge, *Hawkins* 4364-4366. 4385-4387. 4390——Service of fifteen or sixteen years before promotion to the office of civil and sessions judge, *ib.* 4365, 4366——Disadvantage in the limited means of experience of the judges since the alterations introduced by Lord William Bentinck, *Baillie* 4612, 4613——Practical experience and general competency of all English judges appointed to the Sudder Courts before 1844, *ib.* 4725-4730.

Evidence as to the deficient training of the civil judges, *Waller* 4890. 5002-5006. 5085-5089. 5134. 5199——Instances of the promotion of utterly inefficient men to the bench, *ib.* 4951-4954——Concurrence in the statement of Mr. Campbell that the more incompetent a man is the more sure is he of a judgeship, *ib.* 4951-4954——Passages in certain petitions from Calcutta and Madras as to the want of efficiency in the Company's judges, *ib.* 5149. 5153——Impression that the judicial officers in the south of India are not sufficiently judicially educated, *Ouchterlony* 5410-5412*.

Good training for the office of judge in Bengal in the experience acquired in the revenue branch of the service, *Mills* 8909. 9022-9032. 9093-9099; *W. H. Martin* 9182-9189, 9217-9228; *Marsham* 9463-9470. 9630-9632.

2. *Objection to the Exclusiveness of the present System:*

Exclusive character of the civil service system in the distribution of judicial offices between the covenanted and the uncovenanted services; instances of this, *Theobald* 1000-1002——A worse judicial system than the present could hardly be devised, *Waller* 4898, 4899——Views of the Marquis of Hastings in 1819 as to the evil operation of the judicial system, *ib.* 4898.

3. *Whether desirable to separate the Judicial from the Revenue Service:*

Improvement if the judicial administration were separated from the revenue service, *MacNair* 2135-2139; *Ouchterlony* 5412, 5412*; *Warden* 6094, 6095. 6276. 6278. 7480-7485.

In the perpetually settled districts a union of the offices of magistrate and collector would be better than the present system, *Mackenzie* 3705-3707. 3790. 3951-3955——Statements in favour of uniting the offices of collector and magistrate in Bengal, *Hawkins* 4158. 4390; *Marsham* 9630-9636.

There would be no practical difficulty in a distinct judicial service, *Warden* 7543. 7550. 7551——Approval, as far as possible, of a separation of the judicial from the revenue service, *Wingate* 7857-7859——In Bombay, promotion in the judicial branch is confined to the officers of that branch, *ib.* 7858——Expediency of continuing the employment of any civilian in the same branch of the service as that which he first enters, *Landon* 8727.

Advantages of the union of the offices of collector and magistrate; its popularity with the natives, *Mills* 8815-8820——Approval of a separation, if practicable, of the judicial and revenue services; it may be carried out if the civil servants are increased, *ib.* 9018, 9019. 9100——As regards a separation of the judicial and revenue services, much that is useful in the one is useful in the other, *W. H. Martin* 9259-9261——Disapproval of a separation of the judicial and revenue services, on the score that the training in the latter is very useful in the former, *Bidwell* 9315-9318——Advantage in the North-west Provinces of the junction of the offices of collector and magistrate, *Saunders* 9901.

4. *Consideration of Suggestions for improved Qualifications:*

Qualifications suggested as indispensable before admission to the judicial office, *Theobald* 998, 999; *Freeman* 1630-1632——Better qualifications for the judicial office of barristers after short experience in India, than of the ordinary civil servants after many years' experience, *Theobald* 1047-1052——Way in which witness would provide for proper qualifications in judicial officers as a separate service; barristers should be

Reports, 1857-8—*continued.*

Judicial Service (*European Judges*)—continued.

4. *Consideration of Suggestions for Improved Qualifications*—continued.

largely resorted to, and the more fitting members of the civil service selected, after superadding the legal education required, *Theobald* 1120-1136. 1137-1139——Importance of utilising the local knowledge obtained by revenue or judicial officers in any district, *ib.* 1274-1276.

Great improvement in the administration of justice if legal education and training were required in the judicial officers, *Freeman* 1563. 1728, 1729; *Hawkins* 4388, 4389. 4394. 4457-4461; *Baillie* 4527, 4528——Suggestion that, before appointment to the judicial office, the civil servants should undergo a certain practical ordeal in the courts, *Freeman* 1786. 1866. 1870, 1871.

It would not answer to select the zillah judges in the same way as native judges; but they might with advantage be selected from the gentlemen practising at the bar of the Sudder Dewanny Adawlut and the Supreme Court, *Baillie* 4526——With a substantive law, previous legal training in the judge would not be essential *ib.* 4527——Doubt as to whether a system of legal training in this country would provide the most efficient kind of judges for the Mofussil, *ib.* 4711-4725——A knowledge of the native language, and of the customs and habits of the people is essential in the English judges, *ib.* 4775. 4780.

Education in jurisprudence is essential in any one appointed to the judicial office, *Waller* 4872, 4873; *Warden* 6087-6092. 6114-6118. 6204, 6252-6255. 7541——Necessity of the introduction of professional judges independent of the Government, *Waller* 4899——Explanation as to the qualifications or professional training desirable in the case of every person appointed to a judgeship; how such qualification might in practice be secured, *ib.* 5016-5021. 5102-5109. 5135. 5192——Mixed system of native judges and of European and native Christian judges, comprised in witness's plan of an improved judicial system, *ib.* 5057-5069. 5074-5077.

Advantage if barristers in the Supreme Courts were appointed to judgeships; illustration of their fitness for such position, *Warden* 6082-6089. 6251——Witness considers it very important that the European judges should have a practical knowledge of the character and habits of the people, but they should have as well a legal education; means by which both qualifications may be secured, *ib.* 6252-6261——An examination in Mahratta should be sufficient for barristers, the evidence being conveyed through interpreters, *ib.* 7477——System of education and training suggested in the case of judges, supposing the service to be thrown open, and the judicial service separated from the revenue service, *ib.* 7542-7550——Legal training for judgeships should be acquired in India rather than in this country, *Wingate* 7858.

Advantage in judicial offices in the Mofussil being filled by persons trained in the country in the Company's service rather than by barristers appointed direct from England, *Mills* 8874-8878. 8917-8937. 9007-9017. 9022-9032. 9093-9101.

Advantage in employing as judges civil servants trained in India rather than barristers from this country, *W. H. Martin* 9174-9189——Usefulness to judges of a previous education in jurisprudence; this was, to a certain extent, gained at Haileybury, *ib.* 9177-9180. 9213-9216. 9253-9257——Improvement if the civil servants before going to India were more directed to the study of the principles of the law, *Bidwell* 9315. 9318; *Marsham* 9785——Objection to the appointment of barristers from England as judges on account of the interference thereby with the exclusiveness of the civil service, *Marsham* 9455 *et seq.* ——Approval of the appointment of Europeans in India, or East Indians, to the uncovenanted judicial service, *ib.* 9561.

See also *Administration of Justice*, XI. 4. *Civil Service. Magistrates.*

Juries. See *Administration of Justice*, IX.

Jute. The export of jute to England has increased from 3,000 bales in 1836, to nearly 250,000 bales, *Wise* 2702.

K.

Khan Bahadoor Khan. The conduct of Khan Bahadoor Khan does not alter witness's opinion that the character of the native judges generally has much improved of late years, *Mills* 9001-9005.

Khandeish. Considerable facilities for irrigation in Khandeish; it is, however, found more profitable to extend dry-crop cultivation than to irrigate, *Wingate* 7655-7663. 7673-7684——Bar to settlement through the unhealthiness of the climate, *ib.* 7678, 7679——Want of population in Khandeish, and unhealthiness of the district, *ib.* 7678, 7679——The removal of the jungle would obviate the ill effects on the score of the climate, *ib.* 7825, 7826.

Wild and uninhabited state of large portions of the province during the unsettled period preceding our occupation of it; reference hereon to witness's Khandeish Report of

Reports, 1857-8—*continued.*

Khandeish—continued.

of March 1852; *Wingate* 7895-7897, 7898——Witness has recently heard from the present collector in Khandeish that within the last seven years the cultivation has increased by about 400,000 acres, *ib.* 7895, 7896——Unhealthiness of the jungles and paucity of the population further adverted to as a bar to European colonisation, *ib.* 7899 7901.——*See* also *Cotton*, I. II. 4.

Knowledge of the Country. Among other reasons for non-emigration to India, one is that the country is not properly known, *Ouchterlony* 5575.

Kumaon. See *Tea.*

L.

Labour. Abundance and cheapness of native labour, *Tremenheere* 110; *Dalrymple* 3549, 3550——Advantage rather of European agency in superintending cultivation by native labour than of direct European cultivation, *Tremenheere* 110. 162. 179; *Wingate* 7866-7868. 7887-7890——Witness considers it impossible that Europeans can work as labourers on farms in the low country, *Ouchterlony* 5512, 5513——Although the southern parts of India are thinly populated labour is absurdly cheap, *ib.* 5515, 5516.

The exceedingly low cost of native labour, about eight shillings a month, must always, irrespective of the climate, prevent the successful settlement of Europeans as manual labourers, *Warden* 6028. 6047, 6048——Impossibility of a European labourer competing successfully with a native labourer, *Onslow* 6601, 6602; *Wingate* 7689——Value of labour in India in proportion to its price; witness believes that on the whole the former bears as great a proportion to the latter as it does in this country, *Landon* 8467.

See also *European Capital and Skill. Migration of Native Labourers. Wages.*

Land Revenue Settlement, and Tenure, and Sale of Land:

I. *Bengal:*

1. Approval of the Principle of the Permanent Settlement or Zemindary System.
2. Disapproval of the Permanent Settlement, as being a Spoliation of the Cultivators.
3. Insecurity of Under-tenures, and Obstacle to European Settlement through the System of Sales of Land for Arrears of Revenue.
4. Measures required for the Protection of Under-tenures.
5. Mode of dealing with Land which reverts to Government.
6. Variety of Proprietary Rights in the Soil.
7. Amount of the Government Assessment.
8. Absence of Legislative Restrictions upon the Purchase of Land.

II. *Bombay:*

1. Character of the Settlement under Mr. Elphinstone's Administration.
2. Originators of the present Settlement.
3. Progress of the New Settlement.
4. Rules for the Administration of the New System.
5. Liability to Re-assessment after Thirty Years; Effect thereof.
6. Separate Assessment upon each Field.
7. Careful Practice in carrying out the System.
8. Amount of the Assessment.
9. Improvement upon the Ryotwarree System.
10. Effect as regards existing Rights.
11. Advantage of the Facilities for the Sale or Letting of separate Fields.
12. Favourable Effect upon the Condition of the Ryots.

III. *Madras.*

IV. *North Western Provinces.*

V. *Sale Law Improvement Bill, and Under-tenures generally:*

1. Evidence relative to the Object of Mr. Grant's Bill, and its non-adoption.
2. Explanation by Mr. Grant in introducing the Bill.
3. Copy of the Bill.
4. Petition and Report by the Indigo Planters' Association.
5. Petition of Protestant Missionaries.
6. Correspondence representing the Views of the Government of Bengal.
7. Correspondence on the part of the Board of Revenue, Lower Provinces; Views of the Members of the Board.
8. Minute representing the Views of Mr. Halliday.
9. Views of the Lieutenant-governor and Sudder Board of Revenue, North Western Provinces.

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

V. *Sale Law Improvement Bill, and Under-tenures generally*—continued.

10. Proposition by Captain H. W. Craufurd on the subject of Government Sales.
11. Petitions of Rajah Sutt Shurn Ghosaul.
12. Petition of Zemindars in Tirhoot.
13. Petition of Zemindars of Zillah 24-Pergunnahs.
14. Letters expressing the Views of various Revenue Officers in Bengal.
15. Minute by Mr. Raikes, Judge of the Sudder Dewanny Adawlut at Calcutta.
16. Letter from Mr. Currie, Member of the Legislative Council.
17. Particulars relative to the Under-tenures in Bengal, and the effect upon them of Sales for Arrears of Revenue.

VI. *Generally as to the want of a better Title to Land, and of a Power to acquire Land in fee.*

I. *Bengal:*

1. Approval of the Principle of the Permanent Settlement or Zemindary System:

Origin of the permanent settlement of Bengal; its wisdom in a political point of view, *Theobald* 891. 901, 902. 1083–1086——Public merits of the permanent settlement as opposed to its serious defects, *ib.* 901, 902——Approval of the principle of the zemindary system and of the perpetual settlement, *Mullens* 7219. 7259-7267——Witness prefers the perpetual settlement, as keeping up the class of zemindars, to Mr. Bird's system in the North-western Provinces, *Saunders* 10097–10099.

2. Disapproval of the Permanent Settlement as being a Spoliation of the Cultivators:

The perpetual settlement did the greatest injustice; it effected a complete spoliation of the people by a transfer of the proprietary rights from the cultivators to the zemindars, *Mackenzie* 3686-3688——The great interference under the perpetual settlement with the the rights of village communities was a great mistake, *ib.* 3867.

3. Insecurity of Under-tenures, and Obstacle to European Settlement through the System of Sales of Land for Arrears of Revenue:

The grievance of the present settlement system in Bengal lies mainly in the fact that the rights of the zemindars may peremptorily be sold in default by the revenue collectors, and that the rights or vested interests of the putneedars, izaradars, and ryots may thereby be swept away, *Theobald* 886. 891–895. 905–921. 1073–1075——Injurious operation of the system as regards European enterprise and the security of property, *ib.* 891 *et seq.*——Exceptional class of cultivators whose interests are protected by the Permanent Settlement Act, *ib.* 903–905.

Different reasons which tend to make the land tenures in Bengal very insecure, and thus to deter settlement, *Freeman* 1462, 1463. 1476, 1477. 1505 *et seq.* 1788. 1806. 1810; *Wise* 2632–2636. 2657; *Waller* 4882. 4903–4905; *Mullens* 7142. 7169. 7177–7180. 7304, 7305. 7339——Way in which the revenue settlement and sale law in Bengal operates very injuriously and unjustly, more especially as regards the rights of the different lessees under the zemindars, *Freeman* 1483–1497——Forfeiture of the interest of the putneedars, or perpetual leaseholders, in the event of their own default, or the default, real or pretended, of the zemindars to pay up the revenue; instance of a stratagem on the part of the latter to the injury of the former, *ib.* 1484–1497——Injurious consequences to purchasers of estates owing to the preliminary formalities connected with the sale being frequently improperly carried out by the revenue authorities, *ib.* 1503–1508.

Further evidence as to the practice under the present law of sales for arrears of revenue whereby the zemindar by making sudden default may deprive the putneedar of his under-tenure, *Freemon* 1685–1691——Any surplus beyond the Government claims is paid over by Government to the proprietor, *ib.* 1686——Insecurity of the putneedars under the practice as regards sales further adverted to; the regulation for the protection of the putneedars applies only in theory, *ib.* 1687–1691. 1789–1799——Further complaint in regard to the cancelling of purchases of estates through certain formalities not having been observed by the revenue collectors; instances in witness's experience, *ib.* 1691–1703——Although it is provided that objections to purchases at auction sales should be made within a month of the sale, it frequently happens that purchases are cancelled after two or three years' possession, *ib.* 1697–1699——Those who make the laws are unacquainted with their practical working, *ib.* 1700——The theory of the law of sale may be good in many instances, but it is badly construed and frequently misapplied by the Mofussil authorities, *ib.* 1700–1703.

Further reference to the disadvantages under which purchasers labour; they know scarcely anything of the boundaries of the estates, *Freeman* 1800–1805——Frequency in some

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

I. *Bengal*—continued.

3. Insecurity of Under-tenures, &c.—*continued.*

some parts of Bengal of sales of land for arrears of revenue, many of the defaults being for fraudulent purposes, *Freeman* 1824, 1825——Objectionable system in the administration of the sale law previously to the modifications in 1841 and 1845; fewer reversals of sales of late years, *ib.* 1873, 1874——Further evidence as to the defect of the present sale law in its abandonment, in practice, of the interests of the putneedars, and as to the actual extent of the injury thereby, *ib.* 1874-1884——Circumstances under which, notwithstanding the risk of loss under the sale law, fines are paid for under-tenures, instead of small annual rents, *ib.* 1875-1882.

Want of protection in the case of under-tenures, more especially of putnees and izaras, *MacNair* 1992. 2028-2033; *Dalrymple* 3239-3244——Probability of putneedars paying higher terms if they were not subject to risk, as at present, *MacNair* 1996-1999——Feeling of necessity under which putnees are purchased, notwithstanding the risk of loss by sale, *ib.* 2334-2340——Circumstances under which a certain sale was reversed after seventeen years' purchase, *Wall* 2634. 2886-2895. 3121-3126——Particulars as to witness having been unjustly dispossessed of an estate which he had legally purchased; it was re-purchased and held by Government. *ib.* 2654. 2917. 2940-2943——Explanation as to witness not having taken any steps as regards an appeal or a re-purchase in the matter of the property which he had bought, and which was re-purchased by Government, *ib.* 3138, 3139.

Misapprehension as regards English law in India in applying it to the regulation of sales of land, *Baillie* 4675-4680——Disadvantage to settlers, as putneedars, in their liability to be dispossessed of their tenures, *ib.* 4743-4745——Difference between a talook and putnee, *Waller* 4883, 4884——Improvement of late years through the more stringent operation of the sale laws, *Bidwell* 9304, 9305——The non-protection of under-tenures in the event of the zemindars making default is a decided obstacle to the investment of British capital and should be remedied, *Marsham* 9760-9762.

4. Measures required for the Protection of Under-Tenures:

Improvement in the tenure of land by some security to the perpetual leaseholder in the event of the sale of the zemindary, *Freeman* 1654-1655——System of compulsory registration of putnees, and of inquiry by the collectors, suggested as a means of protection to the under-tenures without prejudice to the security of the revenue, *ib.* 1704-1706. 1805——Suggested compulsory registration of putnees, and other leases, as affording a means of protection against fraudulent sales by zemindars, *MacNair* 1992-1995——Necessity of greater precautions as regards definition of boundary, &c., before sales of land for arrears of revenue, *ib.* 2506-2509——Outline of measures necessary in order to facilitate the investment of capital in zemindaries and under-tenures, without impairing the security of the revenue, *Wise* 2635, 2636; *Dalrymple* 2394-3309. 3462-3464. 3553-3557.

There would be the greatest difficulty, if not impossibility, in altering the sale law for the better protection of the under-tenures, without at the same time prejudicing the Government revenue, *Mackenzie* 3659, 3660——Disapproval of new legislation on the subject of land sales, *ib.* 3663-3666. 3774-3776——In cases of land sales, all claims of interest in under-tenures should be made before instead of after the sale, and there should be no subsequent appeal against the purchaser, *ib.* 3839-3844——Grounds for concluding that it would be highly inexpedient to sustain a putnee against a purchaser of an estate sold for arrears of revenue, *Baillie* 4550-4552——Protection already, under the Act of 1845, of leasehold tenures for terms not exceeding twenty years, *ib.* 4551-4632.

Concurrence in the evidence as to the expediency of protecting the putnee tenures in cases of sale, *Marsham* 9584. 9588——It would be well if there were a partition of Government revenue on each portion of an estate, *ib.* 9779.

5. Mode of dealing with Land which reverts to Government:

Practice as regards leases and management in the case of property which has reverted to Government in respect of arrears of revenue, *Wise* 2660-2669. 2944-2951.

6. Variety of Proprietary Rights in the Soil:

There is a great variety of proprietary rights in the soil in Bengal; enumeration of these, *Mackenzie* 3867-3871.

7. Amount of the Government Assessment:

The rent levied on the land in Bengal is moderate, *MacNair* 2518——On the resumed lands, but not on the zemindaries, the Government rent is in many instances high, *Dalrymple* 3421-3430——The Government revenue in Lower Bengal is about one-sixteenth or one-twentieth of the value of the produce, *Mackenzie* 3658——Opportunity for increasing the revenue by expanding the area of cultivation, but not by an increase of assessment, *ib.* 3708-3710. 3713——The rent is exceedingly small in Bengal, and cannot operate to deter settlement, *ib.* 3891-3893——Grounds for the statement that the Government tax on the land in Bengal is very high, *Mullens* 7177, 7181-7186. 7312, 7313.

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

I. *Bengal*—continued.

8. Absence of Legislative Restrictions upon the Purchase of Land:

Facilities at present for purchasing land in Bengal, *Tremenheere* 171-175——Effect of the Acts of 1853 and 1857 in regard to the previous restrictions upon the tenure of land, *Theobald* 1192, 1193——There is no difficulty in purchasing land in the Mofussil, save that the part of any zemindary purchased is liable for the revenue of the whole, *ib.* 1264-1270——Tenure of land in Midnapore and Rajshaie; there is no obstacle to purchase by Europeans, *Auld* 1431-1439.

II. *Bombay:*

1. Character of the Settlement under Mr. Elphinstone's Administration:

Reference to Mr. Elphinstone's proclamation in 1818, declaring the principles in which the presidency should be settled, and promising that private rights should be treated with generosity, *Warden* 6057, 6058. 6062——Excellent progress of the settlement of the country under Mr. Elphinstone's administration, *ib.* 6059, 6060.

2. Originators of the present Settlement:

The present revenue settlement was first tried on the recommendations of Mr. Frere, Mr. Goldsmid, and Mr. William Ramsay, *Wingate* 7626.

3. Progress of the New Settlement:

The present system was commenced in 1835, and finally settled in 1847, *Wingate* 7618——The settlement is not completed throughout Bombay; the surveys are still going on in Guzerat and Khandeish, *ib.* 8089. 8091-8093——Although the present assessment was first tried in 1835, it was not carried out vigorously until within the last five years, *ib.* 8190, 8191——In the collectorate of Broach and other old assessed districts, the assessment has been reduced without a survey, *ib.* 8192, 8193.

4. Rules for the Administration of the New System:

Witness reads to the Committee the rules under which the revenue survey settlements of Bombay are now administered, *Wingate* 7891, 7892.

5. Liability to Re-assessment after Thirty years; Effect thereof:

The assessment is for thirty years, at the end of which period there may be a general re-assessment, *Wingate* 7606. 7608, 7609. 7621——Objection to a permanent assessment on financial grounds, *ib.* 7618, 7619——Grounds for the conclusion that the liability to a re-assessment at the end of thirty years does not and ought not in any way to deter European settlement, *ib.* 7621-7624. 7641, 7642. 7883-7886——Save by an increased or reduced land tax the position of the landowner will not be affected at the end of the thirty years, *ib.* 7632. 8094-8096——The tax may be viewed as the interest of a mortgage, or as a rentcharge, *ib.* 7641. 7647.

Advantageous position in which the ryot is placed by his occupancy being permanent for thirty years without liability to an increased assessment, whilst he has it in his power to cultivate as much or as little as he pleases, *Wingate* 7876-7882——There is nothing to prevent the assessment being lowered if circumstances should arise to show it had been erroneously fixed, *ib.* 7877.

Witness conceives that there will be quite as great a commerce in land under the thirty years' assessment as under a perpetual assessment, or under a right to acquire the fee simple; examination hereon with reference to some offers which have been made for the purchase of lands, provided the assessment on such lands were not permanent, *Wingate* 7979-8029——There is nothing in the present tenure to prevent the land from being fairly saleable, or to prevent a rise in its value, *ib.* 7979. 7983. 8005——The assessment is in fact only a portion of the rent, *ib.* 7981. 8084——The liability to increase of assessment may probably detract to some slight extent from the saleable value, *ib.* 7983.

Reasons other than the thirty years' assessment to which may be attributed the absence of investment in land by Bombay capitalists, *Wingate* 7984 *et seq.*——Further evidence to the effect that the liability to increased assessment at the end of thirty years, is not calculated to deter European investment or settlement, *ib.* 8109-8123.

Nature of the land assessment of the Broach district; the people are perfectly satisfied with it, and have full confidence in the matter in Government, *Landon* 8362-8373.

6. Separate Assessment upon each Field:

The revenue settlement is a field settlement, a separate assessment being fixed on each field as recognised by means of boundary marks, *Wingate* 7596——The system differs from the Bengal and Madras system very materially, in the fact that in Bombay the holder of each field is simply responsible for the assessment of each field, *ib.* 7597-7600.

7. Careful Practice in carrying out the System:

Practice under the survey, in regard to the ascertainment or the capabilities of the soil on which the assessment was fixed, *Wingate* 7873-7875——Careful manner in which the assessment has been carried out; re-assessment has not been necessary in any district, *ib.* 8104-8108.

8. Amount

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

II. *Bombay*—continued.

8. Amount of the Assessment:

Except the enam lands, the lands in Bombay have not generally a saleable value, on account of being too heavily assessed, *Warden* 6157-6164——Considerable reduction of the rent of the Government land in the Presidency, *ib* 7487-7490.

Greatly reduced assessment as compared with the ryotwarree system, *Wingate* 7602. 7604——Evidence showing that the land assessment at Dharwar, and throughout Bombay, is anything but burdensome, *ib.* 7695-7697——Reference to the views of Mr. Green, formerly professor of literature in Poonah College, as to the liberal policy of the Bombay Government in matters of land revenue, *ib.* 7697, 7698——Under the present revenue settlement, the ryots may be said to be untaxed, *ib.* 8074-8079——Improbability of the agreement ever being reduced below the present limits, *ib.* 8186——Any further reduction of the assessment would be a loss of revenue as, all the valuable land is now cultivated and assessed, *ib.* 8117-8189.

9. Improvement upon the Ryotwarree System:

Important respects in which the present settlement differs from, and is an improvement upon the old ryotwarree system, upon which it is founded, *Wingate* 7601-7605——Heavy and uncertain amount of the tax under the ryotwarree system, which prevented the people from prospering, *ib.* 7629-7631.

10. Effect as regards existing Rights:

Object of the settlement to recognise all existing rights, and to confer them where they do not already exist, *Wingate* 7604-7608——The position of the landowner can only be affected by an increased or reduced land tax at the end of thirty years, *ib.* 7632. 8094-8096——The expiry of the term of thirty years for which the assessment is fixed does not affect the title of the occupant, *ib.* 7876-7882. 8094-8096.

11. Advantage of the Facilities for the Sale or Letting of separate Fields:

Important advantages of the regulation that the holder of land may sell or under-let as many fields as he pleases by giving certain notice; objection hereon to the late Mr. Mackay's proposition of a compulsory lease of the entire holding, *Wingate* 7610-7620——Belief that the present system is highly favourable to the investment of European capital in land and agricultural works, *ib.* 7610-7612. 7620. 7639, 7640——Great extension of cultivation in consequence of the re-assessment, *ib.* 7697——There have been several instances of sale of land, as well as of sub-letting, under the new assessment, but not many years' purchase have as yet been obtained, *ib.* 7966-7978. 8023, 8024.

12. Favourable Effect upon the Condition of the Ryots:

Exceedingly favourable effect of the present assessment upon the condition of the agricultural population; letter in 1849 from the present Commissioner of Scinde in corroboration of this statement, *Wingate* 7625, 7626——The security of tenure, directly under Government, and the reduction and certainty of the assessment are the causes of the improved state of the ryots, *ib.* 7627-7631——Favourable operation of the settlement in checking pauper holdings, *ib.* 7633-7637——Absence of greater tendency to subdivision of occupations under the Bombay revenue settlement than under that in the other Presidencies, *ib.* 7638——The increased cultivation has more than compensated for the reduced assessment, so that Government have lost nothing, whilst the people have gained enormously, *ib.* 7831-7833.

III. *Madras*

Way in which the land revenue system in Madras and part of Bombay, as comprising the employment of a most unprincipled police force, deters capitalists from investing in the land, *Theobald* 886-890——Reference to the revenue system as the probable cause of the migration from the Coromandel coast, *ib.* 888-890. 1080-1082——Obstacle to the investments of European capital in Madras, on account of the ryotwarree system, further adverted to, *ib.* 1076-1079—— Witness cannot suggest any remedy for the ryotwarree system, *ib.* 1197, 1198——Evils of the ryotwarree system further adverted to; the ryot fares worse at the hands of the police or agents of Government, than at the hands of the agents of the zemindars, *ib.* 1198-1204.

Discouragement to European settlement by the system of tenure on puttah, or of tenancy at will, in the Neilgherries and other districts, *Ouchterlony* 5413, 5414——Good faith with which those holding lands under the Government are treated, *ib.* 5442, 5443. 5467, 5468. 5481—— Discouragement to the cultivation of cotton, &c., in the south of India on account of the defective tenure of land, and the liability to undue taxation, *ib.* 5444-5449. 5468, 5469——Evil of the practice of issuing new papers in puttahs to the ryots in Madras every year, *ib.* 5478-5481.

Great importance, as an encouragement to settlement in Madras, of means to confer the land in fee simple; suggestion hereon, and examination upon the question of inter-

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

III. *Madras*—continued.

ference thereby with the right of the present cultivators, *Ouchterlony* 5500, 5501. 5563-5576; *Fowler* 5697. 5713. 5716. 5766, 5767. 5807-5820. 5868-5880. 5885.

IV. *North Western Provinces:*

Doubt as to the beneficial results of the thirty years' settlement in the North-western Provinces, *Theobald* 1086.

Grounds for objecting to the revenue settlement in the North-western Provinces; the result has mainly been to transfer the land from the talookdars to merchants or other capitalists, and to destroy the influence and interest of the former in the management of the country, *Saunders* 9834 *et seq.*——Plan of the arrangement of the revenue under the new settlement, *ib.* 9842——The settlement is not excessive, but full, *ib.* 9858-9860. 9995, 9996——Beneficial operation of the settlement in a commercial point of view owing to the investments of traders in the land, *ib.* 9862-9869——Way in which the new settlement has affected the European planters, *ib.* 9865-9873——Varieties of tenure open to the European in the North-western Provinces, *ib.* 9874.

Further explanation as to the new settlement; the talookdars received eighteen per cent. of the revenue as a sort of retiring pension, *Saunders* 9958-9964——Operation of the settlement further objected to, as regards more especially the talookdars and the smaller class of cultivators among the newly-recognised proprietors, *ib.* 9965-9968. 9994-9997——Apparent benefit of the new system in giving merchants or money-lenders, as capitalists, a vested interest in the soil, *ib*, 9969, 9970. 10033. 10035——Dissatisfaction among the natives in consequence of the new system, *ib.* 9970, 10010-10020. 10092——Violence arising out of the settlement during the rebellion; the new proprietors have been ousted or murdered, *ib.* 9971, 9972. 9998-10000. 10037-10039.

Further examination relative to Mr. Bird's revenue settlement, and further objection to it, on the ground of its having dispossessed those who were the old proprietors according to the native system, *Saunders* 9994 *et seq.* 10101——Circumstance of witness having expressed his objections to the system in an interview with Mr. Bird, *ib.* 10022. 10025——Statement by Mr. Bird, that his object was to clear the titles and to make the land more readily transferable and saleable, *ib.* 10022——The protection of the ryot rather than the improvement of the revenue was the object of the settlement, *ib.* 10023, 10024.

The new settlement had appeared to Government, up to the time of the outbreak, to have worked well, *Saunders* 10026. 10029, 10030. 10100, 10101——The revenue might have been collected still more readily under the old than the new system, *ib.* 10027, 10028——Opinion that it would be wise even now to take steps for restoring the proprietorships to men of influence in the country, *ib.* 10031——Experience of witness as a mortgagee in the case of land under the new settlement; great litigation and expense in the enforcement of his claims in the native courts, *ib.* 10040-10055——There is a very general absence of zemindars under Mr. Bird's system, *ib*, 10099.

V. *Sale Law Improvement Bill, and Under-tenures generally:*

1. Evidence relative to the Object of Mr. Grant's Bill, and its non-adoption:

Reference to the circumstance of Mr. J. P. Grant, a member of the Government, having brought in a Bill for the purpose of improving the revenue settlement law; explanation as to its not having passed into a law, *Theobald* 893. 896-898——Explanation as to the objections of the indigo planters to Mr. Grant's Bill, *ib.* 1205-1209. 1271. 1297, 1298——Value of the Bill of Mr. Grant in proposing to divide zemindaries, and to apportion the revenue among the different co-sharers, *ib.* 1269. 1271.

Reference to Mr. Grant's Bill for an amendment of the sale law, as comprising many suggestions made by witness before leaving India; the Bill is still under discussion, *Freeman* 1498-1503——Statement as to the non-adoption of the amended sale law proposed by Mr. Grant; it did not go far enough in protecting the under-tenures, *MacNair* 2510-2512——The numerous forms proposed under Mr. Grant's sale law led to the planters' objections to it, *Dalrymple* 3415-3419——Explanation as to the means proposed under Mr. Grant's sale law, with a view to the protection of under-tenures, which now are unprotected, *Hawkins* 4194-4202——It is a great pity Mr. Grant's sale law was not tried, *Bidwell* 9303.

2. Explanation by Mr. Grant in introducing the Bill:

Statement by Mr. Grant in the Legislative Council in moving the first reading of the Bill "to improve the Law relating to Sales of Land for Arrears of Revenue in the Bengal Presidency," *App.* (*Fourth Rep.*), *p.* 297-300——Explanation by Mr. Grant as to the proposition for dispensing with the sanction of the Board of Revenue before the sale of any estate, for arrears of revenue in the province of Cuttack, *ib.* 297——Statement by Mr. Grant, dated 22 December 1855, of the objects of the Bill, and of the reasons for certain of the provisions therein, *ib.* 309, 310.

3. Copy

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

V. *Sale Law Improvement Bill, and Under-tenures generally*—continued.

3. Copy of the Bill:

Copy of the Sale Law Improvement Bill (as read a first time on the 22d December 1855), *App.* (*Fourth Rep.*), *p.* 301–309.

4. Petition and Report by the Indigo Planters' Association:

Petition of members of the central committee of the Indigo Planters' Association, on behalf of themselves and the said association, relative to Mr. J. P. Grant's Bill, *App.* (*Fourth Rep.*), *p.* 245, 246. 343, 344,——Report of the secretary of the association on the proposed Bill, dated 10 June 1856, *ib.* 246–251. 344–349——Extracts from correspondence in the office of the Indigo Planters' Association, containing objections to sundry provisions of the Bill, *ib.* 349–351.

5. Petition of Protestant Missionaries:

Petition of Protestant Missionaries residing in or near Calcutta, in approval of Mr. Grant's Bill, *App.* (*Fourth Rep.*), *p.* 290–293. 419–423.

6. Correspondence representing the Views of the Government of Bengal:

Letter from the secretary to the Government of Bengal to the officiating secretary to the Government of India, dated 24 October 1855, relative to the proposition of Mr. Grant for altering the practice of sales in the province of Cuttack; approval in this letter of an abolition of the process of issuing districts for recovery of arrears, *App.* (*Fourth Rep.*), *p.* 310–313.

Note by Mr. Officiating Secretary Plowden, dated 28 February 1854, referring to the views of the Bengal Government, relative to the process in regard to sales of land in Cuttack, and in favour of the abolition of the dustuck system, *App.* (*Fourth Rep.*), *p.* 320, 321.

Extract from letter from the Government of Bengal to the Government of India, dated 15 September 1853, suggesting a certain provision in carrying out laws already proposed on the subject of sales, *App.* (*Fourth Rep.*), *p.* 322.

7. Correspondence on the part of the Board of Revenue, Lower Provinces; Views of the Members of the Board:

Letter from the officiating secretary to the Board of Revenue, Lower Provinces, to J. P. Grant, Esq., Secretary to the Government of Bengal Revenue Department, dated 9 December 1851, together with minutes by Mr. Ricketts, Mr. Gordon and Mr. Currie, relative to the revenue settlement in Cuttack, and the propriety of a different practice in regard to sales, &c., *App.* (*Fourth Rep.*) *p.* 314–320.

Extract of letter from the secretary to the Board of Revenue, Lower Provinces, to the Government of Bengal, dated 20 August 1852, containing the views of the Board as to the measures desirable for the protection of under-tenures in cases of sale; extract from draft Act proposed by the Board hereon, *App.* (*Fourth Rep.*), *p.* 322–325.

Minutes respectively by Mr. Ricketts, Mr. Dunbar, and Mr. Dampier, members of the Board of Revenue, containing their views relative to Mr. Grant's Bill, *App.* (*Fourth Rep.*), *p.* 361–366.

Further minutes by Mr. Dampier and Mr. Stainforth, dated respectively 31 October 1856 and 17 November 1856, *App.* (*Fourth Rep.*), *p.* 415–417.

Letter from the officiating secretary to the Board of Revenue, Lower Provinces, to the secretary to the Government of Bengal, dated 25 June 1856, containing the views of Mr. Stainforth and the other members of the Board, as to the measures necessary for recovering arrears in the district of Sylhet, *App.* (*Fourth Rep.*), *p.* 357.

8. Minute representing the Views of Mr. Halliday:

Minute by Mr. Halliday, dated 2 September 1856, in explanation of his sentiments upon the Sale Law Improvement Bill, and upon the legislation most desirable upon the subject of under-tenures, *App.* (*Fourth Rep.*), *p.* 332–340. 353–361.

9. Views of the Lieutenant-Governor and Sudder Board of Revenue, North Western Provinces:

Letter from the Secretary to the Government of the North Western Provinces to the clerk of the Council, dated 27 May 1856, relative to the Sale Law Improvement Bill, and conveying the objections of the Lieutenant-Governor to the extension of the Bill to the North West Provinces, *App.* (*Fourth Rep.*),*p.* 340, 341.

Notes by G. A. Reade, Esq., and C. C. Jackson, Esq., Members of the Sudder Board of Revenue, North Western Provinces, on the Sale Law Improvement Bill, *App.* (*Fourth Rep.*), *p.* 341–343.

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

V. *Sale Law Improvement Bill, and Under-tenures generally*—continued.

10. Proposition by Captain H. W. Craufurd, on the subject of Government Sales:

Letter from Captain H. W. Craufurd to the clerk of the council, dated Calcutta, 26 May 1856, with reference to a petition presented by him to the council, on the 10th May, on the subject of Government sales, and explaining in detail, his proposition on the subject, *App.* (*Fourth Rep.*), *p.* 328-332.

11. Petitions of Rajah Sutt Shurn Ghosaul:

Petition of Rajah Sutt Shurn Ghosaul, zemindar in Bengal, dated 19 September 1856, objecting to certain clauses in the Bill, *App.* (*Fourth Rep.*), *p.* 351, 352——Further petition by Rajah Sutt Shurn Ghosaul, dated 19 November 1856, *ib.* 414.

12. Petition of Zemindars in Tirhoot:

Petition of about 245 zemindars in the district of Tirhoot, dated 26 November 1855, praying that the shares of those parties only who neglect to pay the Government revenue shall be sold, *App.* (*Fourth Rep.*), *p.* 326.

13. Petition of Zemindars of Zillah 24-Pergunnahs:

Petition of certain zemindars, twenty-five in number, of Zillah 24-Pergunnahs, *App.* (*Fourth Rep.*), *p.* 417-419.

14. Letters expressing the Views of various Revenue Officers in Bengal:

Letter from G. F. Brown, Esq., Commissioner of Revenue for the Bhaugulpore division, dated 6 November 1855, approving of the principle of confining sales to the portions of land in arrear of revenue, *App.* (*Fourth Rep.*), *p.* 327.

Letter from Mr. H. Stainforth, late commissioner of Bhaugulpore, dated 4 June 1856, containing his views on the subject of Mr. Grant's Sale Law Improvement Bill, *App.* (*Fourth Rep.*), *p.* 367-370.

Letter on the same subject from Mr. G. F. Lautour, collector of Tirhoot, in explanation of his sentiments relative to the Bill; views expressed therein of Mr. Davies, deputy collector, *App.* (*Fourth Rep.*), *p.* 370-372.

Letter expressing the views of Mr. W. Tucker, officiating collector of Monghyr, *App.* (*Fourth Rep.*), *p.* 372.

Letter expressing the views of Mr. E. Russell, officiating collector of Bhaugulpore, *App.* (*Fourth Rep.*), *p.* 373, 374.

Letter expressing the views of Mr. J. H. Young, officiating commissioner of Burdwan, *App.* (*Fourth Rep.*), *p.* 374-377.

Letter expressing the views of Mr. H. M. Reid, officiating collector of Burdwan, *App.* (*Fourth Rep.*), *p.* 377-380.

Letter expressing the views of Mr. C. Steer, officiating commissioner of Chittagong, *App.* (*Fourth Rep.*), *p.* 380-382.

Letter expressing the views of Mr. J. S. Spankie, officiating collector of Chittagong, *App.* (*Fourth Rep.*), *p.* 383, 384.

Letter expressing the views of Mr. F. B. Simson, officiating deputy collector of Bullooah, *App.* (*Fourth Rep.*), *p.* 384-388.

Letter expressing the views of Mr. E. A. Samuells, commissioner of Cuttack, *App.* (*Fourth Rep.*), *p.* 388-393.

Letter expressing the views of Mr. H. V. Schalch, officiating collector of Balasore, *App.* (*Fourth Rep.*), *p.* 393-395.

Letter expressing the views of Mr. R. N. Shore, collector of Cuttack, *App.* (*Fourth Rep.*), *p.* 395, 396.

Letter expressing the views of Mr. A. Grote, officiating commissioner of Nuddea, *App.* (*Fourth Rep.*), *p.* 396-399.

Letter expressing the views of Mr. E. H. Lushington, officiating collector of Nuddea, *App.* (*Fourth Rep.*), *p.* 399, 400.

Letter expressing the views of Mr. F. A. Lushington, officiating collector of twenty-four pergunnahs (Nuddea), *App.* (*Fourth Rep.*), *p.* 400-404.

Letter expressing the views of Baboo Sibchunder Deb, deputy collector, Nuddea, *App.* (*Fourth Rep.*), *p.* 404, 405.

Letter expressing the views of Mr. R. F. Hodgson, collector of Behar, *App.* (*Fourth Rep.*), *p.* 405-409.

Letter expressing the views of Mr. F. A. E. Dalrymple, collector of Dinagepore, *App.* (*Fourth Rep.*), *p.* 410, 411.

Letter expressing the views of Mr. E. C. Craster, officiating deputy collector of Maldah, *App.* (*Fourth Rep.*), *p.* 411-414.

Letter

Reports, 1857-8—*continued.*

Land Revenue Settlement, &c.—continued.

V. *Sale Law Improvement Bill, and Under-tenures generally*—continued.

14. Letters expressing the Views of various Revenue Officers, &c.—*continued.*

Letter expressing the views of Mr. F. Gouldsbury, commissioner for the division of Rajshahye, *App.* (*Fourth Rep.*), *p.* 426, 427.

Letter expressing the views of Mr. J. H. Young, officiating commissioner, Burdwan division, *App.* (*Fourth Rep.*), *p.* 428.

Letter expressing the views of Mr. G. U. Yule, commissioner of revenue, Bhaugulpore division, *App.* (*Fourth Rep.*), *p.* 428.

Letter expressing the views of Mr. W. Taylor, commissioner of revenue, Patna division, *App.* (*Fourth Rep.*), *p.* 430.

Letter expressing the views of the commissioner of Nuddea, *App.* (*Fourth Rep.*), *p.* 430.

Letter expressing the views of Mr. C. Steer, commissioner of revenue, 16th division, *App.* (*Fourth Rep.*), *p.* 430-432.

15. Minute by Mr. Raikes, Judge of the Sudder Dewanny Adawlut at Calcutta:

Minute by Mr. H. T. Raikes, judge of the Sudder Dewanny Adawlut, at Calcutta, dated 13 March 1857, *App.* (*Fourth Rep.*), *p.* 432, 433.

16. Letter from Mr. Currie, Member of the Legislative Council:

Letter from Mr. E. Currie, member of the Legislative Council, to the junior secretary to the Government of Bengal, dated 3 September 1856, with reference to the Sale of Under-tenures Bill, in connexion with the Select Committee upon the Sale Law Improvement Bill, *App.* (*Fourth Rep.*), *p.* 433, 434.

17. Particulars relative to the Under-tenures in Bengal, and the Effect upon them of Sales for Arrears of Revenue:

Abstract of returns from Commissioners to circular, dated 17 September 1856, on the subject of the number and condition of under-tenures in Bengal, and the mode in which they are affected by the sale of the parent estate for arrears of revenue, *App.* (*Fourth Rep.*), *p.* 434-442——Particulars relative to the under-tenures in the districts of Balasore and Pooree, *ib.* 442——Letter from the commissioner of Rajshahye, dated 31 December 1856, on the subject of the tenures and under-tenures of the Zillah Maldah, *ib.* 443, 444.

VI. *Generally as to the want of a better Title to Land, and of a Power to acquire Land in Fee:*

Difficulty in procuring an indisputable legal title to land in India, *Hooker* 718-721—— Where the village system prevails, witness suggests that estates be sold out and out, with a view to the creation of a proprietary class, *Freeman* 1659-1663——Considerations relative to the rights of the occupiers or ryots in Bengal, in connexion with the question of transferring the land in fee, *Freeman* 1662, 1663. 1671. 1707-1713; *MacNair* 2498-2501. 2504, 2505. 3034-3038; *Wise* 2929, 2930. 3155-3157; *Dalrymple* 3347-3351.

Evidence in favour of the zemindars being permitted to purchase the fee-simple of the government revenue; opportunity thereby to the cultivator or settler to secure land in perpetuity, *Mackenzie* 3667-3682. 4012-4021. 4043——Explanation that on account of the occupancy of the ryots, the fee-simple of the land cannot be obtained by a capitalist by a redemption of the land tax, *Baillie* 4558——Grounds for concluding that the redemption of the land tax would be a great evil to the interest of agriculture in India, *Wingate* 7643——A system of registration, and a proper survey of the country, are essential under a permission to hold the land in fee-simple, *Waller* 4909, 4910.

Requirement of a better tenure of land, that is, of a tenure in fee, as an encouragement to settlement, *Ouchterlony* 5413. 5422. 5563, 5564. 5576 —— Encouragement to settlement in the Neilgherries, and throughout India, if there were a power of acquiring the land in fee, *Ouchterlony* 5413. 5422. 5500, 5501. 5563-5576; *Fowler* 5697. 5713. 5716. 5766, 5767. 5868-5880. 5885——Means by which the land might be conveyed in fee-simple to capitalists; the ryots must be consulted in the matter, *Ouchterlony* 5565-5569—— Practicability of obtaining large tracts of uncultivated land in fee, without interference with any existing rights, *Fowler* 5807-5820.

The main obstacle to settlement in Bombay is the difficulty of procuring land with a proper title, *Warden* 6174. 6176, 6177—— Reduced revenue if Government were to give up uncultivated lands to settlers, without any assessment, *Onslow* 6900, 6901—— Encouragement to settlement if Government would sell the fee-simple in the case of uncultivated lands, *Marsham* 9786, 9787.

See also *Administration of Justice* (*Mofussil*). *Building Sites* (*Calcutta*). *Civil Service*, 5. *Date Plantations*. *Enam Commission* (*Bombay*). *Indapoor District*. *Legislative Restrictions* (*European Settlement*). *Mysore*, 5. *Neilgherry Hills* (*Madras*), 10. *Oude*. *Rammohun Roy*. *Redemption of Land Tax*. *Resumption of Rent-free Tenures*. *Survey*.

Reports, 1857-8—*continued.*

Landon, James. (Analysis of his Evidence.)—Has resided as a cotton merchant for 11 years in Bombay and Guzerat; has a cotton factory and other interests in Guzerat, 8274–8282——Mercantile men are the only class of settlers that can find profitable employment in Western India, 8283, 8284——Settlers can best operate by purchasing produce and improving its preparation, 8284, 8285. 8465, 8466——Roads and railways are essential in order to attract settlers to the interior, and to facilitate the transport of produce, 8286.

Limit to the extent to which irrigation may profitably be employed in Guzerat, 8288–8290——Evidence as to the character of the roads in Guzerat, more especially in the Broach and Surat districts; considerable improvements within the last seven or eight years, 8291-8308——The roads in Guzerat are now sufficient for local purposes, but are insufficient for external trade, 8291. 8309, 8310——Practice as regards the appropriation of government money in repairing the roads, 8296-8300.

Number and character of the principal ports of Guzerat; their improvement would not have any great effect upon the interests of European settlers, 8311-8316——The productions of Guzerat, which are principally cotton and grain, have not much increased in witness's memory, 8317-8324——In the Broach and Kattwar districts a full proportion of the soil is under cotton cultivation, 8325, 8326.

Effect of the market price of cotton upon the quantity grown in India, 8326-8329——Inferior quality of the Indian to the American cotton, 8330, 8331——Increased value of the Guzerat cotton through the increased care of the natives in packing and cleaning, 8332-8336—— Considerable advantage derived by witness from the use of the American saw-gin in cleaning the native cotton, 8337-8341——Circumstance of the native producers not using the saw-gin save by occasionally sending their cotton to witness's establishment, and hiring the use of his machinery, 8342-8348.

Beneficial effect upon the natives by the employment of European capital and the settlement of Europeans amongst them, as illustrated in witness's case, 8349-8359 —— Quiet, contented and prosperous state of the people in the Broach district, 8360-8362—— Nature of the land assessment of the Broach district; the people are perfectly satisfied with it, and have full confidence in the government, 8362-8373.

Concurrence in the opinion that colonization, in the usual sense of the word, is not to be contemplated in India, 8374. 8465——The commerce of the country would doubtless be increased by the settlement of Europeans in the interior, 8376——Good health enjoyed by witness at Broach; in Guzerat, generally, Europeans might by proper precautions live for many years in fair health, 8377-8382. 8680.

As regards the administration of justice in the Mofussil, witness believes that the native courts are scandalously corrupt, and are calculated to shield rogues and thieves rather than to secure justice, 8383 *et seq.*——Instance of injustice on the part of a sudder ameen in Guzerat, whose conduct in the matter was not inquired into, 8387-8395. 8398——Instance of extreme dilatoriness and of injustice before the final settlement of a suit instituted by witness against a native for breach of contract, 8400, 8401. 8405-8414.

Great improvement if there were a summary process by which judgment and execution could be speedily obtained, 8402-8406——Considerable advantage to Europeans and natives if all the Mofussil courts were presided over by Europeans, 8415 *et seq.*—— Trustworthy interpreters might be obtained under European judges, but the latter would not, generally, require interpreters, 8416-8421.

In criminal, as well as in civil cases, the native courts are most corrupt, and the entire system is such that gross injustice is committed and grievous crimes are unpunished, 8422-8434——A more summary system is required in criminal as well as in civil cases, 8428——Bribery is equally rife among the officials of the criminal and of the civil courts, 8431-8434——Exoneration of the European judges from the charge of bribery, 8435, 8436——Attempts have been made to bribe European judges, 8436——Attempt on one occasion to bribe witness as a witness in a case of adoption, 8437.

Constant practice of the natives of India to resort to bribery, falsehood and perjury; these practices are considered meritorious rather than otherwise, and form a general rule from which there are but few exceptions, 8438–8446——Invaluable advice given to witness on going to India, viz., never to trust a native out of his sight, 8446. 8456——The native judges are entirely unfit for the impartial administration of justice, 8447, 8448——Preference of the natives for European judges, 8449-8452.

Expediency of confining the employment of natives to subordinate positions in the several departments, and of placing a European at the head of every department, 8453–8458—— Approval of native subordinate officials; they are efficient when overlooked, 8453, 8454. 8697. 8701——Good conduct of the European portion of the uncovenanted service, 8459——The native uncovenanted servants are in every department morally unfit for their position, notwithstanding their education, 8460-8463——In Guzerat the Government are, undoubtedly, well disposed towards European settlement, 8464. 8476, 8477.

Value of labour in India in proportion to its price; witness believes that on the whole the former bears as great a proportion to the latter as it does in this country, 8467——

Good

Reports, 1857–8—*continued.*

Landon, James. (Analysis of his Evidence)—*continued.*

Good character of the police in Guzerat; great importance of the European superintendence over them, 8468–8481——Advantages of the present local administration of the affairs of India over a system of direct administration by the Crown on the colonial principle, 8482–8487——Improvement of the present system of administration if the several Presidencies were more independent of the Supreme Government, 8487–8491.

Except in purchasing the produce of the soil there is no field for European settlement in Guzerat, 8492——There are no Europeans in Guzerat engaged in the same way as witness, 8493——There is one native establishment, on the same principle as witness's, for purchasing and cleaning native cotton, 8493–8496——Witness's establishment, when in full work, can turn out about 25,000 lbs. of clean cotton daily, 8497——Practice in regard to the packing and screwing of the cotton cleaned by witness, 8498–8500.

Distinguishing mark put by witness on all cotton sent by him to market, 8501, 8502——Export by witness of large quantities of native-cleaned cotton, 8502–8504——Advanced price obtained for the cotton cleaned by witness as compared with that cleaned by the native process, 8505——Varying yield per acre of cotton in Guzerat, 8506–8517——Large crops and superior quality of the cotton grown upon those moist soils where the land is allowed to lie fallow; a rotation of crops is not however largely practised, 8514–8526.

Remunerative price of cotton at the present time, 8527–8530——In the Broach district an increased quantity cannot advantageously be grown, 8531, 8532. 8691, 8692——Very inferior quality of the Khandeish cotton as compared with that of Broach or Surat, 8533–8538——Varying quality of the Guzerat cotton in different seasons, 8537, 8538——Value respectively of the best Broach cotton and of the American upland cotton, 8539.

Failure of the application of irrigation in growing cotton in Guzerat, 8540–8544——Further reference to the native establishment similar to witness's; fraudulent character of the native at the head of it, 8546–8557——Tendency of the natives to tamper with the cotton, 8556–8563.

Further approval of the present system of Government as administered by the East India Company, 8564, 8565——Improved administration if the system of the non-regulation provinces were adopted generally, 8566——Efficiency of the Guzerat police further adverted to in connexion with the employment of European superintendents, 8568–8575——Evidence in further disapproval of the employment of natives in offices of trust or as heads of any departments whatsoever, 8576-8591. 8652, 8653. 8666–8673. 8696-8701.

Great impediments to successful European settlement by reason of the false and dishonest character of the natives; illustration of this in witness's case, 8592-8605. 8678, 8679. 8706–8709——Witness might readily acquire land in Guzerat, but has not considered it advantageous to do so, 8606–8611——Examination with reference to former statement that the colonial system of Government is not applicable to India; further argument to a similar purport, 8612 *et seq.* 8738–8758.

Consideration of the circumstance of Ceylon being in a prosperous state under what may be termed the colonial form of Government; grounds for concluding, nevertheless, that the same system of Government is not applicable in the case of India, 8614–8639. 8651. 8741-8758——Witness on first going to India held an appointment for a time under the Company, 8648–8650

As regards the condition of the native states any prosperity or wealth is limited to the governing and upper classes whose aggrandisement is the effect of the oppression and spoliation of the great mass of the people, 8654-8665. 8730——Further statement that native dishonesty is by no means confined to the lower classes, 8655–8658——Witness has a cotton spinning establishment in Broach as well as a cotton ginning establishment, but the former is still an experiment, 8674, 8675.

Want of materials for road-making in Guzerat, 8681——State of repair of the road from Broach to Baroda, 8682——Expense incurred by Government in encouraging and improving cotton cultivation in the Broach district, 8683-8690——The condition of the people in Broach, &c. is one of comparative prosperity, 8695——An abrogation of the regulations, and the employment exclusively of European judges are the best remedy for the evil operation of the courts, 8696. 8702——The use of the English language and of English barristers as judges, with English modes of procedure would be the very worst thing that could be introduced into the Broach district, 8703-8705.

Witness has been successful in overcoming the numerons obstacles to profitable settlement, and success is equally possible in all men of energy and perseverance, 8706–8709. 8719, 8720——In several districts of India, the cultivation of cotton cannot be further increased, but in many districts, railway communication will lead to a considerable development of cotton and other produce, 8710-8718——The ryots are fully alive to the cultivation of that crop which yields most profit, 8713-8715.

Considering the character of the people the wonder is, not that Government has done so little, but that it has done so much, 8721, 8722——Natives cannot be fitted for the higher offices until after the lapse of a very considerable time, 8723——If India is to be

Reports, 1857-8—*continued.*

Landon, James. (Analysis of his Evidence)—*continued.*

held by the English, the natives must be excluded from any influential share of the Government, 8724.

Inexpediency of the practice of occasionally placing the civil servants in responsible position, before they have acquired due experience, 8725, 8726——Expediency of continuing the employment of any civilian in the same branch of the service as that which he first enters. 8727——Exceptions to the general dishonesty of the natives in the faithfulness of their monetary or exchange operations, 8727——Proficiency, in the native languages, of the great majority of the civil servants in Guzerat, 8728, 8729——Difficulty as regards the claims of the ryots which render the Bengal system of indigo planting inapplicable to Western India, 8733-8737.

Language of the Courts. See *Administration of Justice*, V.

Law Commission. Names of the Indian Law Commissioners; several of them had served in India, *Hawkins* 4060. 4062——It is a very unfortunate thing that more countenance has not been given to the Law Commissioners who have prepared two very superior codes for India, *ib.* 4175-4181——The duty of the Commissioners was, by their instructions confined to the preparation of a code of procedure and rules for the amalgamation of the courts, *ib.* 4369-4371.

See also *Administration of Justice* (*Mofussil*) XI. 8. *Criminal Jurisdiction* (*Mofussil Courts*). *Lex Loci.* *Penal Code.*

Law Reform. See *Administration of Justice* (*Mofussil*). *Contract Law.* *Criminal Jurisdiction* (*Mofussil Courts*). *Land Revenue Settlement, and Tenure and Sale of Land.* *Law Commission.* *Lex Loci.* *Penal Code.*

Lawrence Asylums. Considerable success of the two asylums founded by Sir H. Lawrence for the children of soldiers, *J. R. Martin* 219——Approval of the operation of the Lawrence asylums as a means of providing Europeans for factories, &c., *Dalrymple* 3535-3539——Explanation as to the failure of an attempt by Sir Henry Lawrence to establish a school in the Neilgherries, *Ouchterlony* 5299-5302. 5458-5460.

Leasehold Property. See *Land Revenue Settlement, and Tenure and Sale of Land.*

Legislative Council. Feeling of the commercial body in Bengal that they should be represented in the Legislative Council, *Theobald* 898-900——Inadequacy of the representation in the Council of interests which ought to be represented, *ib.* 1180-1186. 1292, 1293. 9397, 9398——Expediency of a representation in the Council of the mercantile and agricultural interests, *Theobald* 1013. 1015. 1016; *Freeman* 1567-1573; *MacNair* 1989, 1990. 2446-2451. 2582; *Dalrymple* 3570——Non-objection to natives being qualified for admission to the Council, *Theobald* 1017; *MacNair* 1991; *Mills* 8991. 9063. 9071——The Council is comprised entirely of official persons, *Theobald* 1185. 1292.

Incompetent practical knowledge of the existing Council, *Freeman* 1567, 1572——Grounds for the statement that those who enact the laws are not practically acquainted with their working, *ib.* 1908-1920——Respects in which witness considers the judges of the Supreme Courts who are members of the Legislative Council, to be government servants, *MacNair* 2242-2248——Less partial views of the judges of the Supreme Courts than of the other members of the Legislative Council in regard to the Black Acts, *ib.* 2249-2251——The Council should comprise men who have more at stake in the country than their salaries, *Wise* 2635——Improvement if some British merchants were unpaid members of the Council, *Mackenzie* 4003-4005.

Radically defective constitution of the Legislative Council, *Waller* 4840. 4843-4845. 5092-5097. 5221——Evidence in favour of a separate Legislative Council for each Presidency, and of its comprising non-official Europeans and natives, *ib.* 4843-4851. 4933-4939. 4955-4958. 5048-5051——The introduction of natives would, politically, be a very wise measure, *ib.* 4938——There are many natives fully qualified for the Legislative Council who are well-affected to English rule, *ib.* 4939. 4955-4958.

Great obstacle to settlement through the want of a proper tribunal or Legislative Council fairly open to the complaints of the settlers, *Mullens* 7142. 7169——Evil in the exclusively official constitution of the Council, *ib.* 7172.

Witness does not object to opening the Council to non-official members, *Mills* 8982-8984. 8990. 8995——Present constitution of the Council; there are eleven members, all official men, *ib.* 8985-8989——Difficulty in the way of introducing commercial men and natives into the Legislative Council; independent action of the Council as at present constituted, *Marsham* 9563-9572——Impression that the country is not exactly prepared for a separate Legislative Council for each Presidency, to comprise merchants, &c., *ib.* 9566.

Legislative Restrictions (*European Settlement*). Permission given to British subjects under the Acts of 1833 and 1837, to purchase and cultivate land in India, *Tremenheere* 11-13——Obstacle to European settlement previously to 1833, on account of the license system,

Reports, 1857-8—*continued.*

Legislative Restrictions (*European Settlement*)—continued.

system, *Theobald* 870. 1087, 1088——Belief that all legislative restrictions upon settlement have been removed by Act IV. of 1837; doubt held by some on this point, *ib.* 871——Lessees as well as proprietors have extended rights under the Act of 1837, *ib.* 932——There are no legal obstacles to settlement in India any more than in any other dependency of the Crown, *ib.* 1307——Since Act IV. of 1837, Europeans may settle in every part of the country without a license, *ib.* 1308.

Explanation that the Act IV. of 1837 does not appear to have removed the restriction in the statute of 1834, as to the necessity of license before settlement in provinces acquired during the present century, *Theobald* 2986, 2987.

Impression that by the regulation of 1834 the requirement of a license before settlement was entirely removed, *Baillie* 4786-4791——Largely increased investments by Europeans in land since the removal of certain restrictions in 1833, *Mullens* 7144. 7176.

Lex Loci. Grounds for the statement that there is a pressing want of a *lex loci* for Europeans and East Indians, *Theobald* 886. 956, 957——Weight of authority in favour of such law, *ib.* 956, 957. 1007——Further evidence relative to the question of a *lex loci*; propriety of acceding to the wishes of the East Indians in the matter, *ib.* 1006-1011——Feeling of Mr. Cameron in favour of a *lex loci*, *ib.* 1007——The want of a *lex loci* is established by the Indian Law Commissioners, *ib.* 1213——The introduction of the English law as a *lex loci* need not injuriously affect the natives as regards their employment in judicial offices, *ib.* 1230, 1231.

Licence to Settle. See *Legislative Restrictions.*

Limestone. Different places in Bengal where limestone may be procured, *Theobald* 878, 879.

Linseed. Witness was the first person who brought linseed from the interior to Calcutta, *Freeman* 1562——In 1856, Bengal exported upwards of 60,000 tons, *ib.*

M.

Mackenzie, James Thompson. (Analysis of his Evidence.)—Was for eleven years in Lower Bengal, where he was largely interested in indigo factories and zemindaries; returned to England six years ago, but still keeps up his connexion with India, 3581-3586——Outline of the main defects of the Criminal Courts throughout Bengal, 3587——Expensiveness of suits in the criminal courts, 3587. 3591——Useless forms required, 3587——Multiplication of appeals from the courts, *ib.*——Corrupt character of the native officials; corruption, in fact, is looked upon as a perquisite of authority, and is not viewed as a disgrace, 3587. 3593-3595. 3508.

Unreliable nature of the native evidence in the criminal courts; it is, as a rule, hired and false, 3587. 3592——Youth and inexperience of many of the European magistrates, and consequent evil, 3587. 3602, 3603——Utterly inefficient and grievously oppressive character of the police; there would be less crime without them altogether, 3587. 3604-3606——Justice is not expected in the criminal courts, and is not obtained; in fact, of those convicted of minor offences from one-third to one-half are innocent, whilst in heinous cases it is difficult to get a conviction, 3588-3590. 3596-3601.

Practice of the people to hoard their money by burying it, in consequence of their dread of oppression and extortion, 3607-3613. 3676, 3677——Increased consumption of British goods if by reason of a feeling of security, hoarding were not practised, 3613. 3969-3972——The system of police in Scinde and the Punjaub should be introduced into Bengal, together with superintendence through means of European serjeants of regiments, 3614. 3838——The expense and delay are much greater in the civil courts than the criminal courts; numerous sources of such delay and expense, 3615-3623.

The great majority of the small actions in the civil courts are false or extortionate; they are mainly actions by the money-lenders and zemindars against the ryots, 3624-3636. 3885-3888——Great evil to the cultivators through the usurious and oppressive rates required by money-lenders, 3626-3636——The natives are very unpunctual in their money engagements, 3627. 3641.

The better class of farmers are being impoverished, and live in less comfort than under the Hindoo and Mahomedan dynasties, 3630——Unduly large power of the zemindars, who constantly exercise them to the oppression of the ryots, 3638-3646——The principal reform required as regards the revenue laws is in their administration, 3643-3649.

The cultivators' farms in Bengal vary much in size, but average about twelve acres each, 3650——The farmers pay about 4 *s.* of rent and 2 *s.* of illegal exaction per English acre, 3651, 3652——Constant practice of the zemindars, their servants and the police to enforce illegal exactions from the ryots, 3653-3656——The gross produce per acre throughout Bengal is about 32 *s.*, money value, 3657——The Government revenue is about one-sixteenth or one-twentieth of the value of the produce, 3658.

Reports, 1857–8—*continued.*

Mackenzie, James Thompson. (Analysis of his Evidence)—continued.

There would be the greatest difficulty if not impossibility in altering the Sale Law for the better protection of the under-tenures, without, at the same time prejudicing the Government revenue, 3659, 3660——Suggested modification of the Sale Law as regards the duration of leases in the case of date plantations, 3661. 3662. 3966–3968——Disapproval of new legislation on the subject of land sales, 3663–3666. 3774–3776——New laws or constant changes in existing laws are altogether inexpedient; the main want being a summary and a proper administration of the law so as to give justice without litigation, 3663–3666. 3774. 3973. 3975, 3976.

Evidence in favour of the zemindars being permitted to purchase the fee simple of the Government revenue; opportunity thereby to the cultivator or settler to secure land in perpetuity, 3667–3682——Calculation that from twenty-five to thirty years' purchase would be given in redemption of the land revenue, 3670–3672——Means of the people of India for redeeming the land tax, 3673–3677. 3895.

The money acquired by a redemption of the land tax should go towards paying off the Government debt, and towards works of irrigation, 3681. 3962–3965——Gain to the Government and to the people by a redemption of the land tax, 3681——Great profit anticipated from an outlay on works of irrigation of portion of the money acquired by a redemption of the tax, 3681, 3682. 3751–3753.

The zemindars in Bengal are nearly all new men; their hereditary rights formerly were merely as tax-gatherers, 3683–3689——The perpetual settlement did the greatest injustice; it effected a complete spoliation of the people by a transfer of the proprietary rights from the cultivators to the zemindars, 3686–3688——The zemindaries very seldom change proprietorship, 3690——The laws since 1840, have induced considerable absenteeism on the part of the zemindars, 3691. 3939——The estates are better managed, and the cultivators are better off where there is European superintendence in management, 3692–3696.

When in India, witness imbibed the general prejudice that the civil service, as a body, were not efficient, but since his return to England, and his experience of English officials, he has quite changed his opinion, 3697, 3698. 3702. 3978–3982——The younger magistrates in India, those of two or three years' standing, are, through their inexperience of the native character, and its falseness, inefficient and partial in the administration of justice, but those of older standing are perfectly efficient in conducting the proceedings in the native languages, and in giving just decisions, 3699–3702. 3783. 3819, 3820.

Great fault of the system, whereby the most inexperienced, instead of the most experienced, men are appointed as magistrates, 3703–3705. 3881–3884. 3898–3900. ——The experience in the magistrate's courts is by no means of a nature useful to him on promotion to the offices of collector and of civil judge, 3703. 3744–3748. 3784–3794 ——In the perpetually settled districts a union of the offices of magistrate and collector would be better than the present system, 3705–3707. 3790. 3951–3955.

Opportunity for increasing the revenue by extending the area of cultivation, but not by an increase of assessment, 3708–3710. 3713——Much better roads throughout the country during the Hindoo and Mahomedan dynasties than at present, 3711, 3712—— Necessity of an efficient magistracy and of police, and of a short and simple system in the courts as means towards increasing the revenue, 3713–3715——A summary system in the courts, such as the Punjaub, or non-regulation system, unfettered by forms or rules, would be far preferable to the tardiness, costliness, and injustice of the present system, 3714, 3715. 3795–3801——Appeals, as at present, should be almost entirely disallowed, 3715. 3795–3801. 3812–3817.

General belief amongst the cultivators in Lower Bengal that the East India Company are lessees under the Government, 3716–3719——Decided approval of the transfer of Government from the Company to the Queen, 3720–3722. 3977——There are very few native Christians in India, 3723. 3779–3782——The people do not object to the operations of the missionaries so long as they are unconnected with Government, 3724—— Importance of neutrality on the part of Government and its officials towards missionary action, 3724–3726.

Particulars relative to the cultivation of date-sugar in Bengal; cost, quantity produced, and means of extending the production, 3727–3737. 3756–3763——Great increase of Greek traders in India; explanation of this, 3738–3740. 3764–3766——Right of continued occupancy of the soil in India if previously held for ten years, 3741, 3742. 3871——Approval of the present system of defraying the cost of works of irrigation, that is, by a water rate, 3749, 3750. 3901–3904——Extent of Government outlay on irrigation; doubt as to any outlay by individuals, 3754, 3755.

More partial and prejudiced action of Mahomedans than of Hindoos as judges, 3767–3770——The natives, as a class, despise the mixed race, 3771——Europeans and East Indians should not be subject, in any way, to the native criminal courts, 3772, 3773. 3832——Impossibility of finding native Christians in sufficient numbers for a police force,

Reports, 1857–8—*continued.*

Mackenzie, James Thompson. (Analysis of his Evidence)—*continued.*

force, 3777-3782——Witness entirely dissents from the evidence of Messrs. Theobald, Freeman, MacNair, and Wise, that the civil servants are, as a rule, ignorant of the native language, 3783. 3912, 3913.

There are but few very intelligent and advanced-minded natives in India, 3802–3805——The zemindars, European as well as native, find it necessary to protect themselves, and occasionally to collect their rents by force, 3807. 3889, 3890——The native sudder ameens and moonsiffs are, as lawyers, competent, but are open to corruption, 3808——The salaries of the sudder ameens are sufficient to induce Europeans to take the office, 3809–3811.

Evidence opposed to the proposition for the introduction of the English language into the Mofussil courts; the natives would never have confidence in the administration of justice under such system, 3818–3831. 3845–3866. 3919–3921——Natives should be judges in civil cases only, with an appeal to a European judge, 3832–3835——The great defect in the civil courts is the great multiplication of suits and appeals after decrees are obtained, 3835, 3836——In cases of land sales all claims of interest in under-tenures should be made before instead of after the sale, and there should be no subsequent appeal against the purchase, 3839–3844.

The European judges in Lower Bengal administer justice entirely in the Bengalee language, 3845–3851——There is a great variety of proprietary rights in the soil in Bengal, 3867–3871——The great interference, under the perpetual settlement, with the rights of village communities was a great mistake, 3867——Non-opposition by Government to the employment of native Christians, 3872–3880——Evil in the great power exercised under the laws of 1840 and 1849 by the young and inexperienced magistrates, 3881. 3940–3943.

The Government rent on the land is exceedingly small in Bengal, and cannot operate in deterring settlement, 3891–3893——There is less comfort among the better class of farmers in Bengal than there used to be in former times, 3894——Civil cases are often brought successfully against Government, 3896, 3897——Government do not in any way oppose the operations of the missionaries, 3905, 3906——Decrease of European settlers in Kishnagur, Jessore, and other districts, chiefly through the failure, in 1848, of the Union Bank at Calcutta, 3907, 3908——Mismanagement of the Union Bank, adverted to, 3909-3911.

Good roads may be made in Bengal without any great expense, 3914——There is a toll and ferry fund established by Government, and managed by a local body, for the maintenance of the roads, 3915–3918——Absence of obstacles or hostility, on the part of Government or the civil service, towards European settlement, 3922. 3928. 3938——As a rule, settlers do not go to India to remain there, 3923——Witness was fortunate as a settler, 3924——Settlers' children are always sent to England; they degenerate, both physically and morally, by remaining in India, 3925–3927.

Improved practice in dealing with cases of dacoitee and thuggee, 3929, 3930——Steps taken by Government in developing the resources of the country, 3931–3936——A number of practical reforms are required in the administration of justice, which witness considers to have been worse in 1850 than when he went to India in 1838; 3937–3940——Inefficiency of the young magistrates of late years further adverted to; suggestions for their proper training and experience, 3944-3950.

Summary mode of administration of justice under which the ryots were better off in former times, although they then paid larger rents for the land, 3956–3961——Probable extent to which British manufactures may be consumed in India if the necessary reforms are carried out, 3969–3972——Every civility is shown by the higher officials in Calcutta to settlers preferring complaints or remonstrances, 3973, 3974——Witness is a director and proprietor in two Indian railways, 3983. 3984.

[Second Examination.]—Europeans may, by proper precautions, enjoy good health in Bengal, 3985–3989——Number of native Christians in India further adverted to; doubt as to there being 400,000 altogether, 3990–3993——The native Christians should be as eligible as other natives for public employment, 3994, 3995——There are very few East Indians in the lower parts of Bengal, 3996, 3997——Further reference to the large trade carried on by Greek houses in India, 3998–4000.

Approval of the issue in India of a Government convertible paper payable at terminable periods, 4001, 4002——Improvement if some British merchants were unpaid members of the Legislative Council, 4003–4005——Further reference to the great importance of such measures as will impress the natives with a sense of security, and will prevent hoarding, 4006–4011. 4032.

Further evidence as to the several advantages, respectively, as regards Government, the natives, and the settlers, to be derived from a commutation of the land tax, 4012–4021. 4043——Importance of a complete survey of the country, and of the registration of every tenure, 4022——Improvement in the condition of the people and in the Government revenue would be the combined result of an improved administration, 4023–4026.

Reports, 1857-8—*continued.*

Mackenzie, James Thompson. (Analysis of his Evidence)—*continued.*

Better state of the roads under former dynasties further adverted to; in Shah Jehan's time the country was covered with roads, 4027. 4049, 4050——Additional roads will be required as feeders to the railways, 4028——Until the police is improved there can be no security for property, 4029. 4032——Respects in which it is very desirable to restore the gold currency in India, 4030-4036——Former practice as to the gold circulation; its prohibition in 1853; 4037-4042——Grounds for concluding that zemindars would be willing to redeem the land tax at from twenty-five to thirty years' purchase, 4046-4048.

MacNair, George. (Analysis of his Evidence.)—Has resided as an indigo planter for about twenty years in different parts of Lower Bengal; returned to England last year, 1964-1967. 1973——Fully concurs in the evidence of Mr. Freeman, relative to the inefficient state of the law, the police, and the magistracy, 1968-1972——Considers that European settlement in India is of the greatest importance, not only to the Europeans themselves, but to the natives also, 1974, 1975——Sir Charles Metcalfe strongly expressed the opinion that our hold of India would always be very precarious, unless a considerable European population were attached to our Government by common interests and sympathies, 1975——Lord William Bentinck also was very favourable to settlement, 1975-1978.

Respects in which the policy of the East India Company has always been opposed to the settlement of Englishmen in India, 1979 *et seq.*——There are numerous Government situations which had better be filled by Europeans than untrustworthy natives, 1979——Natural facilities for the settlement of European troops and their families in the hill districts, *ib.*——Considerable mineral resources of the country, *ib.*——Deterrent effect upon settlement, in consequence of the threatened enactment from time to time of measures subjecting Europeans to the jurisdiction of natives, 1981-1988——There are now fewer European settlers in the interior than there were twenty years ago, 1981.

Suggested representation of the mercantile and agricultural interests in the Legislative Council, 1989, 1990. 2446-2451——Witness would not exclude natives from the Legislative Council, 1991——Inability of the settlers to be heard orally before the Legislative Council; they can, however, be heard by petition or memorial, 1992. 2252-2255——Insufficient protection of property under the present sale laws and laws of land tenures, 1992——Suggested conpulsory registration of putnees, and other leases, as affording a means of protection against fraudulent sales by zemindars, 1992-1995——Probability of putneedars paying higher terms if they were not subject to risk, as at present, 1996-1999.

Prejudicial operation of the exclusive system of the civil service, 2000. 2058——Young and inexperienced civilians appointed to judicial offices, 2000. 2058——Very corrupt character of the native omlah, 2000. 2004, 2005. 2481——Advantage if judicial and other appointments were open equally to the uncovenanted and covenanted services, *ib.*——Explanation of the system of advances to native cultivators, 2000, 2001. 2096-2105——Importance of a proper law of contract, applicable to Europeans and natives, 2001. 2096-2107——The Europeans must not be under the same laws as the Hindoos and Mussulmans, 2002.

Want of engineering skill for the proper prosecution of public works, 2002——Very neglected and corrupt state of the native police; they are considered a curse to the population, *ib.*——Corrupt system of taking evidence in the Mofussil courts, *ib.*——The administration of justice in the Mofussil is altogether a lottery; the best chances of which are with the criminal, and yet nothing is being done to remedy this state of things, *ib.*

India should be governed more as an English colony, 2004. 2278-2286——People of skill and capital are required to develop the resources of the country, 2005-2007——Very neglected state of the Nuddea rivers and great impediment and abuse thereby, as regards the transit of commerce, 2008-2010. 2297, 2298——Great risk in the approach to Calcutta, through the Sunderbunds, 2010——Bad state of the roads in Bengal, so much so, that the planters find it necessary to make roads themselves, 2010-2014——Benefit anticipated when the Eastern Bengal Railway, from the Ganges to Calcutta, is completed, 2015.

The police should be improved by an extension of European superintendence, and the introduction of the English language, 2016——Principal products of Lower Bengal, 2017——Great importance of European superintendence in cultivation; it is largely resorted to by native proprietors, 2018, 2019. 2080——Mistrust of the zemindars in the native character, 2019-2080——Higher price, and better character of indigo when produced under Europeans, 2019——Illustration of the general dishonesty of the native character, *ib.*

Reasons why the European indigo planters generally become zemindars, 2020-2027——Further reference to the want of protection in the case of under-tenures, more especially of putnees and izaras, 2028-2033——Nature of the occupation rights of the ryots in Bengal 2034-2038——Practice in regard to the assessment by the zemindars of the different descriptions of crop 2037-2044——Statistics as to the indigo and silk cultivation

Reports, 1857-8—*continued.*

MacNair, George. (Analysis of his Evidence)—*continued.*

cultivation in Bengal, 2045——Beneficial effect upon the natives through the introduction of European skill and capital, 2046-2049.

Explanation as to the native zemindars being mostly absentee landlords, 2050, 2051——Alluvial soil required for indigo cultivation, 2052——Witness attributes the non-increase of Europeans in the Mofussil to the unsettled state of the laws and the want of protection for life and property, 2053-2055——Respects in which the use of the English language in the Mofussil courts would be of the greatest benefit, 2056-2058——Natives would readily qualify themselves in the English language, 2056. 2060.

Different departments of Government in which Europeans might be substituted for natives, 2059——Great distrust in the natives adverted to as an obstacle to a commutation of the payment of the land revenue, 2061, 2062——Distrust through the reduction in 1854 of the interest on the Five per cent. Loan, 2061——Distrust through the resumption laws some twenty years ago; case of the Rajah of Burdwan adverted to hereon, 2062, 2063——Witness had very good health in India, 2064——Good health generally of the European settlers, 2065——Increased assistance given of late years by the settlers and by Government towards the establishment of schools, 2066-2069.

Consideration of objections to the suggestion that certain offices now filled by natives should be bestowed upon Europeans, 2070-2086. 2317-2327——Further statement as to the dishonesty of the natives, more especially in Bengal, and their consequent unfitness generally for offices of trust, 2074-2087. 2404-2407. 2480-2483——Views of sundry high authorities in favour of the principle of throwing open higher appointments to the natives, 2080-2087. 2388-2396——Reference to the inquiry now going on into the state of public appointments in India, 2088-2091——Check upon abuse of patronage if the uncovenanted servants were eligible for all public offices; efficiency thus to be obtained, 2092-2095. 2256-2261. 2434-2440.

Considerable advantage if there were a proper number of civil engineers in the service of Government; qualifications of the military engineers adverted to hereon, 2108-2114. 2262-2277——Improvement if a system of oral evidence were introduced into the courts, 2115-2118——Advantage of a system of assessment upon zemindars, planters, &c., with a view to proper roads being formed, 2119-2125. 2303, 2304——The increase in the pay of the darogahs has not improved them, 2126, 2127. 2325——Increased pay of late years of different native officials, 2128-2130——Facility for false swearing and corruption under the present procedure of the courts, 2131, 2132.

Instead of uniting the offices of magistrate and collector, it would be better to have separate officers for magistrates, 2135-2139——Increased value of late years of estates in Bengal, 2140-2146——Rate of wages in Bengal; system of monthly payment, 2147-2152——Benefit anticipated from the survey in Bengal, 2153-2155——Advantage if there were an increased number of European superintendents over the conduct of the survey, 2156-2160.

Further reference to the question of resumptions as having been considered very unjust; examination as to the existence of grounds for this view of the question, 2161-2199. 2473-2478——Very imperfect acquaintance of the covenanted servants with the native languages, notwithstanding the examinations through which they have passed, 2200-2209——Advantage to the country if the former policy of the East India Company had encouraged English settlement, 2210-2212.

Tendency of the threatened Black Acts to deter settlement further adverted to, 2213-2216. 2341-2346——Operation of English law, as in the Supreme Court at Calcutta, compared with the operation of the Mofussil courts, 2217-2236——Injustice of the proposed exemption of the Company's officers from the operation of the Black Acts, 2237-2241——Respects in which witness considers the judges of the Supreme Court, who are members of the Legislative Council, to be Government servants, 2242-2248——Less partial views of the judges of the Supreme Court than of the other members of the Legislative Council in regard to the Black Acts, 2249-2251.

Approval of the principle of the Europeans or the small minority making the laws for the governance of the great majority in India, 2278-2286——Success, notwithstanding the present laws, of the more skilful and persevering settlers, 2287, 2288——Character of the Nuddea rivers as regards their size and shifting channels, 2289-2296——The railway to Rajmahal will in some respects be better than a canal, 2299, 2300——The roads in Bengal might, without any great expense, be made passable throughout the rainy season; bricks might readily be procured, 2301-2309.

The use of the English language in the courts would be a great benefit to the natives, who would learn it more quickly than the civil servants learn the native language, 2310-2316——The corrupt and oppressive character of the police shows the necessity of increased European superintendence, 2317-2327——The great improvement in the value and cultivation of land, and in the condition of the natives, is owing to the settlers and not to Government, 2328-2333.

Reports, 1857-8—*continued.*

MacNair, George. (Analysis of his Evidence)—*continued.*

Feeling of necessity under which putnees are purchased, notwithstanding the risk of loss by sale, 2334-2340——Explanation as to the non-increase in the number of settlers, notwithstanding the success of settlement, 2341-2347——Reasons to which the non-cultivation of cotton in Lower Bengal is to be attributed, 2348-2361. 2468——A better class of persons might be obtained as interpreters under English judges than as darogahs, 2362-2367——Examination as to the existence of proper grounds for complaint in regard to the reduced interest on the Five per cent. Loan, 2368-2387.

The natives have more confidence in the decision of English judges than of native judges, 2397-2400——More bribery is necessary in the courts of the native judges than of the English judges, 2401-2403——Great improvement if well-qualified Englishmen were sent out to fill the positions of moonsiffs and sudder ameens, 2406-2411——Good pay at present of the sudder ameens and moonsiffs, 2410. 2412-2414.

Except as regards the wish to enforce the Black Acts, witness does not complain more of the present Government of India, than of the Government in former years, 2417-2423——Witness confirms the views of Mr. Theobald and Mr. Freeman, and his opinions are those of the settlers generally, 2424, 2425. 2441, 2442——Further reference to the youth and inefficiency of the Company's judicial officers, more especially of late years, 2426-2433——There was no change of system being adopted when witness left India in 1857; 2443-2445——Impression created by the views expressed by Sir Arthur Buller, relating to the Black Acts, 2453-2457.

An efficient European magistracy would greatly improve the state of the police, 2458——Want of an improved law of contract further adverted to, 2459-2467——Extent to which the survey in Bengal had proceeded when witness left India, 2479——Natives should not preside in the criminal courts at all; they are not fitted for the position either by moral character or legal training, 2482-2488.

[Second Examination.]—Witness further repeats his concurrence in the evidence of Mr. Freeman, 2489, 2490——Different districts in which Europeans might advantageously settle as overseers and capitalists, 2491-2493——Fewer disputes and affrays of late years than formerly between the European zemindars and the ryots respecting the rights of property, 2495-2497——Under a system of fee-simple or of extended European settlement the rights of the ryots may be protected by a fixed rate, beyond which their rents should not be raised, 2498-2501. 2504, 2505.

There is scarcely any opportunity at present for an increase of European planters in the districts in Lower Bengal, 2502——Only the middle or upper class of Europeans would settle as planters, &c., 2503——Necessity of greater precautions as regards definition of boundary, &c., before sales of land for arrears of revenue, 2506-2509——Reference to the non-adoption of the amended sale law proposed by Mr. J. P. Grant; it did not go far enough in protecting the under tenures, 2510-2512.

Further statement in favour of substituting Englishmen for natives in certain Government situations, and of confining the employment of the latter to the inferior appointments, 2513-2517——The rent levied by Government on the land in Bengal is moderate, 2518——Great want of improvement by Government as regards roads, rivers, and canals in Lower Bengal, 2519-2522——The police in the Mofussil have not yet been reorganised, 2523, 2524——Effort by Government to extend education, 2525——Advantage of the recent investment, since the mutiny, of some planters with magisterial powers, 2526, 2527. 2578-2580.

Further evidence in favour of substituting English for native judges in the Mofussil, and the English language for the vernacular, 2528. 2617-2619——The clause exempting Government officials and soldiers and sailors from the Black Acts was brought forward by Mr. Peacock, 2529——Means by which a newly appointed Governor-general might select the most fitting settlers for judicial offices, &c., 2530——Probable causes of the zemindaries in Bengal being so valuable, 2531. 2565——Doubt as to Government being liable to be sued in the Mofussil courts, 2532, 2533.

Difficulty as regards the profitable cultivation of cotton farther adverted to, 2534-2543——Undue delay in the progress of railways in Bengal, 2544, 2545——Numerous advantages anticipated from the spread of railways, 2546-2553——Disposition of the natives to use European goods, 2552, 2553. 2607, 2608——More costly and ruinous result of proceedings in the Mofussil courts than in the Supreme Court, 2554-2560——Incentive to official exertion and efficiency if the civil service were thrown open, 2561-2564——Great loss to the putneedars if Rammohun Roy had failed some years ago in paying the Government revenue, 2566-2568.

If the Black Act be passed, many indigo planters will leave the country, and there will be a great depreciation and loss of property, 2569-2575——With more efficient European superintendence the native material would work much better, 2576, 2577——Approval by the settlers of the transfer of Government to the Crown, 2581——Further reference to the importance of a re-constitution of the Legislative Council, 2582——Corrupt conduct of the surveys or taking of boundaries so far as the natives have to do with

Reports, 1857-8—*continued.*

MacNair, George. (Analysis of his Evidence)—*continued.*

with them, 2583-2585——Witness prefers the employment of Europeans to natives, chiefly on the score of their greater morality, 2586-2588.

Impression that the civil service is somewhat jealous of the public employment of settlers, 2589, 2590——Objection to Sikhs as policemen in Bengal, 2591, 2592——A proper police would be exceedingly acceptable to the natives, 2593, 2594——In the interior, the natives are not of a class fit for Government employment, 2595——Oppressions to which the ryots in Bengal are subject by the native zemindars, but not by the European zemindars or planters, 2596-2605.

Twofold advantage to the natives by the increase of Europeans, 2605. 2609——Further reference to the state of the laws and of the police as an impediment to settlement, 2606——Evil through public works not having been prosecuted long ago, 2610——Repetition of objections to the proposition for putting Europeans in the Mofussil under the jurisdiction of the native courts and juries, 2611-2620.

Madras (Presidency). Obstacles to cultivation by any large number of European emigrants in Southern India, *Baikie* 749-757. 785——Facility and advantage of cultivation in the Neilgherries, Mysore, &c., by a higher class of settlers, who should direct native labour, *ib.* 749-760. 784-789. 836-845——Obstacle to European colonisation in Southern India, on account of its being a thinly peopled country; colonisation would, however, check the present immigration from Malabar, &c., *Ouchterlony* 5307-5310——Poverty generally of the population of Madras; probable causes, *ib.* 5505-5507——Calculation that, irrespective of irrigated lands, the acreage value of produce on the cultivated lands in Madras is only 5 *s.* 4½ *d.*, *Balston* 5906-5908——There are certainly as many as twenty European settlers in the Madras Presidency, *Onslow* 6729, 6730. 6860. 6872.

See also *Administration of Justice (Mofussil). Bellary District. Coimbatore. Coolie Emigration. Coorg. Cotton. European Capital and Skill. Forests. Harbours. Hill Districts. Iron. Irrigation*, 1. 4. 6. *Land Revenue Settlement, and Tenure and Sale of Land*, III. VI. *Mysore. Neilgherry Hills. Police*, IV. *Pulney Hills. Roads*, III. *Ryots. Travancore.*

Madras Harbour. Requirement of a pier or jetty at Madras Harbour, *Ouchterlony* 5378——Advantage in a pier having recently been sanctioned, *ib.* 5477.

Madras Native Association. Passages in a petition from this association, relative to the value of the Supreme Court at Calcutta, and the inefficiency of the Company's courts, *Waller* 5152, 5153.

Madras Railway. Anticipation that, in course of time, the Madras Railway will carry all the traffic now conveyed on the adjacent roads, *Ouchterlony* 5509, 5510.

See also *Cochin.*

MAGISTRATES:

1. *Qualifications of the Covenanted Magistrates.*
2. *Honorary Magistrates.*
3. *Native Magistrates.*
4. *Suggestions for improving the Magistracy.*

1. *Qualifications of the Covenanted Magistrates:*

Grounds for the statement that the covenanted or European magistrates are very inexperienced and inefficient, and are altogether too small a number; views of Mr. Halliday to a similar effect, *Theobald* 942-949——Increasing inexperience of the European magistrates, on account of the increased number of young men sent out lately from Haileybury, *ib.* 942-945——Witness has not seen a certain despatch from the Court of Directors, ordering that the magistracy be placed in the hands of older men, *ib.* 1053-1055——By the rules of the service, a young man ought not to be a magistrate until he has been ten years in the service, *ib.* 1066.

Very little power of the sessions judge over the magistrates, *Wise* 2643. 2896——Want of training and experience in the magistrates, *ib.* 2645. 2647——Entire inadequacy of the European magistrates in the Bengal districts to see to the proper administration of justice, *ib.* 2645. 2647——When witness went to India, thirty years ago, the magistrates were more efficient than at present, *ib.* 2933-2936——The covenanted magistrates have not, as a body, improved since witness has been in India, *Dalrymple* 3209, 3210——Good conduct of the police, and excellent order in those districts where there happen to be competent magistrates, *ib.* 3376-3379. 3527-3530.

Youth and inexperience of many of the European magistrates, and consequent evil, *Mackenzie* 3587. 3602, 3603——The younger magistrates in India, those of two or three years' standing, are, through their inexperience of the native character and its falseness, inefficient and partial in the administration of justice, but those of older standing are perfectly efficient in conducting the proceedings in the native languages, and in giving just decisions, *ib.* 3699-3702. 3783. 3819, 3820——Great fault of the system, whereby

Reports, 1857-8—*continued.*

MAGISTRATES—continued.

1. *Qualifications of the Covenanted Magistrates*—continued.

the most inexperienced instead of the most experienced men are appointed as magistrates, *Mackenzie* 3703-3705. 3881-3884. 3898-3900——Evil in the great power exercised under the laws of 1840 and 1849, by the young and inexperienced magistrates, *ib.* 3881. 3940. 3943.

Necessity of late years of employing younger magistrates through the civil service not having been properly augmented, *Hawkins* 4154-4158; *Mills* 8814——Magistrates may be appointed after five or six years' service, *Hawkins* 4367, 4368——Belief as to the efficiency generally of the European magistrates, up to 1844, *Baillie* 4731. 4824, 4825——Disadvantage in the young and inexperienced men who are made magistrates in Bengal; this is unavoidable under the present system, *Marsham* 9631. 9636. 9688-9692. 9753.

2. *Honorary Magistrates:*

Approval of a recent proposition on the part of Government for the employment of planters and other European residents as instruments in carrying out the public laws, *Theobald* 1001-1004. 1219, 1220.

Witness was for a short period before leaving India, an honorary assistant magistrate, *Auld* 1315. 1320——Written opinion given by witness in India as to the benefits to be derived from appointing planters, &c. in the mofussil as magistrates, and as to the powers to be vested in them, *ib.* 1316. 1318, 1319——Position and duties of the honorary magistrates, *ib.* 1317. 1321. 1420, 1421——Great usefulness of the appointments in question; favourable feeling of the natives on the subject, *ib.* 1322-1328——The appointment of honorary magistrates had reference to the heavy business devolving upon the paid magistrates, *ib.* 1355-1358——Advantage of honorary magistrates in their local knowledge, *ib.* 1378-1382——Appointment recently of honorary magistrates further adverted to; probability of the appointments having resulted through the mutiny, *ib.* 1422-1426. 1440-1454.

Advantage of the recent investment since the mutiny of some planters with magisterial powers, *MacNair* 2526, 2527. 2578-2580——Efficient magistrates might without difficulty be found in the uncovenanted servants, *Dalrymple* 3216——Witness has always felt that European settlers should be invited to act as justices of the peace, *Marsham* 9623. 9683.

3. *Native Magistrates:*

Very inefficient and prejudicial character of the uncovenanted class of magistrates, who are mostly natives, and are appointed by the local government, *Theobald* 947——Probable causes of the frequent selection of incompetent natives as magistrates, *ib.* 1067-1072——Failure of the appointment of natives as deputy magistrates, *Wise* 2647——The Lieutenant-Governor of Bengal appoints the native magistrates, *ib.* 2865.

4. *Suggestions for Improving the Magistracy:*

Sundry measures suggested for the reform of the magistracy, *Theobald* 995; *Wise* 2647; *Waller* 4898——Suggestions for the proper training and experience of the civil servants as magistrates, *Mackenzie* 3944-3950——More European magistrates are most decidedly wanted, *Mullens* 7167.

See also *Administration of Justice* (*Mofussil*). *Civil Service.* *Judicial Service* (*European Judges*).

Mahableshur Hills (*Deccan*). Reference to the plateau in the neighbourhood of the Mahableshur Hills as a very favourable place for settlement by Europeans, *Warden* 6029-6034. 7353-7358. 7536-7540——Europeans may live permanently, and their race may be continued there, *ib.* 6029-6034——Heaviness of the monsoon in some parts of the Mahableshur Hills, *ib.* 6030. 6038, 6039.

Mahomedans. See *Christianity.* *Native Character.*

Mahratta Country. See *Cotton*, II. 2. *Enam Commission* (*Bombay*).

Malabar. Considerable sanitary advantage to be derived from clearing the dense jungles in the Malabar district, and cultivating coffee, &c. on the soil, *Ouchterlony* 5307.

See also *Coffee.* *Gold.*

Malavelly Station (*Bengal*). Unhealthiness of the Malavelly station during the rainy season, *J. R. Martin* 270-272.

Manufactures. Disposition of the natives to use European goods, *MacNair* 2552, 2553. 2607, 2608——Increased consumption of English manufactures, through the effects of settlement, *Dalrymple* 3404-3406. 3507——Increased consumption of British goods if by reason of a feeling of security hoarding were not practised, *Mackenzie* 3613. 3969-3972——Probable extent to which British manufactures may be consumed in India if the

Reports, 1857-8—*continued.*

Manufactures—continued.

the necessary reforms are carried out, *Mackenzie* 3969-3972——Effect of a large reduction in the price of cotton to enable the European manufacturer to compete successfully with the Eastern manufacturer, and to increase the consumption in India of British made goods, *Balston* 6019.

European capital and skill may, with excellent prospects of success, be employed in manufacturing processes, the native processes being very defective, *Wingate* 7689——Increased use of British as well as of native manufactures in the Presidency; effects of competition upon the latter, *ib.* 7714-7723.

Further statement relative to the effect upon native manufactures, and the condition of the natives, of the increased import of European manufactures, *Wingate* 7917-7921——Opinion that the future wealth of India will depend upon the developement of her manufacturing powers, as well as of her productive powers, *ib.* 7922, 7923——Prospects of India as a manufacturing country further considered; success anticipated, *ib.* 8134-8143.

Witness has a cotton spinning establishment in Broach, as well as a cotton ginning establishment, but the former is still an experiment, *Landon* 8674, 8675.

Manures. Great want of a proper economy by the natives of the available resources of manure; illustration hereon of the beneficial results of a proper use of manure in developing the soil, *Tremenheere* 70-79. 393, 394——Course desirable in order to supply the present want of manures, *Ouchterlony* 5261——Great advantage of colonization in leading to the proper use of manures in cultivation, *ib.* 5310, 5311——Neglect, at present, of the use of manures, *ib.* 5310, 5311——Great want of manure in Mysore; means of remedying this, *Onslow* 6617-6622——Explanation as to the use of manure on land in Bombay; its value is well known, *Wingate* 7703, 7704.

Marsham, John. (Analysis of his Evidence.)—Was more than thirty years in India, chiefly in Bengal, 9399——Established, in 1818, the first native newspaper, in Bengalee, and was for eighteen years the editor of the "Friend of India," 9399-9401——Understands the Bengalee language as well as the English, 9402-9404.

Dissent from the evidence of Messrs. Freeman, Mackenzie, and Theobald, that the native judges are universally corrupt, 9405——Since 1831, when the native judges were exceedingly deficient in all judicial qualifications, Government has done everything in its power to improve the body, and with considerable success, 9405-9408. 9417-9419——It might be well to increase the pay of principal sudder ameens to 1,000 rupees a month, 9408.

Impolicy and injustice of any attempt to rule 150,000,000 of people without opening to them some offices of distinction and responsibility in their own land, 9409, 9410. 9414. 9423——Failure of the former system of exclusive employment of European agency, which led Lord William Bentinck to introduce, in 1831, the system of employing natives in offices of trust and responsibility, 9409, 9410——Approval of the present plan of employing European judges as supervisors of the native judges, and of training and improving the latter by actual employment under due supervision, 9411-9424.

Witness cannot say that the moral condition of the people has very much improved since 1831; 9418——Higher and better educated class of society from which the native judges are now selected, than on the introduction of the system, 9419——Great difficulty of Government, as regards native agency, on account of the utter want of morality which pervades all classes of natives, 9420-9422.

The efficiency of the civil service has been very greatly improved since Lord William Bentinck's time, 9425——Reference to the stringent examinations established by Mr. Grant, for the civil servants, as showing the impossibility of the judges being now unacquainted with the native languages, 9426——The experience of witness shows that the civil servants in the Mofussil are quite conversant with the language of the natives, 9426-9428——Belief that in civil cases Europeans are dealt with impartially by the native judges, 9429, 9430——In criminal cases it is not at all desirable to subject Europeans to the jurisdiction of natives, 9431. 9555. 9557.

Evidence on the subject of the state of feeling existing in Bengal, more especially in Lower Bengal, between the European indigo planters and the zemindars and ryots; the planters, in many instances, bear the character of violent and oppressive men, though there are, doubtless, many who are exceedingly benevolent and popular, 9432-9444. 9586-9591——Entire inadequacy of the police in Lower Bengal, so that the planters and zemindars resort to means for their own protection, and disgraceful and violent affrays are frequently the result, 9435-9440. 9777-9781——Peculiarly disorganised and demoralised state of the lower parts of Bengal, 9440-9442. 9595-9597.

Grounds for strenuously objecting to the introduction of the English language into the Mofussil courts; opinion that it would be unpopular to the last degree among the people, would not lead to any improvement in the administration of justice, and would in fact be one of the greatest misfortunes that could happen to the country, 9445-9449. 9693-9703. 9782-9784.

Reports, 1857-8—*continued.*

Marsham, John. (Analysis of his Evidence)—*continued.*

High opinion of the natives in the integrity of the European judges, 9450——Much greater confidence felt of late years by the natives in the civil servants, owing very much to the better control exercised over the latter by Government, 9451-9453——Illustration of the neglectful and unjust conduct of the civil servants some thirty years ago, 9453, 9454——Objection to the appointment of barristers from England as judges on account of the interference thereby with the exclusiveness of the civil service, 9455 *et seq.*

Approval of the present plan of training the civil servants in India for the higher appointments, 9455-9463——Valuable experience of a judicial character gained in the office of collector in Bengal before appointment to judgeships, 9463-9470. 9630-9632——Inaccuracy of the statement that collectors in Bengal get through their work in about two hours a day, 9471-9474——Inability of Government to employ uncovenanted servants in certain offices; a revision is very advisable on this point, 9475. 9479-9482. 9485.

Inexpediency of interference with the prospects of the civil servants by the appointment of those who may be termed "outsiders" to the higher offices; the integrity of the present system should be strictly upheld, 9476-9478. 9483, 9484——Modification of the civil service of late years, inasmuch as several offices formerly held always by civil servants are now, in the non-regulation provinces, held by military servants, 9485-9489 —— Apprehended jobbery if the civil service be thrown open, 9490, 9491. 9623.

Footing of perfect equality upon which the Government of India have placed themselves with the natives in the courts of law, 9492-9496——Since 1833 there has been an entire absence of any hostility on the part of Government towards European settlement; witness has never heard any one complain that such hostility existed, 9497-9502. 9657. 9659. 9758——Evidence in disproof of the assertion that the state of the police and of the courts in the Mofussil is an obstacle to the increase of European enterprise, 9503-9512.

Strong repugnance on the part of many natives to any extension of the jurisdiction of the Supreme Court, 9513-9515——Great length and excellent character of the Grand Trunk Road from Calcutta, 9516-9521——Explanation as to the non-bridging of several rivers on the Grand Trunk Road; immense width of some of these rivers, and approval of not bridging them, as the East Indian Railway will provide the required accommodation, 9521-9528. 9539, 9540. 9729-9734——General feeling in India that for many years the expenditure on roads was altogether inadequate, 9532, 9533——There is a great want of roads in Bengal; names and condition of some of the roads adverted to hereon, 9534-9546. 9717-9719.

As regards the increased pay of the darogahs the measure was forced upon Government, but it is a difficulty to say whether it has resulted in improvement or otherwise. 9547——Belief that the resumption laws have not had the effect of damaging the value of landed property, 9548——Absence of breach of faith by the carrying out of the resumption laws; much dissatisfaction has, however, resulted from them, 9548-9552. 9608-9611.

Preference, as regards public employment, should be given to Hindoos as compared with Mahomedans; concurrence hereon in the views of Mr. Charles Raikes as to the faithless and disloyal character of the latter, 9553-9559——Sufficiently qualified men would not be induced to leave this country for situations as moonsiffs or sudder ameens, 9560, 9561——Approval of the practice of appointing Europeans in India, or East Indians, to the uncovenanted judicial service, 9561——Difficulties in the way of introducing commercial men and natives into the Legislative Council; independent action of the Council as at present constituted, 9563-9572.

Witness was, for twelve years, the Bengalee translator to the Government, and his newspaper was frequently designated as the mere organ of Government, but there was no truth in the latter report, 9573-9580——Improvement upon the public administration in India, through the reaction of the public opinion of this country, 9581, 9582. 9661-9664——Unduly rapid outlay upon roads in consequence of representations from the Home Government, 9582. 9754-9757.

Witness concurs in several points in the evidence of the indigo planters, 9583, 9584. 9788——Concurrence in the evidence as to the expediency of protecting the putnee tenures in cases of sale, 6584. 9788——Removal, since the mutiny, of the feeling of antagonism existing between the civil servants and the settlers, 9585——Benefit to the country through the presence of the indigo planters, 9589-9592——Too much European capital or skill cannot be introduced into India, 9593. 9658.

State of the police in Lower Bengal further adverted to; nature of the steps taken to improve them, 9595-9603 —— Doubt as to the policy of a general redemption of the land-tax in Bengal, 9604-9607. 9787——Witness regrets that the resumptions were ever attempted, 9612, 9613——As regards the enam lands, the Enam Commission, if instituted at all, should have been carried into operation before the mutiny, 9613, 9614——Complete surprise with which every one in India was taken by the mutiny; witness had not the remotest apprehension of an outbreak, 9615-9618. 9638-9649.

Numerous

Reports, 1857-8—*continued.*

Marsham, John. (Analysis of his Evidence)—*continued.*

Numerous opportunities of the European magistrates and of the collectors, as well as of the settlers, for becoming acquainted with the character and habits of the people, 9618-9622——It is scarcely possible for any European in India to shake off the influence of the natives around him, 9620, 9621——Witness has always felt that European settlers should be invited to act as justices of the peace, 9623. 9683——Doubt as to the expediency of opening any of the higher offices even to such men as Mr. Venables, 9624-9626. 9637——Great improvement if one or two barristers were appointed to the Sudder Court at Calcutta, 9627-9629.

Statement in favour of uniting the offices of collector and magistrate in Bengal, 9630-9636——Disadvantage in the young and inexperienced men who are made magistrates in Bengal; this is unavoidable under the present system, 9631. 9636. 9688-9692. 9753——Within the last ten years there has been a vast improvement in the character and spirit of the Government of India, 9650. 9660, 9661——Further statement as to the development of native employment by Lord W. Bentinck; the experiment has been anything but a failure, 9651-9656.

Causes of the great improvements effected in India within the last thirty years, 9650-9662. 9664——Origin of the introduction of the covenant into the civil service, 9663——Beneficial operation of the covenanted service further adverted to; witness does not see any substitute for it, 9665 *et seq.*——Further statement as to the employment of military servants as well as of civil servants in the administration of the Punjaub; success of the plan, 9670-9680——Slight use of the education in this country in the native languages, 9681. 9785——Social distinction between the civil servants and the settlers further adverted to, 9684-9687.

The system of legal proceedure in Bengal is most unpopular with the natives, and it is of urgent importance to introduce a summary and inexpensive system, as in the Punjaub, 9702-9708—— Impression that the mutiny was not owing in any way to our system of law, to the investigation into titles, or to any interference with religion, 9708-9710. 9712, 9713——Suggestion that our Government in India should be publicly declared a Christian Government, but with perfect liberty of conscience to every individual, 9711.

Witness further expresses his dissent from much of the evidence of Mr. Freeman and Mr. Theobald; he concurs generally with Mr. Hawkins and Mr. Baillie, 9714-9716. 9788—— Reference to the washing away of the Mugra bridge, about forty miles from Calcutta, and to the levy of a toll there, and the inconvenience in crossing the river 9720-9728——The emoluments of the native judges should be increased, but it is not necessary to give them the same salaries as the European judges, 9735-9746——Corruption among the Company's European officers when they were underpaid, 9745, 9746.

Kind treatment experienced generally by the natives at the hands of the Europeans; the feelings of the latter have however undergone a complete change since the mutiny, 9748-9752—— Obstacle on the score of climate to the permanent settlement of Europeans and their families in India, 9759. 9763. 9765. 9767, 9768——The non-protection of putnee tenures, in the event of the zemindars making default, is a decided obstacle to the investment of British capital, and should be remedied, 9760-9762——There is no scope for the capitalist in the Upper Provinces, 9764.

Great importance of removing the surplus population from Bengal to Assam, Tenasserim, and Pegu; this would effect a greater improvement in the condition of the ryot than all the laws we could make, 9766. 9769-9774——Further expression of the opinion that the natives should not be debarred from employment in offices of responsibility, 9775——A judicious infusion of European superintendence generally is most expedient, 9776.

Considerable improvement in the character of the planters during the last thirty years; there were ten times as many affrays formerly, 9777——The affrays between the planters have been largely owing to the want of a definite boundary of estates, 9778. 9780——It would be well if there were a partition of Government revenue on each portion of an estate, 9779.

Importance of an extension of the English language throughout the country, 9783——The language now used in the courts in Bengal is understood by the people, 9784——Advantage if the civil servants had an education in jurisprudence before leaving this country, 9785——Encouragement to settlement if Government would sell the fee-simple in the case of uncultivated lands, 9786, 9787.

Martin, James Ranald, F.R.S. (Analysis of his Evidence.)—As surgeon in the Bengal army, has had very considerable experience on the subject of climate in India, 195-198——Grounds upon which witness has on more than one occasion advocated the removal of European troops from the plains to the hilly districts, 199 *et seq.*——Principal diseases produced by residence in the plains of India, 201——The alluvial plains are the most unhealthy, 202.

Reports, 1857-8—*continued.*

Martin, James Ranald, F.R.S. (Analysis of his Evidence)—*continued.*

Prevention rather than cure of disease by removal to the mountain ranges, 203. 205——Statement as to certain forms of bowel disorders being engendered in the elevated ranges, 203. 206. 230, 231. 237-239——Witness has suggested to the Court of Directors the propriety of an inquiry into the respective climates of the medium ranges and the high elevations, which inquiry has been ordered, 203. 212, 213. 303, 304——Advantage of isolated mountains over mountain ranges, 204. 229——Much greater advantage of a sea voyage than of a sojourn in the hills, 207.

Consideration of the effect of the hill climates upon Europeans born or reared there; inadequacy at present of proper statistical information on this point, 208-213. 246-249. 334, 335——Mention of different hill stations now resorted to for purposes of health, 214, 215——The Darjeeling station is very promising as a sanatarium, 214. 233——Necessity of a proper inquiry, in order to decide upon the elevations most conducive to health; witness is in favour of medium elevations of from 3,000 to 4,000 feet. 216. 224, 225. 274-281——Greater facilities in course of time for rearing soldiers' children in the hills, 218——Considerable success of the two asylums founded by Sir H. Lawrence, 219.

Varying mortality of European soldiers and children at different stations, 220——The amount of heat is less injurious than long residence in it, 220. 325——Increased duration of life when railways are established, 221. 227, 228——Good effect of the Ceylon climate, 222, 223——Extremely unhealthy character of the terais, or plains leading to the base of the mountains; particulars hereon, 226-228. 266-269. 282-284.

The periodical, if not the permanent removal, of the European soldiers to the hills has become a State necessity, 232——Considerable cold and damp where the elevations are 7,000 feet or more, 234-239——Relative value of native life and European life in India, 241, 242——Much better health in the Bengal army than the Madras army, 243, 244——European life and vigour may be preserved much longer in the hills than in the plains; in the plains of Bengal a third generation of Europeans is not to be found, 245-249. 290-292——The hills are likely to be more useful during education or the restoration of health than for cultivation, but there are large tracts which admit of cultivation, 250-254. 261-265. 327, 328.

Belief that by removing the soldiers to the mountains the mortality may be reduced to the level of England; experience of the West Indies adverted to hereon, 255-257——Advantage of a larger proportion of the soldiers being allowed to bring wives from England, 258, 259. 294. 314-316. 320-324——Soldiers' children reared in the hills might be trained so as to be available in different capacities, 260——Unhealthiness of the Malavelly station during the rainy season, 270-272——Numerous mountain ranges throughout India available as sanatariums, 273, 274.

More healthy character of some of the districts in Bombay than of Bengal or the Carnatic, 285-289. 329. 331——Importance of previous soundness of constitution in the case of Europeans settling in India, 293——Varying degrees of degeneracy of half-castes, according to the race and the locality from which the mother comes, 295-298——Greater unhealthiness of Bengal Proper than of the plains of Hindustan, 299——Objections to the hill station of Cherrah-Ponjee in Bengal, 300——Advantage if the 900 children at Dum Dum were removed to Darjeeling, 301.

Further evidence as to the possibility of rearing European children, or of retaining European settlers in the mountain ranges without degenerating, 302-310. 326. 334, 335——Effect of the climate respectively upon the European soldiers or officers, and upon their wives, 311-313——Circumstance of the European soldiers in the Company's services not generally returning to this country, 316, 317. 336——Better sanitary arrangements generally in the case of the Company's troops than of the Queen's troops, 317. 318——Witness hopes and believes that in a very few years the great bulk of the European soldiers will be permanently located in the mountains, 319——Advantage of some system of employment of the Europeans when not on active service, 332, 333.

Martin, William Henry. (Analysis of his Evidence.)—Services of witness in the judicial and revenue branches in different parts of Bengal; he was eventually the special judge for the trial of Thugs, and was a civil judge for a short time before leaving India in 1845; 9114-9116. 9120, 9121——General complaint in Furreedpore and Kishnagur, when witness was there, of the conduct of the European, that is, of the English indigo planters, towards the natives, 9117-9119. 9127. 9210, 9211——Instances in the cases of Mr. Laruletta, Count De Framont, and M. Courjon, of success on the part of foreign indigo planters, subject to the jurisdiction of the Mofussil courts, 9122-9131. 9137, 9138. 9205-9209.

Illustration of the strong complaints made by English settlers against the Supreme Court and its expense; such settlers having been also opposed to the jurisdiction of the Mofussil courts, 9132-9136——Sufficient communication in Furreedpore by means of the numerous rivers, 9139, 9140——In witness's time all was done that could be done to deepen the Nuddea rivers, 9141——The character of the native judges varied very considerably, but on the whole witness was not satisfied with them, 9142, 9143.

Reports, 1857-8—*continued.*

Martin, William Henry. (Analysis of his Evidence)—*continued.*

In Kishnagur and other districts the police were not, in witness's time, so bad as they are now represented to be, 9144-9147. 9190-9202——Success of witness in procuring the conviction of river Thugs; means other than the ordinary police employed for this purpose, 9148-9152. 9203, 9204——Dissent from the statement that the darogahs are worse since the increase of their salaries, 9153——Difficulty, through the native character, in organising an efficient police, 9153, 9154——Improvement if the expense of European serjeants in the police be incurred, 9155-9157.

The civil servants in witness's time were efficient in their knowledge of the native language, 9158——Witness was conversant with Bengalee and Hindostanee, 9159-9162. 9230-9238——Hasty way in which the evidence is taken down in extra-judicial cases before the collector; difficulty in reading it, 9160, 9161. 9220-9223——Use formerly of Persian as the language of the courts, 9163. 9233. 9237——Absence of discouragement to settlers by the Government when witness was in India, 9164——Undue extent to which indigo planting was forced in witness's time, 9164-9166.

Approval of the exemption, for the present, of Englishmen from native criminal jurisdiction, 9167, 9168——Reference to a murder in Kishnaghur about twenty-five years ago, when the Englishman concerned in it was acquitted by the Supreme Court, 9169-9172——The natives would never feel confidence in the use of the English language in the courts, 9173. 9243-9245——Advantage in employing as judges civil servants trained in India rather than barristers from this country, 9174-9189——Usefulness in judges of a previous education in jurisprudence; this was, to a certain extent, gained at Haileybury, 9177-9180. 9212-9216. 9253-9257.

Good training for the office of judge in the experience acquired in the revenue branch of the service, 9182-9189. 9217-9228——Advantage of the experience gained through the former office of registrar, 9183. 9189——Mr. Halliday's description of the police may correctly apply to the present time, but they were not so bad during witness's experience, 9190-9202——Practice as regards the taking of written or oral evidence in revenue cases; language used, 9219-9240.

Greater faith of the natives in European than in native judges, 9242——Witness was never dependent on his omlah, 9246——Practice as regards appeals from witness's decisions as judge, in the Mofussil, 9247-9250——A most excellent education was acquired at Haileybury, 9252——As regards a separation of the judicial and revenue services, much that is useful in the one is useful in the other, 9259-9261.

Medical Aid. Great want of European medical men in Mysore, and throughout India; difficulty in remedying this want, *Onslow* 6333-6335.

Mercantile Operations. Respects in which a European is a better trader than a native, *Onslow* 6604——Great intelligence of some of the native merchants, *ib.* 6708, 6709——Mercantile men are the only class of settlers that can find profitable employment in Western India, *Landon* 8283, 8284——Settlers can best operate by purchasing produce and improving its preparation, *ib.* 8284, 8285. 8465, 8466.

Metcalfe, Lord. Views of Lord Metcalfe as to the great importance of colonisation, *Theobald* 1290, 1291——Views of Lord Metcalfe as to the discontentment of the European settlers and the East Indians with the Company's government, *ib.* 1291——Sir Charles Metcalfe strongly expressed the opinion that our hold of India would always be very precarious, unless a considerable European population were attached to our Government by common interests and sympathies, *MacNair* 1975——Largely increased revenue if settlement had been encouraged, as recommended by Sir C. Metcalfe, *Wise* 2630. 2657.

Migration of Native Labourers. Tendency of the want of roads to check migration to the unpopulous districts, *Wingate* 8165, 8166——Great importance of removing the surplus population from Bengal to Assam, Tenasserim, and Pegu; this would effect a greater improvement in the condition of the ryot than all the laws we could make, *Marsham* 9766. 9769-9774——Government should establish an emigration agency for a transfer of the surplus population, *ib.* 9774.——*See* also *Coolie Emigration.*

Mills, Andrew John Moffatt. (Analysis of his Evidence.)—Filled sundry judicial and revenue offices in the Bengal civil service, between 1826 and 1855; became in 1854 a member of the Legislative Council, 8759-8765——In 1853 made a tour of the north-eastern part of Bengal, and found the condition of the people to be, on the whole, good, 8766-8769——The mode of administration of justice and the state of the police in the Mofussil, though defective, were not such as to deter Europeans from settling as indigo planters, 8770-8773. 8782, 8783.

In witness's experience life and property were safe in the Mofussil, 8772, 8773——Frequent affrays between indigo planters and zemindars, about thirty years ago; various causes of these affrays, 8774-8781——Of late years affrays between planters and zemindars have greatly decreased, 8774. 9102-9106——Mention of some foreign planters

Reports, 1857-8—*continued.*

Mills, Andrew John Moffatt. (Analysis of his Evidence)—*continued.*

in the Mofussil who carried on business successfully under the system of the Mofussil courts, 8784-8793.

Witness, who was one of the Board for conducting the examinations in the native languages, shows that the examinations were very strict, and that those who passed them must have had a thorough knowledge of the languages, 8794-8805——Inaccuracy of the evidence that few of the civil servants can converse with natives, 8806-8809——Government has done everything it could to encourage European settlement, 8810-8813.

Employment of late years of younger men as magistrates, 8814——Approval of the union of the offices of collector and magistrate; its popularity with the natives, 8815-8820——Particulars relative to the Assam country and the impediments to increased settlement and cultivation therein; reference to an official report by witness on this subject, in 1853; 8821-8836——Great want of labour in Assam, 8822* 8823. 8833——Expediency of greater liberality in granting land in Assam; witness mentioned in his report that it would be better to sell the waste land, 8822*-8833. 8954-8962——Terms of the grant to the Assam Tea Company; operations of the company up to 1853; 8825, 8826. 8832-8836.

The character of the native judges has improved of late years, owing to their increased pay, education, and supervision, 8837-8839. 9001-9005. 9064-9072——Disapproval of any greater exclusion, than at present, of natives from offices of trust, 8840-8843——Europeans of good character might, with advantage, be introduced into the preventive police, but the detective police is better without them, 8842. 8853-8862——Approval of the employment of natives as sudder ameens, &c., as the only means of fitting them for office, 8844-8846.

Better conduct of the darogahs since the increase in their pay, 8847——Appointment by the magistrates of the most efficient persons they can get as darogahs, &c. 8848-8851——Increased employment lately of the modern-educated natives, 8852——Objection to Europeans being subject in criminal matters to native jurisdiction, 8863, 8864. 9086-9090——The criminal jurisdiction of the European magistrates might be enlarged, 8865-8867——Great inconvenience of the present system of sending Europeans charged with crime to Calcutta, 8868——Objection to Supreme Courts in the chief provincial cities, 8869, 8870.

Difficulty at present of an amalgamation of the Sudder and Supreme Courts, 8871——Strong objection to the introduction of the English language into the Mofussil courts, 8872, 8873. 9009-9017——Advantage in judicial offices in the Mofussil being filled by persons trained in the country in the Company's service, rather than by barristers appointed direct from England, 8874-8878. 8917-8937. 9007-9017. 9022-9032. 9093-9101——Approval of the present system of appointment to civil offices, rather than of throwing the service open; the latter plan cannot co-exist with the former, 8876-8880.

Objection of the natives in the Mofussil to an extension to them of the system of the Supreme Court, 8881-8884——In Calcutta the natives are well satisfied to be under the Supreme Court, to which they have become habituated, 8885——Several points in which the Company's regulations and the laws in India are equal or superior to the laws of England, 8886-8897——There is a great want of roads in Bengal, 8898, 8899——The rivers in Bengal are very numerous, and are the highways during the rains; Government has taken every measure to keep them open, 8898. 8900-8902.

Experience upon which witness grounds the opinion that the native judges, on the whole, perform their work well, 8903——Less judicial training before appointment to judgeships in Bengal since the abolition of the office of registrar, 8904-8916——Experience of a judicial character acquired in the revenue department before promotion to the judicial bench, 8909. 9022-9032. 9093-9099——Further evidence relative to the knowledge of the European judges as regards the native language, more especially in the case of native documents, 8938-8953.

Approval of a centralisation of the legislative power rather than of a power in each Presidency to legislate for itself, 8963-8976——With reference to the Black Act, it did not emanate from the Legislative Council, but from the Law Commission in this country, 8977-8981——Witness does not object to opening the Council to non-official members, 8982-8984. 8990. 8995——Present constitution of the Council; there are eleven members, all official men, 8985-8989——Non-objection to a native member in the Council, 8991. 9063. 9071.

As regards the Punjaub Code, witness is not prepared to give it his entire approval, but considers that the practice of the courts should be made more simple and rapid, 8992-9000——Greater confidence of the natives in the decision of a European than of a native judge, 9006. 9073——Influence of the native omlah equally in the case of judges appointed from this country as of judges appointed from the service in India, 9010-9012——In the Supreme Courts the judges are not influenced by the omlah in the same way as in the Company's courts, 9013-9017.

Approval

Reports, 1857-8—*continued.*

Mills, Andrew John Moffatt. (Analysis of his Evidence)—*continued.*

Approval of a separation, if practicable, of the judicial and revenue services; it may be carried out if the civil servants are increased, 9018, 9019. 9100——Assam is a fine field for the employment of European capital, but not for colonisation, 9020——Witness does not know any part of Bengal where colonisation is practicable, 9021——Practice as regards juries in the trial of criminal cases in the Mofussil; the system might with advantage be extended, 9033-9044. 9061, 9062 —— Practice as regards the Mahommedan law officer whom the English judge may call in to sit with him as assessor; the judge is not dependent upon the assessor in arriving at a decision, 9041-9060.

Witness believes that the native character generally is improving, 9064, 9065——It is not the universal opinion of the Europeans in India that the employment of natives in offices of trust has been altogether a failure, 9066-9069——Expediency of continuing the employment of natives in responsible offices, 9070-9072——Dissent from the statement that the civil servants generally are more or less under native influence, 9074-9079.

Opportunities of the judge for arriving at a just decision from the nature of the native evidence; this is frequently of a circumstantial character, 9079-9085——Greater favour shown by Government of late years than formerly towards European settlement, 9107-9111——The use of tea is likely to increase among the natives, 9112——Concurrence in Mr. Hawkins' suggestions as to the best means of improving the civil service, 9113.

Minerals. The chief mineral resources of India are coal, iron, copper, and tin, *Tremenheere* 18——Particulars as to the mineral resources of different parts of Bengal; these are very great, *Theobald* 878-885; *Mac Nair* 1798——How far the mineral resources have been developed, *Theobald* 883-885——Grounds for concluding that copper and minerals generally, except diamonds and iron, cannot be profitably produced in Southern India, *Ouchterlony* 5326.

See also *Coal. Copper. Gold. Iron. Mysore*, 9. *Tin.*

Missionaries. Respect entertained by the natives for the missionaries, *Waller* 4962-4964.

Reference to certain memorials and petitions from missionaries and others, in the preparation of which witness has taken part, *Mullens* 7111-7114——Instances of unsuccessful attempts at colonisation and missionary settlements in different parts of India, *ib.* 7125. 7291-7293——There are 105 missionaries in Bengal, and 450 in all India, *ib.* 7343——The missionaries never interfere in regard to the administration of justice, but take an interest in the question of improvement, *ib.* 7344, 7345——The missionaries are on good terms with the civilians, who often attend their stations for Divine worship, *ib.* 7346-7348.

Great respect with which the missionaries have been treated during the mutiny, *Marsham* 9713.

Petition of Protestant missionaries residing in or near Calcutta relative, more especially, to Mr. Grant's Bill for improving the law relating to sales of land for arrears of revenue, *App.* (*Fourth Rep.*) *p.* 290-293.

See also *Christianity.*

Mofussil. See *Administration of Justice* (*Mofussil*). *Affrays, and Affray Bill* (*Bengal*). *Bengal. Criminal Jurisdiction* (*Mofussil Courts*). *European Capital and Skill. Foreign Settlers. Land Revenue Settlement, and Tenure and Sale of Land. Police. Ryots. Zemindars.*

Money Lenders. The great body of the people have not derived due advantage from the increase of production, as the advantages go rather to the money lender, *Wise* 2707, 2708. 2711. 2775.——*See* also *Interest on Loans.*

Moonsiffs. See *Administration of Justice.*

Mortality. Relative value of native life and European life in India, *J. R. Martin* 241, 242——Slightly increased mortality of civilians in India as compared with this country, *Waller* 5025-5027.

Mugra Bridge (*Bengal*). Reference to the washing away of the Mugra bridge, about forty miles from Calcutta, and to the levy of a toll there, and the inconvenience in crossing the river, *Marsham* 9720-9728.

Mullens, Rev. Joseph. (Analysis of his Evidence).—Has been above fourteen years in India, as a missionary of the London Missionary Society; resided chiefly in Calcutta, but travelled also very much in the interior, 7105-7109——Has written some works on India, and has largely studied the general questions affecting the welfare of the community, 7110, 7111——Refers to certain memorials and petitions from missionaries and others, in the preparation of which he has taken part, 7111-7114.

Sundry advantages anticipated as regards the natives, the European community, and the Government, from an increased settlement of Europeans in India, 7115-7118——Better character of the press if there were more Europeans; it has hitherto remained very defective in many respects, 7115, 7116——There are many obstacles to successful

Reports, 1857-8—*continued.*

Mullens, Rev. Joseph. (Analysis of his Evidence)—*continued.*

colonisation by the masses, the chief obstacle being the climate, 7119, 7120——Obstacle to successful settlement on the score of liability to intemperate habits, intemperance being now the besetting sin of European soldiers, pensioners, and others in subordinate capacities on the railroads, &c., 7120. 7294-7298.

Drawbacks upon successful settlement in the hills, although on the score of climate they present far greater inducements than the plains, 7121-7126. 7135-7140——Instances of unsuccessful attempts at colonisation and missionary settlements in different parts of India, 7125. 7291-7293——Unsuitableness of the East Indians as materials for colonisation, 7127-7129——Reference to the discharged soldiers, or pensioners, as a very low and intemperate class, the result very much of their idle life, 7130, 7131. 7203-7205. 7294. 7329-7334——Suggested removal of the pensioners to the hills, 7131——Some colonists may be obtained from the rearing of soldiers' children in the hills, 7132.

Illustration of the effect of the climate as shown by an examination of the lives and services of 250 missionaries; inference that where Europeans live moderately, the climate does not very rapidly injure them, 7133, 7134. 7299-7301——Indirect obstacle to settlement through the very bad law courts of the country, 7142. 7169——Also through the state of the land tenures, *ib.*——Also through the want of a proper tribunal or Legislative Council fairly open to the complaints of the settlers, *ib.*——More energetic, skilful, and enterprising character of the European settlers than of the natives, 7143.

Largely increased investments by Europeans in land since the removal of certain restrictions in 1833; 7144-7176——Number of settlers outside the Presidency towns, and altogether in Bengal and Agra, 7144-7147——Large increase of European settlers in Ceylon, and causes thereof, 7148-7152——Discouragement to settlement in India through the long delays in remedying many of the defects of which settlers and planters have complained, 7153.

Reference to a "Statement of the Ryots in the Zillah Nuddea," complaining of the oppression and injustice experienced by them, and by the Bengal ryots generally, at the hands of the native and European zemindars and indigo planters; witness believes that this document emanated directly and entirely from the natives themselves, that there is a great deal of truth in it, and that it is well worthy of the consideration of the Committee, 7154-7166.

More European magistrates are decidedly wanted, 7167——Reference to the testimony of other parties besides the ryots as to the evils of the indigo-planting system, 7168——Belief that many of the evils charged against the planters are forced upon them for want of a proper administration of justice, 7168, 7169. 7211——The inefficiency of the police has for years been a general source of complaint, yet little if anything has been done in the way of reform, 7170, 7171. 7307-7311.

Evil in the exclusively official constitution of the Legislative Council, 7172——Probable cause of the increased investments in indigo-planting, 7173——If capital and labour were properly applied to the soil, very remunerative results would follow, 7174, 7175——Increase of wages through the increased employment of capital, 7176. 7214——Respects in which the tenure of land is very insecure, operating thereby as a bar to settlement, 7177-7180. 7304, 7305. 7339——Grounds for the statement that the Government tax on the land in Bengal is very high, 7177. 7181-7186. 7312, 7313.

Advantage if opportunity were given to redeem the land tax, 7180. 7302, 7303——In India and Ceylon there are now 112,000 natives converted by the missionaries, 7187-7189. 7194——Belief as to the more moral and industrious character of the converts, as a whole, than of the natives; many of the nominal converts have, however, been a scandal to the natives, 7190-7196. 7335-7338——The general treatment of the natives by the Europeans has not presented Christianity to them in a very favourable light, whereas by kind treatment and Christian example they may be very greatly and favourably influenced, 7197-7202.

Obstacle to settlement through means of the families of the pensioners who intermarry with the natives, 7206-7208——Further statement in confirmation of the truth of the complaints of the ryots against the zemindars, 7209-7218——Injurious operation of the system of advances to the ryots, and of the forced cultivation comprised therein, so that the increased rate of wages is not so much benefit to the cultivators, 7212-7218. 7314-7319——The condition of the ryots on an estate depends greatly on the individual character of the zemindar, many of the English zemindars being very just, 7212-7214. 7316, 7317.

Means of the zemindars for exacting undue payments from the ryots, 7215. 7217-7223, 7224——Approval of the principle of the zemindary system, and of the perpetual settlement in Bengal, 7219. 7259-7267——The zemindars should be properly checked by law against unduly increasing the ryots' rent, or making other exactions, 7219-7224——Further evidence upon the subject of the English press and its defects; disapproval of its restriction by Government, 7225-7227. 7232-7254. 7322-7325——Operation of the native press; approval of some restriction upon it, 7228-7231. 7255-7258.

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Reports, 1857-8—*continued.*

Mullens, Rev. Joseph. (Analysis of his Evidence)—*continued.*

The language of the courts in Bengal is, to a great extent, Hindostanee, which is not intelligible to the great mass of the Bengalese, 7268–7272——In Ceylon the use of the English language in the courts, with interpreters, gives very great satisfaction, 7273–7276——The introduction of the English language and of proper interpreters into the Mofussil courts would be an immense blessing, 7277——A large number of European officers would be required in order to carry out the use of the English language, 7277. 7288, 7289——Satisfaction rather than dissatisfaction on the part of the natives if the English language be introduced, 7278–7290.

Approval of a summary system of justice in the Mofussil upon the principle of the Small Cause Court at Calcutta, 7282–7289——The police should be under military organisation, 7306——The cess now paid by the zemindars towards the police should be administered in a different way, 7310, 7311——Necessity, if the English language be introduced into the courts, of a knowledge of the native language in the judges, in order that they may check the interpreters, 7326–7328.

[Second Examination.]—Particulars as to the English and East Indian population in Calcutta and throughout Bengal before the rebellion broke out; rapid advance of late years, 7340——Particulars as to the European population in Ceylon, and the progress of settlement there, *ib.*——Witness delivers in a petition by the missionaries to the Legislative Council relative to Mr. Grant's Sale of Land Bill, *ib.*

There are 105 missionaries in Bengal, and 450 in all India, 7343——The missionaries never interfere in regard to the administration of justice, but take an interest in the question of its improvement, 7344, 7345——The missionaries are on good terms with the civilians, who often attend their stations for Divine service, 7346–7348——The Hindoos are much more open than the Mahomedans to the arguments of the missionaries, 7350–7352.

Municipal Government. Advantage if the principle of municipal government or local self-government in certain matters were encouraged, *Theobald* 1019–1021.

Mutiny. The promotion of natives to high offices should not be encouraged until the mutiny is entirely over, *Waller* 4959——Complete surprise with which every one in India was taken by the mutiny; witness had not the remotest apprehension of an outbreak, *Marsham* 9615–9618. 9638–9649——Numerous opportunities of the European magistrates and of the collectors, as well as of the settlers, for becoming acquainted with the habits of the people, *ib.* 9618–9622——Impression that the mutiny was not owing in any way to our system of law, to the investigation into titles, or to any interference with religion, *ib.* 9708–9710. 9712. 9713——Opinion that the mutiny has been owing to a combination of causes, our social reforms having been a main cause, *Saunders* 10092–10095.

Mysore:

1. *Size and Population.*
2. *Great and growing Prosperity under British Government.*
3. *Obstacle to Settlement through Fear of Native Government.*
4. *Encouragement now given to European Settlers.*
5. *Tenure of Land.*
6. *Administration of Justice.*
7. *Climate.*
8. *Pre-eminent Claim of the Country upon the Settler.*
9. *Numerous Agricultural and other Resources.*
10. *Coffee.*
11. *Sugar.*
12. *Extent of European Settlement and Population.*

1. *Size and Population:*

Mysore is about the size of Ireland, and contains about 4,000,000 people, *Onslow* 6347——The population is less than 150 to the square mile, *ib.* 6867–6869.

2. *Great and growing Prosperity under British Government:*

Witness was for fourteen years in the Mysore Commission, *Onslow* 6340–6344——Sir M. Cubbon has been a Commissioner ever since 1832; he has lived in India for fifty-eight years, *ib.* 6359——Rapidly increasing population in consequence of the improved government, and the prosperity of the country, *ib.* 6479–6485. 6496——Illustration of the advantage of European example upon the natives; willingness generally of the latter to adopt improvements, *ib.* 6496. 6498, 6499——Instance of the people being obliged to import articles of consumption where, before European settlement, the people used to export their produce, *ib.* 6496, 6497. 6654.

Colonel Wilks as resident, and subsequently, General Cubbon as governor, have been very successful in their improvement of the country, *Onslow* 6507, 6508——Independent action of Sir Mark Cubbon as Commissioner; he is subject only to the Governor-general

Reports, 1857-8—*continued.*

MYSORE—continued.

2. *Great and growing Prosperity under British Government*—continued.

general in Council, *Onslow* 6521-6532——Further reference to the prosperous condition of Mysore, with a statement of the causes which have led to it, *ib.* 6542-6550——A main cause of the prosperity has been the formation, as in witness's district, of roads and bridges, in conjunction with the abolition or reduction of the excise duties, *ib.* 6547-6549.

Peace, prosperity, and order on the establishment of the Government in 1831 or 1832, as compared with the anarchy and misrule under the rajah's sway, *Onslow* 6549, 6550——Witness was at first one of four superintendents of division; he joined the Commission in 1840, *ib.* 6551——Oppressive taxes under the native governments, *ib.* 6485-6489——Abolition under the present system of Government of above 600 different taxes; ultimate rise, nevertheless, in the total revenue, *ib.* 6485-6492——Absence of thuggee in Mysore, *ib.* 6554——Large trade carried on; there are many native capitalists, *ib.* 6579-6582——Course pursued in exporting produce, *ib.* 6696-6698.

Prosperous condition of the ryots throughout Mysore; less destitution than in European countries, *Onslow* 6906-6909—— Great increase of revenue notwithstanding the abolition of numerous taxes adverted to as a proof of good administration, *ib.* 6910, 6911——The revenue system is the ryotwarree system; its satisfactory operation, *ib.* 6912. 6921——Further particulars as to the numerous taxes abolished and the great boon conferred thereby, *ib.* 6913-6918. 6923——System of Government hospitals and dispensaries in salutary operation, *ib.* 6919. 6920——Causes of the great progress in Mysore as compared with other parts of India; the fact of the Company's exchequer not being liable for improvements did not unduly influence the Commission, *ib.* 6936-6940.

3. *Obstacle to Settlement through Fear of Native Government:*

Bar to European settlement in Mysore or Coorg if they were restored to native government, or to the Mysore or Coorg rajahs, *Onslow* 6396-6399——Further reference to the possibility of Mysore being restored to native government as operating against European settlement, *ib.* 6672-6674. 6685. 6771——Some arrangement might be made with the Mysore rajah with a view to securing the rights of settlers, but witness would never feel safe under a native government, *ib.* 6928-6935.

4. *Encouragement now given to European Settlers:*

Witness, as a landholder and coffee planter, has perfect confidence in the present Government, under which no obstructions whatever are offered to settlers, *Onslow* 6677. 6682-6692. 6734-6739——Encouragement given by Government to settlement, *ib.* 6726-6728. 6860. 6879-6884.

5. *Tenure of Land:*

A proper title to land and immunity from arbitrary taxation should be secured to the colonists in Mysore, *Ouchterlony* 5283——Right of the Indian Government over the tenure of land, *ib.* 5495-5497. 5520.

Inducement to coffee cultivation through the power to hold the land in fee, *Onslow* 6035, 6036——Way in which coffee land in Mysore is obtained; it may be called a fee-simple tenure, *ib.* 6381——Liability to the land-tax in the case of all land where othe products than coffee are cultivated, *ib.* 6391-6394——Absence of obstacle to settlement in Mysore (supposing the present Government to be permanent), save on the score of the difficulty of acquiring land if held by the natives, *ib.* 6677-6695. 6735-6739——Absence of obstacle to native cultivation in Mysore, *ib.* 6735-6739——Statement of the terms on which witness holds his land; they are the same terms as any native gets, *ib.* 6925-6928. 6941-6943.

6. *Administration of Justice:*

Simple and satisfactory system of administering justice; employment in each case of a punchayet or jury of free natives, *Onslow* 6567-6572. 6576——Doubt whether the present system of judicature would be satisfactory in the event of a large immigration of European settlers, *ib.* 6567. 6575-6579——Practice of witness, as a judicial officer, to write all his decrees in English, *ib.* 6574——The language of the courts was a corrupt Hindostanee, which is not the vernacular of the country and is not understood by the natives generally; means for checking deception hereon on the part of the interpreters, *ib.* 6583-6600.

Witness further approves of the system of administration of justice in Mysore; the non-regulation system is adopted, *Onslow* 6786. 6839-6850. 6966-6970——There are no revenue cases tried, *ib.* 6787-6790——Illustration of the success of the non-regulation system, as in Mysore, *ib.* 6966-6970——Power of the Commissioner to inflict capital punishment; it was rarely exercised, *ib.* 6971-6975.

7. *Climate:*

Reports, 1857–8—*continued.*

MYSORE—continued.

7. *Climate:*

Very agreeable climate during eight or nine months of the year, *Ouchterlony* 5283–5284——Prevalence of fever at Seringapatam and other places; the fever is at times very destructive, but Bangalore and many parts of the country are on the whole very healthy, *Onslow* 6352–6359——The present Commissioner of Mysore has lived in India for fifty-eight years, *ib.* 6359, 6360——Cool and pleasant climate in Mysore, especially at Bangalore; the country is very high, *ib.* 6400–6403——Amount of rainfall in Mysore, *ib.* 6440——Range of the thermometer, *ib.* 6441–6443.

Further particulars relative to the climate; it is very delightful and salubrious in some parts, but on the whole it is not suitable for the permanent settlement of Europeans, *Onslow* 6772–6785.

8. *Pre-eminent Claim of the Country upon the Settler:*

The Mysore country might, under certain conditions, become one of the most popular in India for emigration and permanent settlement, *Ouchterlony* 5285——Mysore is peculiarly well adapted for European colonisation, that is, for temporary colonisation, *Onslow* 6345–6351——Wages are very low, and there is a great want of capital, so that European capital would be a great benefit, *ib.* 6348–6351——The character of the people is very good; they are well disposed towards European settlers, *ib.* 6493–6495, 6500–6502——By paying wages of 3 *d.* a day, labour may be had in abundance, *ib.* 6760–6763——Opinion that Mysore and Coorg are the two most attractive districts in India, as regards settlement, *ib.* 6770, 6771. 6806.

9. *Numerous Agricultural and other Resources:*

Enumeration of some of the chief agricultural resources of the country; these are very numerous, *Ouchterlony* 5283.

In the cultivation of coffee and sugar more especially, but also in that of cotton, tobacco, silk, &c., European capital may find a profitable investment in Mysore, *Onslow* 6363–6371. 6395——A great part of Mysore is very fertile, *ib.* 6367——The chief grain produced is ragi, but wheat and rice are also grown, *ib.* 6368, 6369——Varying character of the soil, *ib.* 6404–6406——Enumeration of the chief products of country, in addition to coffee and sugar, *ib.* 6408–6412. 6422. 6444–6463.

Excellent breed of cattle in Mysore; particulars hereon as to a large Government farm where there have been as many as 30,000 head of cattle, which are largely used in the Madras army, *Onslow* 6411–6421——Very pure wool produced, the merino breed of sheep having been introduced by Sir Mark Cubbon, *ib.* 6422–6425——Manufacture of cumlies, which are a sort of blanket or camlet, *ib.* 6437——Excellent carpets manufactured at Bangalore, *ib.* 6437–6439——Variety of fine timber in the country, *ib.* 6444——There are cocoa nuts in abundance; they are very valuable, *ib.* 6444. 6446, 6447——There are large forests of excellent gamboge, which only requires proper preparation, *ib.* 6445.

There are many kinds of European vegetables and fruits, *Onslow* 6448——Very fine breed of horses, *ib.* 6448, 6449.——The mineral products are iron, earth-salt, and saltpetre; gold dust is also found in small quantities, *ib.* 6450——The iron is of very good quality, but there is a great want of fuel for smelting, *ib.* 6451–6461.

There is a great deal of waste land which might be brought into cultivation by the removal of certain impediments, *Onslow* 6614–6616——The real resources of Mysore are not generally known to merchants, *ib.* 6671——Further statement that there is a large quantity of fertile land in Mysore which may be colonised, in a qualified sense, by Europeans, *ib.* 6863–6867——The grain used as food is as sustaining as rice, *ib.* 6870, 6871.

10. *Coffee:*

Facilities for the production of coffee, &c. under British superintendence, *Baikie* 756–760. 837–839——The duty levied on coffee has debarred many persons, including witness, from cultivating it there, *Fowler* 5667. 5674–5676. 5688——Suitableness of the Mysore country for an extended cultivation of coffee, *ib.* 5677–5686.

Number of Europeans and native cultivators of coffee in Mysore; witness has some coffee plantations there, *Onslow* 6371–6373. 6380——Excellent quality and high price of the Mysore coffee, *ib.* 6374–6376——Localities in which the coffee is principally grown, *ib.* 6377–6379——There is no land-tax in the case of coffee plantation, but there is an excise duty upon the produce; popularity of this duty, *ib.* 6382–6390. 6393–6394——Increased consumption of coffee by the natives and by the European troops, *ib.* 6431, 6432.

Increase of about 1,600 per cent. in the export of coffee from Mysore since 1834, *Onslow* 6433–6435——Effect of reducing the duty on coffee to increase the export, *ib.* 6435——Witness found the cost of production of coffee to be about 10 *s.* per cwt., *ib.* 6752–6755——The cost of transit to Bombay was about 4 *s.* 6 *d.* per cwt., *ib.* 6756–6758——Witness's estate is from 800 to 1,000 acres, *ib.* 6902.

 11. *Sugar:*

Reports, 1857-8—*continued.*

MYSORE—continued.

11. *Sugar:*

Successful cultivation of cane sugar on the lands irrigated by the tanks; large increase anticipated if the canal system of irrigation be introduced, *Onslow* 6635-6648. 6701. 6710-6717.

12. *Extent of European Settlement and Population:*

Already numerous Europeans have settled on coffee and sugar estates, *Ouchterlony* 5283——In witness's division there are five or six European or Eurasian cultivators of coffee, *Onslow* 6372, 6373——Very few instances of British settlement, notwithstanding that no obstacles are offered to settlement, *ib.* 6718, 6719——Large increase of European population, especially at Bangalore, where pensioners from European regiments have largely settled, *ib.* 6772-6774.

See also *Iron. Irrigation*, 1. 4. 6. *Police*, V.

N.

Native Army. Impolicy of keeping up a large native army in India, *Saunders* 10217, 10218——Suggestions for the attachment of a certain number of natives to the European regiments, in lieu of a native army, *Ouchterlony* 5548.

Native Capital. Large amount of native capital in India, which is absorbed in some way, and disappears from circulation, *Ouchterlony* 5466.

Native Character. General dishonesty of the native character, more especially in Bengal, *MacNair* 2019. 2074-2087. 2404-2407. 2480-2483——There are, however, many intelligent and trustworthy natives, *MacNair* 2404. 2481; *Wise* 3087——Witness has a better opinion of the moral character of the Hindoos than of the Mussulmans, *Wise* 3162, 3163——There are but few very intelligent and advanced-minded natives in India, *Mackenzie* 3802-3805——The Bengalee is not, either mentally or morally, in any way inferior to the native of the Upper Provinces, *Waller* 4838——Belief that the character of the natives is very favourable to European settlement; they are mild, docile, and gentle, and capable of being trained to everything that is good, *ib.* 4888. 4961——In a physical sense only are the Bengalese at all inferior to the people of Upper India, *ib.* 4978.

After a time witness never had the slightest trouble with the natives, *Fowler* 5742-5744, 5784——Greater deference and consideration shown by the natives to Europeans in proportion to their rank and wealth, *Warden* 6195-6197. 6206-6208——The natives of India always appreciate the settlement of just and well-conducted Europeans, but are quick to resent ill-treatment on the part of ignorant or oppressive settlers, *Onslow* 6501-6504——Witness considers that the natives possess powers of mind as great as are possessed by Europeans, *Warden* 7459——The natives in Bombay are patient, docile, and intelligent, with great aptitude for the mechanical arts, *Wingate* 7731——Readiness of the natives to adopt European improvements, *ib.* 7731-7738.

Constant practice of the natives of India to resort to bribery, falsehood, and perjury; these practices are considered meritorious rather than otherwise, and form a general rule from which there are few exceptions, *Landon* 8438-8446—— Invaluable advice given to witness on going to India; viz. never to trust a native out of his sight, *ib.* 8446. 8456——Great impediments to successful European settlement by reason of the false and dishonest character of the natives; illustration of this in witness's case, *ib.* 8592-8605. 8678, 8679. 8706-8709——Fraudulent conduct of some native brokers at Bombay in the matter of some cotton sent by witness from Guzerat, *ib.* 8596-8603——Further statement that native dishonesty is by no means confined to the lower classes, *ib.* 8655-8658.

Witness believes that the native character generally is improving, *Mills* 9064, 9065——Low standard of morality in the native character, and malpractices resorted to in order to evade the law, *Bidwell* 9270——Witness cannot say that the moral condition of the people has very much improved since 1831, *Marsham* 9418.

The natives in the North-western Provinces are naturally most corrupt and false, *Saunders* 9876, 9877. 10113-10115——Opportunity taken by native officials, in official correspondence, to insult Europeans through their position not being properly defined, *ib.* 9891-9895——Physical and moral superiority of the Hindoos in the North-west Provinces over the Bengalese, *ib.* 9901-9905——The Mahomedans have always been much more inimical than the Hindoos to British rule, *ib.* 10075. 10088, 10089——Fitness respectively of Mahomedans and Hindoos for employment by settlers, *ib.* 10076-10079. 10113-10115——Nothing is simpler than for the capitalist to be on good terms with the natives; the reception of Europeans going to re-settle would be favourable, save on the part of the Mahomedans, *ib.* 10259-10264.

See also *Administration of Justice* (*Mofussil*). *Education of Natives. Native Officials. Police.*

Native

Reports, 1857-8—*continued.*

Native Influence. The mischievous influence of the native official is exercised more or less over all European officers, however high their positions, *Warden* 6110-6113. 6272-6274. 7064-7097——Belief that the European officers in the Bombay Presidency are not generally under the influence or in the hands of the native officials, *Wingate* 7794*. 7818, 7819——Dissent from the statement that the civil servants generally are more or less under native influence, *Mills* 9071-9079——It is scarcely possible for any European in India to shake off the influence of the natives around him, *Marsham* 9620, 9621.

See also *Administration of Justice* (*Mofussil*), VIII.

Native Judges. See *Administration of Justice* (*Mofussil*). *Native Officials.*

Native Languages. See *Civil Service*, 2. 3.

NATIVE OFFICIALS:

1. *Improper Care in the Selection of Native Servants.*
2. *Unfitness generally of the Natives for Public Employment.*
3. *Recommended Substitution largely of Europeans for Natives.*
4. *Recommended Increase rather than Decrease of Native Employment.*

1. *Improper Care in the Selection of Native Servants:*

Expediency of greater care in the selection of native servants; the Government has not done justice in this respect, *Theobald* 951. 954, 955.

2. *Unfitness generally of the Natives for Public Employment:*

Evidence as to the want of morality and honesty in the native subordinate officials, and in the native character generally; argument therefrom in favour of the extended employment of Englishmen of good moral qualifications in the administration of justice, *Tremenheere* 341. 364, 365. 382-386. 401-403. 425-443. 452-459. 472-478. 487, 488——Difficulty in remedying the inefficiency of the police or of the judicial system on account of the badness of the tools with which the Government are obliged to work, *Auld* 1330-1337. 1390-1393. 1428——No improvement in administration arises from the initiative of the natives, *Freeman* 1818.

Statement as to the dishonesty of the natives, more especially in Bengal, and their consequent unfitness for offices of trust, *MacNair* 2019. 2074-2087. 2404-2407. 2480-2483——Mistrust of the zemindars in the native character, *ib.* 2019. 2080——Distrust of Mr. Halliday in the lower class of natives, *ib.* 2080. 2394, 2395——In the interior the natives are not of a class fit for permanent employment, *ib.* 2595.

Corrupt character of the native officials; corruption in fact is looked upon as a perquisite of authority, and is not viewed as a disgrace, *Mackenzie* 3587. 3593-3598. 3808——Statement by certain ryots in Bengal as to the bribery and corruption of the native officials, *Mullens* 7159——The native uncovenanted servants are in every department morally unfit for their position, notwithstanding their education, *Landon* 8460-8463——Evidence in further disapproval of the employment of natives in offices of trust, or as heads in any departments whatsoever, *ib.* 8567-8591. 8652, 8653. 8666-8673. 8696-8701——Disappointment felt generally with the result of the official advancement of natives, *ib.* 8589, 8590——Natives cannot be fitted for the higher offices until after the lapse of a very considerable time, *ib.* 8723.

3. *Recommended Substitution largely of Europeans for Natives:*

Improved administration if there were a greater number of European officials or superintendents, *Tremenheere* 339-341. 449-451; *Theobald* 937-941. 951-954; *Auld* 1390. 1393. 1418. 1455; *MacNair* 2576, 2577; *Wingate* 7775-7779; *Landon* 8667, 8698. 8700; *Marsham* 9776; *Saunders* 9896-9899. 10108-10112. 10201-10206.

Statement in favour of substituting Englishmen for natives in certain Government situations, and of confining the employment of the latter to the inferior appointments, *MacNair* 1979-2059. 2513-2517; *Wise* 2927, 2928——Consideration of objections to the suggestion that certain offices now filled by natives should be bestowed upon Europeans, *MacNair* 2070-2086. 2317-2327——Consideration of the views of sundry high authorities in favour of the principle of throwing open higher appointments to the natives, *ib.* 2080-2087. 2388-2396——Witness prefers the employment of Europeans to natives chiefly on the score of the greater morality, *ib.* 2586-2588——Approval of a substitution of Europeans for natives in some of the higher public situations, *Dalrymple* 3458-3461.

Expediency of confining the employment of natives to subordinate positions in the several departments, and of placing a European at the head of every department, *Landon* 8453-8458——Approval of native subordinate officials; they are efficient when overlooked, *ib.* 8453, 8454. 8697. 8701——The natives, although not fitted for judicial offices, might be employed in the management of estates and in customs appointments. *Saunders* 10090, 10091. 10111, 10112.

Reports, 1857-8—*continued.*

NATIVE OFFICIALS—continued.

4. *Recommended Increase rather than Decrease of Native Employment:*

Political grounds upon which witness objects to the appointment of natives to the higher offices, *Baillie* 4587, 4588——Objection on political grounds to the exclusion of natives from the office of sudder ameen, &c., *ib.* 4589-4594——Approval of the extended employment of natives and of opening some higher offices to them, *Waller* 4879. 5091——Witness considers that under a proper system, natives may be made very efficient public officers, *Wingate* 7776, 7777. 7780——The appointment to offices above that of the head karkoon should remain very much as at present, *ib.* 7782. 7785——Offices of high trust and emolument should be open to natives, if found qualified by examination, *ib.* 7860. 7864.

Disapproval of any greater exclusion, than at present, of natives from offices of trust, *Miles* 8840-8846——Increased employment lately of the modern-educated natives, *ib.* 8852——It is not the universal opinion of the Europeans in India that the employment of natives in offices of trust has been altogether a failure, *ib.* 9066-9069——Expediency of continuing the employment of natives as responsible officers, *ib.* 9070-9072.

Impolicy and injustice of any attempt to rule 150,000,000 of people, without opening to them some offices of distinction and responsibility in their own land, *Marsham* 9409, 9410. 9414. 9423. 9775——Failure of the former system of exclusive employment of European agency, which led Lord William Bentinck to introduce in 1831 the system of employing natives in offices of trust and responsibility, *ib.* 9409, 9410——Circumstance of the grandson of Tippoo Saib having applied for an appointment as deputy magistrate, *ib.* 9419——Great difficulty of Government, as regards native agency, on account of the utter want of morality which pervades all classes of natives, *ib.* 9420-9422.

Preference as regards public employment should be given to Hindoos as compared with Mahomedans; concurrence hereon in the views of Mr. Charles Raikes, as to the faithless and disloyal character of the latter, *Marsham* 9553-9559——Further statement as to the developement of native employment by Lord W. Bentinck; the experiment has been anything but a failure, *ib.* 9651-9656.

See also *Administration of Justice* (*Mofussil*). *Education of Natives.* *European Superintendence* (*Native Officials*). *Magistrates*, 3. *Police.* *Salaries.*

Native Pleaders and Attorneys. The native attorneys or mooktears should pass an examination in English, *Freeman* 1738. 1744——Contrast between the proper treatment of the mooktears or vakeels in the Sudder Court at Calcutta and their improper treatment in the Mofussil courts, *ib.* 1851——Respects in which the native advocates are chiefly inefficient, *Baillie* 4776-4779——Incompetent character of the native pleaders; they should undergo a short apprenticeship, *Waller* 4940-4942——Natives should be allowed to plead in the Supreme Court without first being called to the bar in England, *ib.* 4943-4945——Examination as regards the young men educated at the Elphinstone and Poonah colleges to the effect that some of them are equal to the civil servants from Haileybury, and possess proper qualifications for the office of pleader, *Warden* 6105-6108. 6262-6264. 7449-7461. 7514-7527.

Native States. In many of the native states the system of taxation is very oppressive, *Wingate*, 7701, 7002. As regards the condition of the native states any property or wealth is limited to the governing and upper classes, whose aggrandisement is the effect of the oppression and spoliation of the great mass of the people, *Landon* 8654-8665. 8730.

See also *Coorg.* *Mysore*, 3.

Natives, Treatment of. Importance of the civil servants being strongly impressed with the expediency of treating the natives with kindness and consideration, *Hawkins* 4395-4404——The general treatment of the natives by the Europeans has not presented Christianity to them in a very favourable light, whereas by kind treatment and Christian example they may be very greatly and favourably influenced, *Mullens* 7197-7202——Kind treatment experienced generally by the natives at the hands of the Europeans; the feelings of the latter have, however, undergone a complete change since the mutiny, *Marshaw* 9748-9752.

NEILGHERRY HILLS (*MADRAS*):

1. *Generally as to the Facilities for Settlement.*
2. *Beer.*
3. *Coffee.*
4. *Cotton.*
5. *Fuel.*
6. *Hops.*
7. *Tea.*
8. *Timber.*
9. *Particulars as to the Climate.*
10. *Tenure of Land.*
11. *Want of Railway and Road Communication.*
12. *Progress of Settlement.*
13. *Schools.*
14. *Advantages as a Military Station or Depôt.*
15. *Advantages as the Seat of the Madras Government.*
16. *Details in Statistical Memoir by Captain Ouchterlony.*

1. *Generally*

Reports, 1857-8—*continued.*

NEILGHERRY HILLS (MADRAS)—continued.

1. *Generally as to the Facilities for Settlement:*

The Neilgherries are between 700 and 800 square miles in extent, and some of the soil is very good, *Baikie* 746——Absence of any obstacles on the part of Government to European settlement, *ib.* 779-783——Facility for raising coffee in the Neilgherries; doubt whether other products can be raised with a commercial profit, *ib.* 836, 837. 844, 845.

Of all the hill districts in the south of India the Neilgherries are by far the most important and valuable; details hereon, *Ouchterlony* 5255 *et seq.*——Great attractions presented to the capitalist and the emigrant by the numerous agricultural resources of the Neilgherries, *ib.* 5255. 5261-5278—— Numerous articles already largely produced in the district, *ib.* 5265——These is in some parts cultivable soil fifteen feet thick, *ib.* 5277 ——There are about 200,000 acres of perfectly cultivable land, which are now waste, *ib.* 5278.

Great usefulness of the survey of the Neilgherries, *Ouchterlony* 5314——Witness produces a map of the Neilgherries, which exhibits all the features of the district, *ib.* 5400 ——Facility of cultivation by means of subsoil spade husbandry; abundance of labour available for the purpose, *ib.* 5450-5452——Witness anticipates that although many persons might retire with fortunes an equal number would remain and colonise, *ib.* 5462.

Witness never came in contact with the police in the Neilgherries, and never felt the want of police; nor was he ever in a court of justice, *Fowler* 5722-5728. 5775-5779. 5831-5834. 5894——Varying character of the soil; that which has been cultivated by the natives requires renovation by manuring, *ib.* 5840-5860.

2. *Beer:*

Particulars as to the good quality and low price of some beer brewed in the Neilgherries; statement hereon as to Government not having taken any steps to carry out a suggestion by witness for the establishment of a brewery, *Ouchterlony* 5268. 5271-5274. 5389, 5390. 5395-5395. 5543-5546.

3. *Coffee:*

Facilities for the production of large quantities of coffee with considerable profit to European cultivators; excellent coffee now produced, *Ouchterlony* 5262-5265.

Witness has a coffee plantation in the Neilgherries, *Fowler* 5583——He commenced with about 100 acres, and has now six or seven hundred acres, *ib.* 5602—— Gradual increase of coffee plantere in the Neilgherries; at first the cultivation was unsuccessful, but now it is very profitable, and in witness's case has been extremely so, *ib.* 5616-5621. 5729-5731. 5752, 5753——British capital may be very profitably invested in coffee-growing, *ib.* 5622, 5623. 5708-5717. 5734, 5735——Average produce and value per acre of coffee; both produce and quality are equal to the Ceylon coffee, *ib.* 5708-5710. 5717. 5800-5802—— Besides the forest land there is not much other land in the Neilgherries, &c., available for coffee cultivation, *ib.* 5718-5721——Witness cleared very large timber off his land and brought it into bearing for 16*l.* an acre, *ib.* 5852-5854.

4. *Cotton:*

Facilities for the cultivation, under European superintendence, of large cotton plantations, *Ouchterlony* 5261——Witness first went to the Neilgherries with a view to the cultivation of cotton, *Fowler* 5594, 5595. 5601.

5. *Fuel:*

Abundance of peat fuel now procurable in the Neilgherries, *Ouchterlony* 5258.

6. *Hops:*

Incomplete experiments by witness in hop-growing, *Ouchterlony* 5269, 5270—— Further reference to the experiment by witness in hop-growing; it was successful as far as it went, *ib.* 5391, 5392.

7. *Tea:*

Successful experiments of a tea plantation, *Ouchterlony* 5255-5258——Grounds for concluding that tea may be cultivated with commercial success, *ib.* 5436-5442.

8. *Timber:*

Rapid growth of peculiar kinds of trees, *Ouchterlony* 5265-5268.

9. *Particulars as to the Climate:*

Advantage of the Neilgherries on the score of temperature, and of the comparatively small fall of rain, *Baikie* 738-740—— Doubt whether Europeans can settle without deterioration in course of time, *ib.* 758. 771-774. 834. 835——There are three distinct climates; character of the climate as compared with England, *ib.* 763. 776-778——The Neilgherries are 7,365 feet above the level of the sea, *ib.* 775——There are diseases peculiar to the Neilgherries, *ib* 842, 843.

Reports, 1857-8—*continued.*

NEILGHERRY HILLS (*MADRAS*)—continued.

9. *Particulars as to the Climate*—continued.

The rains on the Neilgherries are not excessive *Ouchterlony* 5251. 5293——Excellence of the climate; it is superior to anything in England, and has, in fact, several distinct climates, *ib.* 5258. 5293, 5294——Witness would rather reside in the Neilgherries than in England, *ib.* 5462——Fall of rain respectively at Ootacamund and Kotergherry, *ib.* 5559.

The climate of the Neilgherries is exceedingly healthy, *Fowler* 5585-5591. 5770-5774. 5861——Witness's children thrive very well in the Neilgherries, *ib.* 5770-5774.

10. *Tenure of Land:*

Nature of the land tenure; rights respectively of Government and of the natives, *Baikie* 783. 786, 787. 790-794. 823-828——Objection to the acknowledgment by Government of the claims of the todars to an interest in the lands on the Neilgherries, *Ouchterlony* 5570-5574——Witness has no tenure of land, and does not pay any land-tax, but is threatened with one; the land was originally purchased at a very low rate from the Rajah of Nellumboor, *Fowler* 5603-5615. 5785-5796. 5862-5867——Propriety of the non-payment of land-tax; witness pays an export duty, and expends large sums in labour, *ib.* 5624-5631. 5752-5754. 5785-5796.

11. *Want of Railway and Road Communication:*

Considerable importance of branch lines of railway to the foot of the Neilgherries and other hill districts, *Baikie* 765, 766——Fertility of several districts within easy reach of the Neilgherries if branch lines of railway be constructed, *Ouchterlony* 5261——Reference to a recommendation by witness that the Madras Railway should be brought to the top of the Neilgherries, *ib.* 5296——Great want of roads from the Neilgherries to the coast; survey by Government of a road from Ootacamund, *Fowler* 5632-5654. 5766. 5803——Anticipated willingness on the part of successful capitalists in the Neilgherries to submit to a rate for making roads, *ib.* 5768, 5769.

12. *Progress of Settlement:*

Limited extent to which cultivation was carried in the Neilgherries when witness was last there, that is in 1842; *Baikie* 764. 790. 804-810——Immense increase of late years in the European and native population, *Ouchterlony* 5259-5261——Statement showing the great increase of emigrants to the Neilgherries between 1848 and 1856; *ib.* 5396-5399——Different causes to which may be attributed the limited settlement of Europeans, *ib.* 5521-5523.

13. *Schools:*

Excellent European schools in the Neilgherries, *Baikie* 761, 762——Explanation as to the failure of an attempt, by the late Sir H. Lawrence, to establish schools, *Ouchterlony* 5299-5302. 5458-5460.

14. *Advantages as a Military Station or Depôt:*

Great advantage if there were military stations in the Neilgherries, *Baikie* 747. 748——Selection of the Neilgherries by Government in 1819 as a sanitary station for officers, *ib.* 791-797——Favourable effect of the climate of these hills upon the officers and men under medical charge of witness; the latter, however, suffered from not being under proper discipline, *ib.* 811-817. 823——Eminent advantages of the Neilgherries, in a sanitary as well as a strategetical point of view, as a depôt for European troops, *Ouchterlony* 5255. 5295-5298.

15. *Advantages as the Seat of the Madras Government:*

Evidence in favour of removing the seat of government to the Neilgherries, and of establishing there the chief civil and military departments of the State, *Ouchterlony* 5295, 5296.

16. *Details in Statistical Memoir by Captain Ouchterlony:*

Statistical memoir by Captain Ouchterlony of a survey of the mountains; ample details therein as to the soil, climate, products, &c. of the district, *App.* (*Fourth Rep.*) *p.* 263-289.

See also *Gold.*

Nepaul. The valley of Nepaul is only about 4,000 feet above the level of the sea, *Hooker* 661——Obstacles to British trade with Nepaul through the exclusive character of Jung Bahadoor's government, *R. and H. Schlagintweit* 6998. 7054-7058.

Nerbudda Territory. Reference to a certain letter, dated Jubbulpore, 3d May 1858, which contains much valuable information regarding the resources of the Nerbudda Valley, *Ouchterlony* 5401——Failure of an attempt to establish a missionary settlement on the Nerbudda, *Mullens* 7125.——*See* also *Hemp. Iron.*

Nerinjepett Anicut (*Madras*). Particulars relative to the Nerinjepett anicut on the Upper Cauvery, an old work now in decay; means for restoring it, *Ouchterlony* 5372.

Non-Regulation

Reports, 1857–8—*continued.*

Non-Regulation Provinces. See *Administration of Justice* (*Mofussil*), IV., XI. 7. *Government*, 4.

North Western Provinces. Witness was in the North Western Provinces in the Allygurh district as an indigo planter and merchant from 1827 till 1852, *Saunders* 9789–9793. 9795——Very few European settlers in the North Western Provinces, *ib.* 9794. 9796——Advantage anticipated from the facility of transport to be afforded by the East Indian Railway, *ib.* 9813, 9814. 10084–10086. 10207–10211——The government at Agra have always shown a wish to encourage settlement, *ib.* 9831——Power of the natives to protect themselves from extortion and oppression, *ib.* 9862——Physical advantages of the North Western Provinces as compared with Bengal, *ib.* 9908–9910.

There is no uncultivated land where witness has been, *Saunders* 9955——Necessity of thorough experience in settlers before they can with safety make advances of capital, *ib.* 10118, 10119——Witness, though successful as a capitalist, would not advise other Europeans to embark their capital in the North West Provinces, *ib.* 10122–10125——The close and excellent superintendence carried out by the Lieutenant-governor has been productive of great advantage, *ib.* 10159–10161.

See also *Administration of Justice* (*Mofussil*). *Civil Service*, 7. *Climate. Cotton*, II. 6. *European Capital and Skill. Hill Districts. Indigo and Indigo Planters*, 2. *Irrigation*, 2. 4. 6. *Land Revenue Settlement, and Tenure and Sale of Land*, IV., VI. *Police*, VI. *Roads*, IV. *Ryots. Sugar. Tea. Wheat.*

Nuddea Rivers. Importance of proper measures being adopted for keeping one of the Nuddea rivers navigable throughout the year; steps taken on the subject, *Theobald* 989——An improvement of one of the Nuddea rivers would be very beneficial, but less so in consequence of the railways, *Freeman* 1618–1623. 1938, 1939——Very slight Government works in improving the state of the rivers; shifting course of these rivers adverted to hereon, *ib.* 1950–1958.

Very neglected state of the rivers, and great impediment, and abuse thereby, as regards the transit of commerce, *MacNair* 2008–2010. 2297,2298——Character of the Nuddea rivers as regards their size and shifting channels, *ib.* 2289–2296——An improvement is urgently required in the state of the rivers, but Government has not taken any effectual steps in the matter; the required improvement would be expensive, but might be defrayed out of the tolls, *Dalrymple* 3258–3265. 3386–3390. 3436–3442. 3484–3495. 3559–3563. 3571–3573——In witness's time all was done that could be done to deepen the Nuddea rivers, *W. H. Martin* 9141.

Number of Settlers. Very slight progress of British settlement in India, *Tremenheere* 7——Doubt as to there being any proper record of the number of British settlers, *ib.* 8–10——There are many more than 300 settlers altogether in India, *Dalrymple* 3331.

See also *Bengal. Bombay.*

Nynee Tal (*North West Provinces*). Advantage in point of health if a European regiment were stationed on the hills at Nynee Tal or Almorah; inconvenience in other respects, *Saunders* 10138–10145.

O.

Omlah. See *Administration of Justice* (*Mofussil*), VIII.

Onslow, Colonel William Campbell. (Analysis of his Evidence).—Was for twenty-eight years in different parts of the Madras Presidency; for fourteen years of that time was in the Mysore Commission, 6340–6344——Considers that Mysore is peculiarly well adapted for European colonisation, that is, for temporary colonisation, 6345–6351——Permanent settlement is not practicable in India, 6346——Mysore is about the size of Ireland, and contains about 4,000,000 people, 6347——Wages are very low, and there is a great want of capital, so that European capital would be a great benefit, 6348–6351.

Prevalence of fever in Mysore; at Seringapatam and other places the fever is at times very destructive; but Bangalore and many parts of the country are on the whole very healthy, 6352–6359——The present Commissioner of Mysore has lived in India for fifty-eight years, 6359, 6360——The railway will be of great use in developing the resources of the country, 6361, 6362—— In the cultivation of coffee and sugar more especially, but also in that of cotton, tobacco, silk, &c., European capital may find a profitable investment in Mysore, 6363–6371. 6395.

Very excellent cotton grown upon an experimental farm which witness had charge of in the Nugger district, 6363–6366. 6425–6430——A great part of Mysore is very fertile, 6367——The chief grain produced is ragi, but wheat and rice are also grown, 6368, 6369——Number of European and native cultivators of coffee in Mysore; witness has some coffee plantations there, 6371–6373. 6380——Excellent quality and high price of the

Reports, 1857-8—*continued.*

Onslow, Colonel William Campbell. (Analysis of his Evidence)—*continued.*

Mysore coffee, 6374-6376——Localities in which the coffee is principally grown, 6377-6379.

Way in which coffee land in Mysore is obtained; it may be called a fee-simple tenure, 6381——There is no land-tax in the case of coffee plantations, but there is an excise duty upon the produce; popularity of this duty, 6382-6390. 6393, 6394——Liability to the land-tax in the case of all land where other products than coffee are cultivated, 6391-6394——Bar to European settlement in Mysore or Coorg if they were restored to native government, or to the Mysore or Coorg rajahs, 6396-6399——Cool and pleasant climate in Mysore, especially at Bangalore; the country is very high, 6400-6403.

Varying character of the soil, 6404-6406——Improved character of the cotton accordingly as it is cultivated and picked with care, 6407——Enumeration of the chief products of the country, in addition to coffee and sugar, 6408-6412. 6422. 6444-6463——Excellent breed of cattle in Mysore; particulars hereon as to a large Government farm where there have been as many as 30,000 head of cattle, which are largely used in the Madras army, 6411-6421——Very fine wool produced in Mysore, the merino breed of sheep having been introduced by Sir Mark Cubbon, 6422-6425.

Successful experiment by witness in growing tea in his garden in Coorg, 6426——The natives would soon consume tea largely if it were produced in sufficient quantities, 6431——Increased consumption of coffee by the natives, and by the European troops, 6431, 6432——Increase of about 1,600 per cent. in the export of coffee since 1834; 6433-6435——Effect of reducing the duty on coffee to increase the export, 6435——Inducement to coffee cultivation through the power to hold the land in fee, 6435, 6436.

Manufacture in Mysore of cumlies, which are a sort of blanket or camlet, 6437——Excellent carpets manufactured at Bangalore, 6437-6439——Amount of rainfall in Mysore, 6440——Range of the thermometer, 6441-6443——The mineral products are iron, earth-salt, and saltpetre; gold dust is also found in small quantities, 6450——The iron is of very fine quality, difficulty hereon through the want of fuel for smelting 6451-6461.

The effects of irrigation in Mysore are absolutely prodigious, 6464——Irrigation is the great desideratum in India; it is, combined with internal communication, the *sine quâ non* of cultivation and progress, 6464. 6536-6538——Information relative to the irrigation tanks in Mysore; immense number of these works; their size, state of repair, &c., 6465-6475——The tanks in ruins were found in ruins when British government was introduced, 6467. 6469, 6470——Means of irrigation besides tanks, 6475-6477——Varying practice as regards the charge for irrigation, 6478.

Rapidly increasing population of Mysore, in consequence of the improved government and the prosperity of the country, 6479-6485. 6496——Oppressive taxes under the native governments, 6485-6489——Abolition, under the present system of government, of 600 different taxes; ultimate rise, nevertheless, in the total revenue, 6485-6492——The character of the people in Mysore is very good; they are very well disposed towards European settlers. 6493-6495. 6500-6502.

Illustration of the advantage of European example upon the natives; willingness generally of the latter to adopt improvements, 6496. 6498, 6499——Instance of the people being obliged to import articles of consumption where before European settlement the people used to export their produce. 6496, 6497——The natives of India always appreciate the settlement of just and well-conducted Europeans; but are quick to resent ill-treatment on the part of ignorant or oppressive settlers, 6501-6504.

Information relative to the extent and character of the roads in Mysore; very favourable testimony on this point, 6505, 6506. 6513-6517——Numerous and excellent bridges, 6506——Colonel Wilks as Resident, and General Cubbon as Commissioner, have been very successful in their improvement of the country, 6507, 6508——Great want of harbours on the western coast for facilitating the export of Mysore products, 6509-6512——Measures taken for improving the harbour of Cochin, 6509.

Canals, as a means of navigation and irrigation, are of the utmost importance, 6517-6520. 6536-6538——Explanation that the tenure of land, as in Mysore, does not apply to Coorg, 6520——Independent action of Sir Mark Cubbon as Commissioner; he is subject only to the Governor-general in Council, 6521-6532——Great want of European medical men in Mysore, and throughout India; difficulty in remedying this want, 6533-6535.

Works of irrigation should be carried out through means of private companies, 6537——Reference to a scheme, with which witness is connected, for getting up an irrigation company; the Court of Directors have offered every encouragement in the matter, 6537. 6539-6541——Extract from Colonel Cotton's book on public works in India relative to the great benefits conferred and the large revenue returned by works of irrigation, 6537, 6538.

[Second Examination.]—Further reference to the prosperous condition of Mysore, with a statement of the causes which have led to it, 6542-6550——A main cause of the prosperity has been the formation, as in witness's district, of roads and bridges, in conjunction

Reports, 1857-8—*continued.*

Onslow, Colonel William Campbell. (Analysis of his Evidence)—*continued.*

junction with the abolition or reduction of the excise duties, 6547-6549——Peace, prosperity, and order on the establishment of the Government in 1831 or 1832, as compared with the anarchy, poverty, and misrule under the rajah's sway, 6549, 6550——Witness was at first one of four superintendents of division; he joined the Commission in 1840; 6551.

Improved character of the police in Mysore through their better superintendence; they are, however, still very defective, especially as detectives, 6552-6566. 6720-6723——Native police always must be very defective, as they are not to be trusted, 6552. 6560, 6561. 6566——The best means of improving the police is by increasing the European superintendence, 6562, 6563. 6724, 6725.

Simple and satisfactory system of administering justice in Mysore; employment in each case of a punchayet or jury of five natives, 6567-6572. 6576——Doubt whether the present system of judicature would be satisfactory in the event of a large immigration of European settlers, 6567. 6575-6579——In all cases where natives are concerned it is very inexpedient to introduce the English language into the courts, 6573, 6574. 6596, 6597——Practice of witness as a judicial officer in Mysore to write all his decrees in English, 6574——Large trade carried on; there are many native capitalists, 6579-6582——The language of the courts was a corrupt Hindostanee, which is not the vernacular of the country and is not understood by the natives generally; means for checking deception hereon on the part of the interpreters, 6583-6600.

Impossibility of a European labourer competing successfully with a native labourer, 6601, 6602——Advantage of European colonists or capitalists in being able to introduce science in cultivation, 6601-6603——Respects in which a European is a better trader than a native, 6604——Effect of European settlement to make the natives better agriculturists, 6605-6613——Witness is confident that irrigation would greatly improve the growth of cotton, 6609-6611.

Irrigation is a matter of science in cultivation, and is the one thing wanted to renovate India, 6611-6613. 6632-6634——There is a great deal of waste land in Mysore which may be brought into cultivation by the removal of certain impediments, 6614-6616——Great want of manure; means of remedying this, 6617-6622——Necessity of Government aid in connexion with private enterprise in carrying out works of irrigation; private enterprise being most important as a means of introducing capital and energy in the execution of the works, 6623-6630. 6810, 6817. 6951, 6952. 6961.

Inexhaustible supply of water for irrigation, 6631, 6632. 6651——The famines which now occur occasionally would be entirely prevented by a proper system of irrigation and navigation, 6632-6634. 6665——Successful cultivation of sugar in Mysore on the lands irrigated by the tanks; large increase anticipated if the canal system of irrigation be introduced, 6635-6648——Number and condition of the tanks further adverted to; the tank system can hardly be extended, 6638, 6639. 6643. 6648.

Further reference to the importance of the canals being navigable as well as irrigating, 6649, 6650——By means of a certain proposed canal ten millions of acres in the Bellary district may be irrigated, a large proportion of which is now waste, and upon which cotton, sugar, wheat, &c. may be grown, 6651-6653——Instance of increased consumption of produce and of the necessity of importing produce further adverted to, 6654——Irrigation will largely increase the cultivation of wheat, 6655——Advantage of canals over tanks in their being easily made to retain the water better, 6655, 6656——Certain crops for which irrigation is indispensable in Mysore, 6657, 6658——Much larger and more valuable produce per acre by means of irrigation, 6659——Great virtue of irrigation in the alluvial deposit it leaves upon the land, 6660-6664.

Want of harbours and of means of communication by sea along the western coast further adverted to, 6665-6670——The real resources of Mysore are not generally known to merchants, 6671——Further reference to the possibility of Mysore being restored to native government as operating against European settlement, 6672-6674. 6685. 6771——Similar obstacle to settlement in the case of Coorg, 6672-6674. 6771——Except the difficulty in procuring land, there is no practical obstacle to settlement in the Bellary district, 6675-6682.

Witness as a landholder and coffee planter has perfect confidence in the present Government, under which no obstructions whatever are offered to settlers, 6677. 6682-6692. 6734-6739——Absence of obstacle to settlement in Mysore (supposing the present Government to be permanent), save on the score of the difficulty of acquiring land if held by the natives, 6677-6695. 6735-6739——Course pursued in exporting the produce of Mysore, 6696-6698——Want of better facilities for reaching the places of export, 6699, 6700, 6818-6825.

Opinion that a great deal may be done in the profitable cultivation of sugar, 6701——Illustration of the improvements which may be carried out in the cultivation and cleaning of cotton, 6701-6704——Opening to European capitalists in buying up and preparing native cotton, 6701, 6702. 6740*——Greatly increased growth of Mexican cotton in the Dharwar country, 6703——Question as to the necessary degeneracy in India of the

Reports, 1857-8—*continued.*

Onslow, Colonel William Campbell. (Analysis of his Evidence)—*continued.*

Mexican or American cotton seed, 6704-6707——Great intelligence of some of the native merchants, 6708, 6709——Increased export of sugar from Mysore, although the Indian export generally may have decreased of late, 6710-6713——The Mysore sugar is all extracted from the cane, 6714-6717.

Very few instances of British settlement in Mysore, notwithstanding that no obstacles are offered to settlement, 6718, 6719——Emphatic denial of the statement that Government and its officials show a marked hostility to and jealousy of European settlers; in Mysore at least every encouragement has been given, 6726-6728. 6860——There are certainly as many as twenty European settlers in the Madras Presidency, 6729, 6730. 6860. 6872——Person and property are perfectly secure in Mysore; witness never heard any complaint of insecurity in Madras, 6731-6733.

Absence of obstacle to native cultivation in Mysore, 6735-6739——Necessity of irrigating cotton on a different system from sugar, rice, &c., 6740——Further statement as to the importance of an outlay in improving the harbours on the western or Malabar coast, 6741-6751. 6887-6891——Witness found the cost of production of coffee in Mysore to be about 10*s.* per cwt., 6752-6755——The cost of transit to Bombay was about 4*s.* 6*d.* per cwt., 6756-6758——By paying wages of 3*d.* a day, labour may be had in abundance, 6760-6763.

Great benefit to native capitalists if they had opportunities of investing in works of irrigation, 6764, 6765. 6810——Frequency of natives charging as much as thirty-six and fifty per cent. interest for loans to cultivators, 6766. 6768——Advance by a European settler of large sums at twelve per cent. on the mortgage of coffee plantations, 6766-6769——Opinion that Mysore and Coorg are the two most attractive districts in India as regards settlement, 6770, 6771. 6806——Large increase of European population in Mysore, especially at Bangalore, where pensioners from European regiments have largely settled, 6772-6774——Further particulars relative to the climate of Mysore; it is very delightful and salubrious in some parts, but on the whole is not suitable for the permanent settlement of Europeans, 6772-6785.

Witness further approves of the system of administration of justice in Mysore; the non-regulation system is adopted, 6786. 6839-6850. 6966-6970——There are no revenue cases tried in Mysore, 6787-6790——Means by which European superintendence may be spread over the police, 6791-6794——Strong testimony to the efficiency of the civil service of Madras, and of all India, 6795——Advantage if the districts in charge of the civil servants were largely reduced, 6797-6799——Decided approval of an abolition of the exclusiveness of the covenanted service, 6801.

Grounds upon which a Government guarantee of five per cent. is sought for in connexion with the proposed irrigation works in Madras, 6810-6817. 6951, 6952——Importance of an improvement of the harbour of Coompta, 6826-6832——Great benefit of a subsidy from Government in aid of steam communication along the coast and in connexion with the interior, 6834-6838——Advantage of an extension of banking facilities in India; how it might be effected, 6851-6858.

Stop to emigration from Madras if there were works of irrigation, 6861, 6862——Further statement that there is a large quantity of fertile land in Mysore, which may be colonised, in a qualified sense, by Europeans, 6863-6867——The population is less than 150 to the square mile, 6867-6869——The grain used as food is as sustaining as rice, 6870, 6871——Several different languages which obtain throughout Madras; Hindostanee is not generally spoken, 6873-6876.

The experiment of witness in growing cotton did not pay its expenses, but it was on a very small scale, and was not intended to do so, 6877, 6878——Further reference to the encouragement given by Government to settlement in Mysore, 6879-6884——Seeds generally deteriorate in India, 6886——The European superintendents of police should have some kind of magisterial authority, 6892-6896——As regards the introduction of the English language into the courts, witness considers the proposition impracticable and absurd, 6897-6899.

Reduced revenue if Government were to give up uncultivated lands to settlers without any assessment, 6900, 6901——Witness's estate in Mysore is from 800 to 1,000 acres, 6902——Ships do not often touch at Cochin or Mangalore, 6903, 6904——Obstacle to the growth of cotton on account of the uncertainty of the market price, 6905——Prosperous condition of the ryots throughout Mysore; less destitution than in European countries, 6906-6909.

Great increase of revenue in Mysore notwithstanding the abolition of numerous taxes, adverted to as a proof of good administration, 6910, 6911——The revenue system is the ryotwarree system; its satisfactory operation, 6912. 6921——Further particulars as to the numerous taxes abolished and the great boon conferred thereby, 6913-6918. 6923——Advantage of the abolition of transit duties in India generally, 6915-6918——System of Government hospitals and dispensaries in salutary operation in Mysore, 6919, 6920.

Suggestion

Reports, 1857-8—*continued.*

Onslow, Colonel William Campbell. (Analysis of his Evidence)—*continued.*

Suggestion that retired officers of the several Indian services be offered some inducements to settle, 6923, 6924——Further statement of the terms on which witness holds his land; they are the same terms as any native gets, 6925-6928——Some arrangement might be made with the Mysore rajah with a view to securing the rights of settlers, but witness would never feel safe under a native Government, 6928-6935.

Causes of the great progress in Mysore as compared with other parts of India; the fact of the Company's exchequer not being liable for improvements did not unduly influence the Commissioner, 6936-6940——Witness's former position under Government did not give him any advantages as a settler, 6941-6943——Great importance of facilities of communication further adverted to, 6944-6950.

Grounds for estimating an immense profit on the proposed works of irrigation; net profit of sixty-nine-and-a-half per cent. on all the outlay of the East India Company on their works, 6953-6957. 6962-6964——Obstacles to Government undertaking all the necessary works of irrigation, 6958-6961——Illustration of the success of the non-regulation system, as in Mysore, 6966-6970——Power of the Commissioner to inflict capital punishment; it was rarely exercised, 6971-6975.

Opium. Considerable attention bestowed by the natives upon the cultivation of opium, *Tremenheere* 55——The improvement in the cultivation of opium has been owing solely or mainly to native labour, *ib.* 493, 494. 512.

Ouchterlony, Captain John. (Analysis of his Evidence.)—Has been in India since 1834; was in the Madras Engineers, and held also several civil appointments; has been all over the East, 5240-5246——Mention of various hill districts in the south of India, which are well known to witness, 5247——Many of these hills have not been properly explored or surveyed, 5248, 5249——An elevation of about 4,000 feet, if near the sea, gives a fair climate for Europeans, but in the interior an elevation of about 6,000 feet is required, 5250——The rains on the Neilgherry hills are not excessive, 5251. 5293.

The several hill districts referred to are all adapted, in a greater or less degree, for European colonisation, 5252——If Europeans could, by means of railways, occasionally resort to hill stations in the south of India, they might without any physical deterioration superintend, and even initiate agricultural operations in the plains, 5252. 5254——Numerous instances of European colonisation in different parts of the East without loss of health, 5252-5254——Families or generations of Europeans could not, generally, exist on the plains of India, 5254——Illustration in exception to the rule that Europeans degenerate in the second and third generation in India, *ib.*

Of all the hill districts in the south of India, the Neilgherries are by far the most important and valuable; details hereon, 5255 *et seq.*——Great attractions presented to the capitalist and the emigrant by the numerous agricultural resources of the Neilgherries, 5255. 5261-5278——Eminent advantages of the Neilgherries, in a sanitary as well as in a strategetical point of view, as a depôt for European troops, 5255. 5295-5298.

Successful experiment of a tea plantation in the Neilgherries, 5255-5258——Abundance of peat fuel now procurable in the Neilgherries, 5258——Excellence of the climate in the Neilgherries; it is superior to anything in England, and there are in fact several distinct climates, 5258. 5293, 5294——Immense increase of late years in the European and native population in the Neilgherries, 5259-5261——Fertility of several districts within easy reach of the Neilgherries if branch lines of railway be constructed, 5261.

Facilities for the cultivation, under European superintendence, of large cotton plantations in the districts around the Neilgherries, 5261——Impracticability of deep subsoil ploughing in India; alternative course advisable, *ib.*——Course desirable in order to supply the present want of manures, *ib.*——Facilities for the production on the Neilgherries of large quanties of coffee with considerable profit to European cultivators; excellent coffee now produced there, 5262-5265——Numerous articles already largely produced in this district, 5265——Rapid growth in the district of peculiar kinds of trees, 5265-5268——Excellent quality and low price of some beer made in the Neilgherries, 5268. 5271-5274——Incomplete experiment by witness in hop-growing, 5269, 5270.

The Pulney hills in Madura are south of the Neilgherries, and are not so lofty, but their climate is delightful, and they are much resorted to by Europeans, 5275. 5278——There is a considerable extent of cultivable land in the Pulneys, and when a railway is in communication with them, they will offer considerable facilities for the settlement or location of Europeans, 5278——Particulars as to the climate and resources of the Shevaroy hills in Salem, 5278——Also of the Coilamulley hills in Salem, *ib.*——Character of the country comprised in the Barahmahl and northern part of Coimbatore; imperfect survey of this tract, *ib.*

Belief as to the considerable resources of the Travancore hill districts, both as regards climate and agricultural capabilities; they are however but imperfectly known, 5278-5283——Importance of a proper development of the teak forests in Travancore, &c.,

Reports, 1857-8—*continued.*

Ouchterlony, Captain John. (Analysis of his Evidence)—*continued.*

5278–5283——Neglected state formerly of the public forests in Madras; of late years a Government supervision has been strictly carried out, 5278–5280——Great increase in the trade of the port of Cochin; it should, instead of Beypoor, have been the terminus of the Madras Railway, 5278.

Numerous agricultural resources, and excellent climate of the Mysore country, 5283–5285——A proper title to land and immunity from arbitrary taxation should be secured to the colonist in Mysore, 5283——On the south-eastern coast there are no sheltered ports, 5286——Character of Coringa as a port, 5287, 5288——Means for forming a harbour inside the Armogum Shoal; large amount estimated many years ago for the cost of this work, 5289–5292.

Evidence in favour of removing the seat of Government to the Neilgherries, and of establishing there the chief civil and military departments of the State, 5295, 5296——Reference to a recommendation by witness, that the Madras Railway should be brought to the top of the Neilgherries, 5296——Great saving of life and of expense if all recruits for the Madras artillery or engineers were at once sent direct to the Neilgherries, 5290——Illustration of the importance of locating and training the soldiers in the Neilgherries instead of near Madras, 5296, 5297.

Except at the Neilgherries there should be no European troops in Madras, save at a few stations, 5297——Importance of establishing a school in the Neilgherries for the education of the children of European soldiers in the Presidency; Government should take part in the matter, 5298–5302——Explanation as to the failure of an attempt by Sir Henry Lawrence to establish a school in the Neilgherries, 5299–5302.

Great value of European colonisation on the score of the investment of capital in the soil, 5303——Considerable improvement anticipated in the physical condition of the natives if by means of more liberal wages they were enabled to procure better food, *ib.*——Instance of successful colonisation brought about by Europeans in the cultivation of coffee on a tract of forest land in the Malabar district, 5303–5307——Considerable sanitary advantage to be derived from clearing the dense jungles in the Malabar district, and cultivating coffee, &c. on the soil, 5307.

Obstacle to European colonisation in Southern India, on account of its being a thinly-peopled country; colonisation would, however, check the present emigration from Malabar, &c., 5307–5310——Great advantage of colonisation in leading to a proper use of manures in cultivation, 5310, 5311——Advantages to be derived from the establishment of factories for spinning yarn from the raw cotton; successful operation of some of these factories, or "filatures," in Pondicherry, 5311–5314.

Statement as to the great importance of a proper survey being undertaken generally by Government, as a first step towards colonisation, 5314–5320——Great usefulness of the survey of the Neilgherries, 5314——Practice in regard to the employment of witness, and engineer officers generally, on surveys; inadequate number of officers for the purpose, 5314. 5316, 5317. 5320——Approval of the establishment in India of a school of civil engineers, although it might interfere with the prospects of the military engineers, 5321. 5325——Circumstance of a number of civil engineers having lately been sent out by Government 5322–5324.

Grounds for concluding that copper, and minerals generally, except diamonds and iron, cannot be profitably produced in Southern India, 5326——Abundant existence of excellent iron in the Madras Presidency, 5326. 5333–5335——Simple process by which the most ductile wrought iron is produced by the natives from the raw iron, 5326–5328——Particulars as to an iron company which has been in operation in Madras for nearly twenty-five years, and has very exclusive privileges from Government, but has hitherto been most unsuccessful; witness attributes their failure to bad management, 5329–5333——Means by which iron may be profitably produced, 5333——Facilities in Madras for smelting the iron, 5336–5341.

Evidence as to the probable existence of diamonds in a particular district, which witness believes to be the real Golconda, 5342–5354——Gold has been obtained in the Neilgherries and Malabar, and is reported to exist in other districts, but it has been concluded that it does not exist to any extent which would repay the cost of mining, 5355–5364.

Information relative to the principal trunk roads in the south of India; excellent manner in which many of these have been constructed and maintained, 5365——The cross or district roads are generally bad, 5365. 5367——Of late years, public money has been liberally voted for road purposes, 5365——Better management of the roads when under a distinct road department than since their transfer, in 1855, to the management of the several district engineers, 5365, 5366——Dislike of the natives to spend money on roads; they are all kept up by Government, 5368, 5369.

[Second Examination.]—Information relative to the canals for purposes of irrigation in Southern India; more has been done by Government in this respect than seems generally understood or admitted in this country, 5370–5374——Immense importance of a large extension of works of irrigation as a means of increasing cultivation to an almost unlimited extent, 5370–5372.

Particulars

Reports, 1857-8—*continued.*

Ouchterlony, Captain John. (Analysis of their Evidence)—*continued.*

Particulars relative to the Nerinjepett anicut, an old work now in decay; means for restoring this work without any great expense, 5372——There are many old channels and works on the Upper Cauvery, which should be restored, *ib.*——Government outlay is urgently required on works of irrigation, and would be a most prudent and economical expenditure, *ib.*——Approval of private companies undertaking works of irrigation, 5373.

Information relative to the canals of communication, or navigable canals in the south of India; importance of a large sum of money being appropriated to this purpose, 5374——Further evidence relative to the advantages of Cochin over Beypoor as the terminus of the Madras Railway, 5374-5378——Reference to the Coromandel Coast Canal, and the objections formerly urged by witness against the large outlay upon it, 5374——Statement as to Pondicherry being a favourite place of resort for traders, and as to there being a greater degree of commercial freedom there than in Madras, 5374. 5404-5406.

Failure of some works of improvement carried out at Cuddalore contrary to witness's views, 5378——Facilities of Cuddalore Harbour for the export trade, *ib.*——Requirement of a pier or jetty at Madras Harbour, *ib.*——Considerable works have been carried on for the improvement of Coringa port, *ib.*——Very defective system of administration of the rivers of Southern India; each important river, such as the Cauvery, should be placed entirely under one engineer officer, 5379-5380——There is not one-third the number of engineers in Madras that are required, 5381.

Advantage in there not being any tolls levied on the roads or canals of Southern India, 5382——A class of European contractors in India would be found most useful as regards public works, 5383——Absence of encouragement to contractors to go from this country to Madras, 5384-5387——Suggestion as to the best means for providing an increase of engineers for civil duties, 5388.

Further particulars as to the good quality and low price of some beer brewed on the Neilgherries; statement hereon as to Government not having taken any steps to carry out a suggestion by witness for the establishment of a brewery, 5389, 5390. 5393-5395——Further reference to the experiment by witness in hop-growing on the Neilgherries; it was successful so far as it went, 5391, 5392——Statement showing the great increase of emigrants to the Neilgherries between 1848 and 1856; 5396-5399——Witness produces a map of the Neilgherries, which exhibits all the features of the district, 5400.

Very good steam coal procurable in the Nerbudda valley, 5401, 5402——Reference to a certain letter, dated Jubbulpore, 3d May 1858, which contains much valuable information regarding the resources of the Nerbudda valley, 5401——Difficulty as regards the transit of the Nerbudda coals, 5402, 5403.

Excellent character of the municipal police at Madras, 5407——Excessively bad state of the Madras rural or mofussil police; steps, however, are being taken to reorganise this body, *ib.*——Necessity of European superintendence in order to make the rural police really useful and trustworthy, 5407, 5408——Suggestions with a view to constituting every cutcherry compound as a sort of fortress, 5408——The European element in the police should be taken from European regiments in India, 5409——The soldiers in the police should, on retiring, be entitled to liberal pensions, and to free grants of land in the hills, *ib.*

Impression that the judicial officers in the south of India are not sufficiently judicially educated, 5410-5412*——Opinion that the revenue and judicial branches should be kept quite distinct, 5412, 5412*——Discouragement to European settlement by the system of tenure on "puttah," or of tenancy at will, in the Neilgherries and other districts, 5413, 5414——Settlers should be enabled to hold land in fee-simple, 5413. 5422——Advantage to private companies undertaking canals of irrigation, for which small tolls might be charged; advantage also to the cultivators, 5415-5421.

Benefits resulting wherever European zemindaries are established in Madras; difficulty in extending the system, 5423-5427——The suitableness of the climate for purposes of colonisation refers only to settlers of abstemious, or rather of temperate habits, 5428-5431——Further statement as to the importance of railway communication between the plains and the hill districts as facilitating European settlement, 5432-5435——Facilities would soon arise in the hills for the care of settlers' children during the absence of the parents, 5435.

Grounds for concluding that tea may be cultivated on the Neilgherries with commercial success, 5436-5442——Good faith with which those holding land under the Government are treated, 5442, 5443. 5467, 5468. 5481——Discouragement to the cultivation of cotton, &c., in the south of India, on account of the defective tenure of land, and the liability to undue taxation, 5444-5449. 5468, 5469——Facility of cultivation in the Neilgherries by means of subsoil spade husbandry; abundance of labour available for the purpose, 5450-5452.

Doubt as to the expediency of encouraging an undue amount of marriage among the soldiers, unless located permanently on the Neilgherries, 5453. 5518——Wretched condition and demoralising habits of the soldier in many parts of the low country, 5453, 5454——The removal of the soldier's children to the hills would be a most humane measure,

Reports, 1857-8—*continued.*

Ouchterlony, Captain John. (Analysis of his Evidence)—*continued.*

measure, and would not be likely to produce any injurious effect upon the parent's character, 5454, 5455. 5518. 5537——Impracticability of employing European children in "filatures" on the Neilgherries, 5456, 5457——Further reference to the obstacles unduly raised by a religious section of the community to the establishment of a school in the Neilgherries for soldiers' children, 5458–5460.

Different sense in which colonisation must take place in India as compared with Canada or Australia, 5461–5464——Witness has heard from mercantile men that capital has been deterred from India by the defective system of administration, 5465——Large amount of native capital in India, which is absorbed in some way, and disappears from the circulation, 5466——Probability of many of the ruined tanks or reservoirs in Southern India having never been completed as means of irrigation, 5470–5476——Advantage in a pier having recently been sanctioned at Madras, 5477.

Evil of the practice of issuing new papers or "puttahs" to the ryots in Madras every year, 5478–5481——There are not many native agriculturists in Coimbatore who are possessed of large capital, 5482–5484——Objection to a system of purchasing cotton from the natives, 5485, 5486——Impression that there will be no material deterioration so long as settlers' children in Madras are removed, when young, to a hill station, 5487–5489——There is no reason why men of enterprise and capital should not, by developing the resources of India, amass fortunes there as well as in Australia or other colonies, 5490, 5491. 5514.

Obstacles to the success of investments in pasturage land on the Neilgherries, 5492, 5493——Right of the Indian Government over the tenure of land in Mysore, 5495–5497. 5520——The Shevaroy hills are by no means extensive; they are resorted to chiefly as a sanatarium, 5498——Impression that Bengal comprises many more hill tracts than Bombay, 5499——Great importance, as an encouragement to settlement in Madras, of means to confer the land in fee-simple; suggestion hereon, and examination upon the question of interference thereby with the rights of the present cultivators, 5500, 5501. 5563–5576.

Failure of certain ironworks in the Madras Presidency further adverted to, 5502–5504——Poverty generally of the population of Madras; probable causes, 5505–5507——Anticipation that in course of time the Madras Railway will carry all the traffic now conveyed on the adjacent roads, 5509, 5510——Belief as to the excellence personally of the civil servants in Madras, 5511——The defects in the administration of justice are attributable to the system, 5511——The revenue servants in Madras are a very hard-worked and most efficient set of men, 5511.

Witness considers it impossible that Europeans can work as labourers on farms in the low country, 5512, 5513——Although the southern parts of India are thinly populated, labour is absurdly cheap, 5515, 5516——Improvement anticipated in the natives from increased means of education, the means now afforded them working very advantageously, 5519——Different causes to which may be attributed the limited settlement of Europeans in the Neilgherries, 5521–5523.

Respects in which the settlement of Europeans is discouraged by the Government functionaries; a sort of cold shade is thrown over them, 5522. 5577——The local authorities should be enjoined to extend something of their countenance to settlers of good character, 5522, 5523——Attention should be paid to the complaints of the settlers against being placed under the system of law as administered by the Company's courts, 5523——Greater encouragement should be given to the uncovenanted service, 5524——Illustration, in the case of a relative of witness, of the undue preference given to the covenanted over the uncovenanted servants; improper action of the home authorities in the case in question, 5525–5534.

Favourable results anticipated from a system of military colonisation in the hills, comprising free grants of land, 5535, 5536——Way in which soldiers' children reared and trained on the hills would be exceedingly useful auxiliaries in spreading European commerce and enterprise throughout the country, 5538–5542——Further reference to the advantages which would be derived from a system of breweries in the hills, 5543–5546——Importance of occupation for the soldiers or settlers in the hills, 5547.

System of police battalions suggested in each collectorate in the event of the European troops being removed to the hills, 5548——Suggestions for the attachment of a certain number of natives to the European regiments in lieu of a native army, 5548——The railway system will in time develop to an immense extent the resources of the country, 5549——Tendency of increased European settlement to produce identity of interests between Europeans and natives, and to strengthen our hold over the country, 5550.

Decided approval of the proposition for introducing the English language into the courts of justice, 5551——Inability, at present, of the judges to comprehend the native witnesses, 5551——Facility for acquiring efficient interpreters if the English language be used, 5552——The judges should still be required to have a knowledge of the native languages, which would be a sufficient check upon the native interpreters, 5557, 5558——Fall of rain respectively at Ootacamund and Kotergherry, 5559——Practicability, by the removal

Reports, 1857-8—*continued.*

Ouchterlony, Captain John. (Analysis of his Evidence)—*continued.*

removal of certain obstacles, of colonisation of the plains as well as of the hills, 5560-5562.

Requirement of a better tenure of land, that is, of a tenure in fee, as an encouragement to settlement, 5563, 5564. 5576——Means by which the land might be conveyed in fee-simple to capitalists; the ryots must be consulted in the matter, 5565-5569——Objection to the acknowledgment by Government of the claims of the todars to an interest in the land on the Neilgherries, 5570-5574——Among other reasons for non-emigration to India one is that the country is not properly known, 5575.

Ouchterlony, Captain. Statistical memoir by Captain Ouchterlony of a survey of the Neilgherry mountains, *App.* (*Fourth Rep.*) *p.* 263-289.

Oude. Probability of the disaffection in Oude being very much owing to the system of revenue settlement contemplated for that province, *Saunders* 10212-10216.

Ouseley, Colonel. Reference to the case of the removal of Colonel Ouseley, who was acting as agent of the Ranees of Nagpore, *Theobald* 872.

Overland Route. Steam communication and the overland route have led to great progress in the commercial habits of the natives, *Freeman* 1530-1532——Establishment, in the first instance by British settlers, of direct steam communication between Calcutta and Suez, *ib.* 1541.

P.

Parsees. Reasons other than the thirty years' assessment which prevent the Parsees in Bombay from buying land in the interior, *Wingate* 7894-7991——Statement relative to an offer by some Parsee merchants to lease a tract of pestiferous jungle if the assessment were unaltered for a term of 100 years, *ib.* 8025-8029.

Pasture Lands. Greater attraction to settlers as regards pasture lands in Australia and Canada than in India, *Waller* 5205-5207, 5208——Obstacles to the success of investment in pasturage land in the Neilgherries, *Ouchterlony* 5492, 5493.

Patna. Failure of an attempt to form a missionary settlement at Patna, *Mullens* 7125.

Patronage. Power and practice of the Court of Directors in regard to patronage in India; restrictions upon abuse of patronage, *Waller*, 5170-5172. 5175-5182.

See also *Civil Service*

Penal Code. Non-objection to a penal code; objections, however, to particular parts of the code proposed by Mr. Macaulay, *Theobald* 969-972——Expediency in any code of a due assimilation to the principle of English law; deviation by Mr. Macaulay from this principle, as, for instance, in the right of private defence, *ib.* 969-975——The objection to the penal code is that it substitutes for English law some law not so good, *ib.* 1119——Alteration by the new code of the Law Commission as regards the system of appeal in criminal cases; practice hitherto in such cases, *Hawkins* 4098-4106——Regulation in the new code as regards the constitution of the jury by which Europeans are to be tried in criminal cases, *ib.* 4113, 4114.

See also *Criminal Jurisdiction* (*Mofussil Courts*).

Peninsular and Oriental Steam Navigation Company. The monopoly of transit, as possessed by the company, should be broken down, *Theobald* 864, 865.

Pensioners. Reference to the discharged soldiers or pensioners, as a very low and intemperate class, the result very much of their idle life, *Mullens* 7130, 7131. 7203-7205. 7294. 7329-7334——Suggested removal of the pensioners to the hills, *ib.* 7131.

Permanent Settlement of Europeans. Evil of very few persons settling in India with a view to permanent residence there, *Tremenheere* 392——As a rule, settlers do not go to India to remain there, *Mackenzie* 3923——People go to India generally in the hope of making a fortune, and of returning, *Hawkins* 4400, 4401——Grounds for considering the colonisation of India by Europeans to be, in the ordinary sense of the term, impracticable, *Waller* 5078-5080; *Ouchterlony* 5461-5464; *Onslow* 6346; *Wingate* 7866-7868; *Landon* 8374. 8465; *Bidwell* 9270.

See also *Climate.* *European Capital and Skill.*

Permanent Settlement (*Land Revenue.*) See *Land Revenue Settlement, and Tenure and Sale of Land*, I. V.

Planters. See *Indigo, and Indigo Planters.*

Ploughing. Impracticability of deep subsoil ploughing in India; alternative course advisable, *Ouchterlony* 5261.

Reports, 1857-8—*continued.*

POLICE:

I. *Bengal:*
1. Corruptness and Inefficiency of the Native Police.
2. Low Class from which the Police are selected.
3. Effect of Increasing the Pay of the Darogahs.
4. Question as to the Employment of Native Christians.
5. Absence of proper steps for an Improved Police.
6. Other Evidence, generally.

II. *Bombay.*
III. *Guzerat.*
IV. *Madras.*
V. *Mysore.*
VI. *North Western Provinces.*
VII. *Advantages to be derived, generally, from European Superintendence and Military Organisation.*

I. *Bengal:*

1. Corruptness and Inefficiency of the Native Police:

Evidence in support of the charge that the native police in Bengal are corrupt, unprincipled, and useless; opinion of Mr. Halliday on the subject, *Theobald* 933-936——The system of police is a curse upon the country, which is discreditable to English humanity, and statesmanship and government, *ib.* 938——Personal knowledge upon which, in addition to the expressed views of Mr. Halliday, witness bases his evidence in regard to the magistracy and police, *ib.* 1089. 1089-1191——Check to settlement in Bengal, through the bad state of the police, who are exceedingly corrupt, *Auld* 1329, 1330. 1343, 1344. 1373-1377. 1395. 1429, 1430.

In illustration of the corrupt state of the police witness gives the particulars of a false accusation of murder, as brought against a European in Rajshaie in 1826; great indignities and violence manifested towards this gentleman by the darogah and other native officials previously to his exoneration, *Freeman* 1464-1473——Concurrence in the evidence as to the disgraceful state of the police in Bengal, *MacNair* 2002; *Wise* 2643-2648. 2860-2868. 3043-3046. 3097-3099; *Baillie* 4509-4511. 4734; *Bidwell* 9270; *Marsham* 9435-9440——The police are extortioners, and constant instigators of quarrels, and are corrupt in every sense of the word; witness has known many instances of this, *Dalrymple* 3192-3197. 3466-3468. 3527-3534——Instance of corrupt and extortionate conduct on the part of a darogah, in which witness was the victim; this occurred about twenty years ago, and ended in the exculpation of the darogah by the magistrate, *ib.* 3196-3204. 3466-3468——The native deputy magistrates are very unfit for the police, *ib.* 3211-3214.

Utterly inefficient and grievously oppressive character of the police; there would be less crime without them altogether, *Mackenzie* 3587. 3604-3606. 3774. 3857——Until the police is improved there can be no security for property, *ib.* 4029. 4032——The bad state of the police is less an obstruction to the settlement of Europeans than of the natives, *Baillie* 4509——Peculiar inefficiency of the police as a detective force, *ib.* 4510, 4511——The inefficiency of the police in Bengal, and throughout India, cannot be exaggerated, *Waller* 4874——The Government police are actually tyrants, and a curse instead of a blessing, *ib.* 4887.

In Kishnagur, and other districts, the police were not in witness's time so bad as they are now represented to be, *W. H. Martin* 9144-9147. 9190-9202——The police were singularly successful in some cases in the detection of crime, *ib.* 9147——Difficulty, through the native character, of organising an efficient police, *ib.* 9153, 9154——Mr. Halliday's description of the police may correctly apply to the present time, but they were not so bad during witness's experience, *ib.* 9190-9202——Although the police are very inefficient, they are not universally corrupt; witness has seen some very good darogahs, *Bidwell* 9296, 9297. 9312.

2. Low Class from which the Police are selected:

Low and criminal class from which the police are largely taken; they are said to be the sweepings of the gaols, *Theobald* 934-936——The police might better be called the sweepings of the population than of the gaols, *ib.* 1214——Bad material from which the police are selected, *Freeman* 1645 1648.

3. Effect of Increasing the Pay of the Darogahs:

The increased salary of the darogahs has operated mischievously; they now require larger bribes, *Freeman* 1757, 1758. 1959-1962; *Wise* 2647, 2648——The increase in the pay of the darogahs has not improved them, *MacNair* 2126, 2127. 2325.

Opinion that the increased pay of the darogahs is likely to improve them, *Hawkins* 4307——Dissent from the statement that the darogahs are worse since the increase of their salaries, *Mills* 8847; *W. H. Martin* 9153——Approval of increasing the pay of the darogahs, although in some instances better pay may have led to heavier bribery,

Bidwell

Reports, 1857-8—*continued.*

POLICE—continued.

I. *Bengal*—continued.

3. Effect of Increasing the Pay of the Darogahs—*continued.*

Bidwell 9298, 9299——As regards the increased pay of the darogahs, the measure was forced upon the Government, but it is a difficulty to say whether it has resulted in improvement or otherwise, *Marsham* 9547.

4. Question as to the Employment of Native Christians:

Impossibility of finding native Christians in sufficient numbers for a police force, *Mackenzie* 3777-3782——Importance of the appointment of native Christians to offices in the police, &c., from which they are now excluded, *Waller* 4898. 4960. 4966. 4999. 5054. 5055. 5214. 5215. 5217-5220.

5. Absence of proper Steps for an Improved Police:

As regards a certain despatch for the reform of the police and magistracy, witness shows that fundamental changes as regards the police are not insisted upon for the present, *Theobald* 1090-1093. 1158-1162——The Government are doubtless aware of the character of the police, &c., and some slight reforms have lately been made, *Auld* 1383-1389——The police in the Mofussil in Bengal have not yet been re-organised, *MacNair* 2523, 2524——The inefficiency of the police has for years been a general source of complaint, yet little, if anything, has been done in the way of reform, *Mullens* 7170, 7171. 7307-7311——Nature of the steps taken to improve the police in Lower Bengal, *Marsham* 9595-9603.

6. Other Evidence generally:

Improper way in which darogahs are often appointed, *Freeman* 1642, 1643. 1850——Suggestion with a view to the darogahs speaking English; advantages thereof, *ib.* 1644. 1652. 1736——Advantage if the police in any locality were brought from a distance, *ib.* 1650——Darogahs should not be allowed to examine witnesses, *ib.* 1651——Pay per month of the darogahs, peons, and Jemmadars, *ib.* 1653——Objections to Sikhs as policemen in Bengal, *MacNair* 2591, 2592——A proper police would be exceedingly acceptable to the natives, *ib.* 2593, 2594.

With a more efficient police, the duties of the civil service might be very materially abridged, *Hawkins* 4280-4282——Propriety of incurring the outlay necessary for an effectual improvement of the police in Bengal, *ib.* 4330-4335——Impression that the people would readily pay for a more expensive police, if efficient, *Waller* 4900-4902——The cess now paid by the zemindars towards the police should be administered in a different way, *Mullens* 7310, 7311——Appointment by the magistrates of the most efficient persons they can get as darogahs, &c., *Mills* 8848-8851——The character and conduct of the police depends much upon the district magistrate, *W. H. Martin*, 9147. 9200-9202.

II. *Bombay:*

Success of the extended European agency in the Bombay police, *Hawkins* 4294, 4295——Expediency of military sergeants being introduced into the police, although some European sergeants in the Bombay police turned out badly, *Warden* 7504-7507——European superintendents have been introduced into the Bombay police, but with what effect witness is unable to say, *Wingate* 7941, 7942.

III. *Guzerat:*

Good character of the police in Guzerat; great importance of the European superintendence over them, *Landon* 8468-8481. 8568-8575.

IV. *Madras:*

Excellent character of the municipal police at Madras, *Ouchterlony* 5407——Extremely bad state of the Madras rural or Mofussil police; steps, however, are being taken to reorganize this body, *ib.*

V. *Mysore:*

Improved character of the police in Mysore, through their better superintendence; they are, however, still very defective, especially as detectives, *Onslow* 6552-6566. 6720-6723——Native police always must be very defective, as they are not to be trusted, *ib.* 6552. 6560, 6561. 6566.

VI. *North Western Provinces:*

Very good character of the police in the North Western Provinces; different causes of their superiority to the Bengal police, *Saunders* 9899-9912——Advantage in having European officers in charge of the police, *ib.* 9910-9912.

Reports, 1857-8—*continued.*

Police—continued.

VII. *Advantages to be derived generally from European Superintendence and Military Organization:*

Evidence as to the expediency of introducing European superintendents into the native police, *Theobald* 938-941. 993, 994; *Freeman* 1564. 1727, 1728. 1963; *MacNair* 2317-2327; *Dalrymple* 3193. 3208-3215; *Waller* 4898; *Ouchterlony* 5407, 5408; *Onslow* 6562,6563. 6724, 6725; *W. H. Martin* 9155-9157——The native deputy magistrates should not act at all as superintendents of the police, *Theobald* 995——Further evidence in support of European superintendents of police; army sergeants might be so employed; result of such superintendence in Calcutta and Bombay, *ib.* 1158-1168. 1215-1218——The police in Bengal should have something of a military organization as in the Punjaub; respectable Europeans should fill the place of darogah and other subordinate places, *ib.* 1286, 1287.

Suggestions for improving the police, as regards the number, character, and expense of European superintendents, *Freeman* 1637-1640——The police should be improved by an extension of European superintendence, and the introduction of the English language, *MacNair* 2016——An efficient European magistracy would greatly improve the state of the police, *ib.* 2458——The darogah's place should be taken by a European, *Wise* 2647——Able magistrates are the best remedy for the police, *ib.* 2861, 2862——Prospect of advancement desirable in connexion with the introduction of the European element into the police, *ib.* 2863, 2864.

The system of police in Scinde and the Punjaub should be introduced into Bengal together with superintendence, through European sergeants of regiments, *Mackenzie* 3614. 3838——The infusion of European superintendence is the best means for improving the bad state of the Bengal police, but the expense may be an obstacle, *Hawkins* 4233-4237——Statement in favour of the introduction of military sergeants into the police, *Baillie* 4511. 4605-4610——Improvement if European detectives were also employed in the police, *ib.* 4511.

The European element in the police should be taken from European regiments in India, *Ouchterlony* 5409——The soldiers in the police should, on retiring, be entitled to liberal pensions, and to free grants of land in the hills, *ib.*——System of police battalions suggested in each collectorate in the event of the European troops being removed to the hills, *ib.* 5548——Advantage in placing European sergeants in the police rather than in raising the pay of the native police officers, *Warden* 6267. 6270, 6271——Means by which European superintendence may be spread over the police, *Onslow* 6791-6794——The European superintendents of police should have some kind of magisterialauthority, *ib.* 6892-6896.

The police should be under military organization, *Mullens* 7306——Europeans of good character might with advantage be introduced into the preventive police, but the detective police is better without them, *Mills* 8842. 8853-8862——Natives are much better qualified than Europeans as detectives, *ib.* 8853, 8854. 8858-8861——Bribery in the case of Europeans in the Calcutta police, *ib.* 8855-8857——The sons of European soldiers may advantageously be trained for employment in the police, *Bidwell* 9286, 9287.

See also *Administration of Justice* (*Mofussil*).

Pondicherry. Statement as to Pondicherry being a favourite place of resort for traders, and as to there being a greater degree of commercial freedom there than in Madras, *Ouchterlony* 5374. 5404-5406.

Poonah. Healthy character of the European soldiers stationed on the hilly districts near Poonah, *Warden* 6035, 6036——Witness is not aware that the soldiers at Poonah are kept under any particular restrictions on the score of health, *ib.* 7359-7361.

Pooroondhur (*Madras*). There is a large sanatarium at Pooroondhur between Poonah and Mahableshwur, *Wingate* 7912.

Population. The best parts of India are now densely occupied, *Hawkins* 4357.

Portuguese Settlers. Degeneracy of the Portuguese who settled many years ago in Ganjam, *Baikie* 818-821. 829-832——Great deterioration of the Portuguese settled in Chittagong and Dacca, *Wise* 3088-3091.

Press, The. Strong feeling of the commercial body of Calcutta in opposition to the measures for the restriction of the press, *Theobald* 1014——Freedom should be given to the press, *Wise* 2635——Want of the circulation of a press in the interior, as a check upon mal-administration, *ib.* 2969-2980.

Importance of the liberty of the English press in India; objection to the recent depression of its freedom in reference to the mutiny, *Waller* 4898. 4925-4927. 4981-4996.

Reports, 1857-8—*continued.*

Press, The—continued.

4996. 5026-5028. 5082-5084——Gain to the natives as well as to the settlers by a free English press, *Waller* 4925-4927——The native press should be placed under certain restrictions, but should not be prohibited altogether, *ib.* 4928-4930. 4979-4981.

Better character of the press if there were more Europeans in the country; it has hitherto remained very defective in many respects, *Mullens* 7115, 7116——Further evidence upon the subject of the English press and its defects; disapproval of its restriction by Government, *ib.* 7225-7227. 7232 7254. 7322-7325——A public press is indispensable for all classes, *ib.* 7225-7227——Operation of the native press; approval of some restriction upon it, *ib.* 7228-7231——Some papers seem to have been always friendly to the Government, *ib.* 7323-7325.

Witness established, in 1818, the first native newspaper in Bengalee, and was for eighteen years the editor of the "Friend to India," *Marsham* 9399-9401.

Procedure (*Courts of Law*). See *Administration of Justice*, XI.

Proceedings of the Committee. Fourth Rep. p. iv.-xi.

Produce of the Soil. The produce of India is, on the average, very little more than ten shillings an acre, *Balstin* 5898.——*See* also *Agriculture.*

Profitable Settlement. There are several instances of profitable cultivation by Europeans, as in the case of indigo, sugar, and linseed, *Tremenheere* 415-419——Notwithstanding the insecurity of property, witness has been enabled by experience to invest profitably in land, indigo, factories, coal mines, &c. *Freeman* 1683, 1684——Although witness and many others have contrived to be successful as settlers under the badness of the laws or of their administration, numbers have been unsuccessful, or have been afraid to settle, *ib.* 1788. 1806-1810. 1903-1907——Success, notwithstanding the present laws, of the more skilful and persevering settlers, *MacNair* 2287, 2288.

More profitable settlement but for the state of the laws and of the police, *Wise* 2770; *Waller* 4896, 4897——Witness would not have settled in India had he been aware of the difficulties to be encountered, nor would his experience be encouraging to others; his residence there has however been tolerably profitable, *Wise* 2771-2774. 2917. 2931, 2932——Witness was fortunate as a settler, *Mackenzie* 3924——Opinion that enterprising settlers would make money more quickly in India than in Australia, *Waller* 5206——There is no reason why men of enterprise and capital should not, by developing the resources of India, amass fortunes there as well as in Australia and other colonies, *Ouchterlony* 5490, 5491. 5514.

If capital and labour were properly applied to the soil, very remunerative results would follow, *Mullens* 7174, 7175——There are some very excellent openings for Europeans in India, but witness apprehends that in nine cases out of ten, Europeans could not overcome the difficulties arising from the native character and conduct, *Landon* 8594. 8678, 8679——Witness has been successful in overcoming the numerous obstacles to profitable settlement, and success is equally possible in all men of energy and perseverance, *ib.* 8706-8709. 8719, 8720.

See also *Foreign Settlers.*

Public Appointments. Reference to the official inquiry now going on into the state of public appointments in India, *MacNair* 2088-2091.

Public Opinion. Advantage of the influence of a large European community upon the actions of the Government, *Mullens* 7117, 7118——Advantage of public opinion in this country being brought to bear upon the conduct of affairs in India, *Bidwell* 9367-9370; *Marsham* 9581, 9582. 9661-9664.

Public Works. Almost total absence of provision by Government of roads, canals, or other beneficial public works in Bengal, *Freeman* 1815, 1816——Evil through public works not having been prosecuted long ago, *MacNair* 2610——Extract from Colonel Cotton's book as to the immense advantages of public works, such as irrigation, roads, &c., *Onslow* 6537, 6538.

See also *Bridges. Canals. Contractors. Engineers. Grand Trunk Road. Irrigation. Railways. Roads.*

Pubna (*Bengal*). Disturbed and lawless state of Pubna when witness was appointed joint magistrate there in 1828; frequent affrays between the indigo planters and zemindars, *Mills* 8763, 8764. 8774-8781.

Pulney Hills (*Madura*). The Pulney Hills in Madura are south of the Neilgherries, and are not so lofty, but their climate is delightful, and they are much resorted to by Europeans, *Ouchterlony* 5275. 5278——There is a considerable extent of cultivable land in the Pulneys, and when a railway is in communication with them they will offer considerable facilities for the settlement or location of Europeans, *ib.* 5278.

Reports, 1857-8—*continued.*

Punjaub. See *North Western Provinces.*

Putnees. See *Land Revenue Settlement, and Tenure and Sale of Land.*

R.

Railways. Great importance of the introduction of railways as regards European settlement and the development of the resources of the country, *Tremenheere* 14-17. 20, 21. 31-35; *Theobald* 1289; *MacNair* 2546-2553; *Wise* 2834; *Ouchterlony* 5549; *Onslow* 6331, 6332; *Wingate* 7705; *Saunders* 9813, 9814. 10084-10086. 10207-10211—— Great importance of railways as a means of bringing together the coal and the iron, *Tremenheere*, 20, 21. 31-35——Importance of railway communication between the plains and the hill districts as facilitating European settlement, *Tremenheere* 98-100; *Ouchterlony* 5252. 5254. 5432-5435——Necessity of an extensive system of railways, more especially of numerous branch lines as feeders to the trunk lines, in order properly to develope the resources of India; the present lines, though well laid out, are but the skeleton of what is wanted, *Tremenheere* 180-193——Belief that the resources of this country are fully adequate to the supply of any quantity of materials that may be required for the railways, *ib.* 194.

Increased duration of life where railways are established, *J. R. Martin* 221. 227, 228 ——Approval of the trunk lines of railway being first laid down, *Tremenheere* 387, 388 ——Increased population likely to be congregated along the lines of railway, *ib.* 513, 514—— Excellent investment afforded to capitalists by the railways, *ib.* 516, 517—— Undue delay in the progress of railways in Bengal, *Freeman* 1945-1949; *MacNair* 2544, 2545.

See also *East Indian Railway. Fuel. Hill Districts. Madras Railway.*

Rain. Inadequate falls of rain in India, as shown by the fall at Bombay, Calcutta, and Madras, *Balston* 5935.

Rammohun Roy. Great loss to the putneedars if Rammohun Roy had failed some years ago in paying the Government revenue, *Freeman* 1884; *MacNair* 2566-2568.

Rathbone, Colonel. Statement relative to an offer by Colonel Rathbone to lay out 150,000*l.* in land if Government would make the assessment perpetual, *Wingate* 7994-8004.

Re-appointment of Committee. The Committee recommend that a Select Committee be appointed to resume the inquiry in the ensuing Session, *Fourth Rep. p.* iii.

Recognizances to keep the Peace. Statement as to an amended law in Bengal on the subject of taking recognizances to keep the peace not having yet passed, *Theobald* 965-967—— Monstrous injustice involved in the operation of the law authorizing the magistrates to take recognizances to keep the peace, *ib.* 1234, 1235.

Recovery of Debts. Objection to interference with the rule of the Hindoo religion that the son should take upon himself the debts of his father; in practice, the recovery by law of such debts, as of debts generally, is extremely remote, *Waller* 4911-4918.

Redemption of Land Tax. Disapproval of a redemption of the land-tax; it saves a host of other taxes, *Theobald* 1022, 1023——Consideration of the grounds of political economy upon which witness objects to a redemption of the land-tax, *ib.* 1240-1247——Advantage of a permission to zemindars to redeem the tax assessed under the permanent settlement; the sum required would, however, probably deter redemption, *Freeman* 1664-1678—— Great distrust in the natives adverted to as an obstacle to a commutation of the payment of the land revenue, *MacNair* 2061, 2062.

Evidence as to the several advantages respectively as regards Government, the natives, and the settlers, to be derived from a commutation of the land-tax, *Mackenzie* 3667-3682. 4012-4021. 4043——Ground for concluding that zemindars would be willing to redeem the land-tax at from twenty-five to thirty years' purchase, *ib.* 4046-4048——Calculation that from twenty-five to thirty years' purchase would be given in redemption of the land revenue, *ib.* 3670 3672——Means of the people of India for redeeming the land-tax, *ib.* 3673-3677. 3895——The money acquired by a redemption of the land-tax should go towards paying off the Government debt, and towards works of irrigation, *ib.* 3681. 3962-3965——Gain to the Government and to the people by a redemption of the land-tax, *ib.* 3681.

Witness sees no objection to a redemption of the land-tax, but considers it quite hopeless to obtain twenty-five years' purchase, *Hawkins* 4214, 4215——Respect in which, as regards the application of capital, it is an advantage rather than otherwise that the land should be charged with the tax, *Baillie* 4558. 4746-4751——Whether as regards the zemindars or the ryots, witness does not see any advantage to them in a right of redeeming the tax, *ib.* 4558-4562.

Reports, 1857-8—*continued.*

Redemption of Land Tax—continued.

Advantages to be derived from a permission to redeem the land-tax, *Waller* 4885, 4886. 4906-4908; *Mullens* 7180. 7302, 7303——Objection upon financial grounds to a redemption of the land-tax, inasmuch as land is almost the only available source for taxation, *Wingate* 7643-7647——The capital, insufficient as it is, now invested in irrigation, &c. would be largely and injuriously diverted to a redemption of the tax, *ib.* 7643.

Advantage in allowing proprietors to redeem the land-tax at thirty years' purchase, *Bidwell* 9319-9323——Doubt as to the policy of a general redemption of the land-tax in Bengal, *Marsham* 9604-9607. 9787——Improbability of so much as twenty years' purchase being given in the event of a power to redeem the land-tax, *Saunders* 10104-10107.

Statement by certain Protestant missionaries in Bengal as to the desirableness of commuting the land-tax, *App.* (*Fourth Rep.*) *p.* 294-296. 423-426.

See also *Land Revenue Settlement, and Tenure and Sale of Land*, VI. *Ryots.*

Rent-free Tenures. See *Enam Commission.* *Resumption of Rent-free Tenures.*

Representation of Grievances. Abridgment by the Government of the right of remonstrance on the part of the European inhabitants; instances of this during the Governor-generalship of Lord Canning, to whom directly witness does not attribute this disposition to limit the right of representation of grievances, *Theobald* 977-980——Inability of the settlers to be heard orally before the Legislative Council; they can, however, be heard, by petition or memorial, *MacNair* 1992. 2252-2255——The settlers can remonstrate by memorial or petition, but no attention is paid to their remonstrances, *Dalrymple* 3380-3385. 3455-3457——Every civility is shown by the higher officials in Calcutta to settlers preferring complaints or remonstrance, *Mackenzie* 3973, 3974.

Resumption of Rent-free Tenures. Distrust through the resumption laws some twenty years ago; case of the Rajah of Burdwan adverted to herein, *MacNair* 2062, 2063——Further reference to the question of resumptions as having been considered very unjust; examination as to the existence of grounds for this view of the question, *ib.* 2161-2199. 2473-2478——Evidence as to the injurious and oppressive operation of the resumption law in Eastern Bengal; this law, which was an inquiry into titles, ceased about five or six years ago, *Wise* 2726-2728. 2808-2817. 2917-2919. 3100-3108——Instead of a limit of sixty years for inquiry into titles, the limit should be about twelve years, *ib.* 2816-2818.

Witness suffered through the operation of the resumption laws, *Dalrymple* 3564——Dissatisfaction and alarm consequent upon the resumption laws, or the inquiry into the titles to hold lands rent free, *Hawkins* 4218-4221——The resumption laws are not now in force, *ib.* 4296.

Belief that the resumption laws have not had the effect of damaging the value of landed property, *Marsham* 9548——Absence of breach of faith by the carrying out of the resumption laws; much dissatisfaction has however resulted from them, *ib.* 9548-9552. 9608-9611——Witness regrets that the resumptions were ever attempted, *ib.* 9612, 9613.

See also *Enam Commission* (*Bombay*).

Retired Officials. Doubt as to any advantage if grants of land were made to officers or soldiers when their term of service had expired, *Tremenheere* 162-170——Suggested further increase of the members of the uncovenanted civil service in India, who by retiring on moderate pensions might be induced to settle in the country, *ib.* 339-341. 449-451——Suggestion that retired officers of the several Indian services be offered some inducements to settle, *Onslow* 6923, 6924.

Revenue Service. Too much indulgence is often given to defaulting zemindars by the collectors, *Freeman* 1842——Approval of all revenue questions being tried in separate revenue courts, *Dalrymple* 3475——The principal reform required, as regards the revenue laws, is in their administration, *Mackenzie* 3643-3649.

Extremely light duties of the revenue collectors in Bengal, *Waller* 4875——Witness has heard that from half an hour to two hours a day was amply sufficient for any collector to discharge his duties, *ib.*——Further statement with reference to the exceedingly light duties and large salaries of revenue officers in Bengal, *ib.* 5052, 5053——Objection to the duties of the collectors being partly of a judicial character, *ib.* 5088. 5131.

The revenue-servants in Madras are a very hard-worked and most efficient set of men, *Ouchterlony* 5511——A man trained in the custom-house in London would make a better collector of customs than a civil servant, *Warden* 6278.

Corrupt practices resorted to under the present system of promotion, through the collectors, of subordinate revenue officials; amendment suggested, *Wingate* 7780-7794. 7810, 7811—— Practice in Bombay as regards the sending by the native officer, or karkoon, of petitions to the collector on questions of revenue; checks upon, and improbability of,

Reports, 1857-8—*continued.*

Revenue Service—continued.

a false reading by the karkoon, *Wingate* 7791-7824——Hasty way in which the evidence is taken down in Bengal in extra-judicial cases before the collector; difficulty in reading it, *W. H. Martin* 9160, 9161. 9220-9223——Practice in regard to the taking of written or oral evidence in revenue cases; language used, *ib.* 9219-9240.

Inaccuracy of the statement that collectors in Bengal get through their work in about two hours a day, *Marsham* 9471-9474.

See also *Civil Service.* *Judicial Service* (*European Judges*), 3. *Magistrates.*

Revenue Settlement. See *Land Revenue Settlement, and Tenure and Sale of Land.*

Rice. Enhanced price of rice in the interior, through the difficulties of transport from the seaboard, *Balston* 5931, 5932.—*See* also *Arracan.*

Ritchie, Stuart, and Company. Encouragement given by the Government collector in Khandeish to the operations of this firm in cotton manufacture, *Wingate* 7835. 7902-7905.

Rivers. Natural obstacles to the extended use of the feeders of the main rivers as a means of transport of produce, *Tremenheere* 511. 515——Improvement, through the introduction of steamboats on the rivers in Bengal, *Wise* 2925——Very defective system of administration of the rivers of southern India; each important river, such as the Cauvery, should be placed entirely under one engineer, *Ouchterlony* 5379, 5380——The rivers in Bengal are very numerous, and are the highways during the rains; Government has taken every measure to keep them open, *Mills* 8898. 8900-8902.

See also *Ganges River.* *Nuddea Rivers.*

Roads:

I. *Bengal:*
1. Number and Character of the Roads.
2. Action of Government in the matter.
3. Mode of Construction and Maintenance.

II. *Bombay.*
III. *Madras.*
IV. *North Western Provinces.*
V. *Character of the Roads of India under Heathen Dynasties.*

I. *Bengal:*

1. Number and Character of the Roads:

Information relative to the roads in Bengal, and the means of communication thereby, *Tremenheere* 82-88——Statement in proof of the deficiency of roads in central India, and the lower provinces, *Theobald* 981——Great want of roads, and the exceedingly bad condition of the existing roads, *Freeman* 1574-1596——Illustration of the loss to the producer through the badness of the roads, *ib.* 1584-1596——There are a few good roads near Calcutta, *ib.* 1597, 1598——Bad state of the roads in Bengal, so much so that the planters find it necessary to make roads themselves, *MacNair* 2010-2014.

Bad state of the roads in witness's district in Eastern Bengal, *Wise* 2758——Absence of new roads in Lower Bengal, *ib.* 2923——Roads are much wanted throughout Bengal, *Dalrymple* 3245-3247; *Mackenzie* 4028; *Waller* 4840. 5236-5239; *Mills* 8898, 8899——Want of a road from Calcutta to Moorshedabad, *Waller* 4840. 5236, 5237.

Mention of several roads out of Calcutta, *Thornton* 8208. 8216. 8267, 8268——Complete road from Calcutta to Kuttack; its character, *ib.* 8216-8222. 8240——Statement as to the existence of numerous roads in Bengal and throughout India; there can however be no question that there is a great want of roads, *ib.* 8237-8250. 8265-8269.

There is a great want of roads in Bengal; names and condition of some of the roads adverted to hereon, *Marsham* 9534-9546. 9717-9719——The road from Mirzapore to Jubbulpore is considered one of the best in India, *ib.* 9542-9545.

2. Action of Government in the matter:

Evidence as to the degree of blame attaching to Government for the non-formation of roads in Bengal, *Freeman* 1574-1596. 1937-1944.

Orders from the Court of Directors for the construction of roads as feeders to the railways, *Thornton* 8235, 8236——The Government of India cannot justly be charged with neglect in regard to roads; their conduct on this score has, in fact, been most exemplary, *ib.* 8260-8262. 8270——More care bestowed of late years upon the question of roads, *ib.* 8263.

Neglect until within the last few years of roads and public works in Bengal; cause of this, *Bidwell* 9270. 9366——General feeling in India that for many years the expenditure on roads was altogether inadequate, *Marsham* 9532, 9533——Unduly rapid outlay upon roads in consequence of representations from the home Government, *ib.* 9582. 9754-9757.

3. Mode

Reports, 1857-8—*continued.*

ROADS—continued.

I. *Bengal*—continued.

3. Mode of Construction and Maintenance:

Means by which the roads are constructed and maintained, *Tremenheere* 84. 88–93——System of management and means of support of the roads; improvement suggested on this point, *Theobald* 982–987——Tolls are taken on several of the roads, *ib.* 982——In making or maintaining the roads, compulsory labour should, if necessary, be resorted to, *ib.* 987. 1107–1111.

Advantage of a system of assessment upon zemindars, planters, &c., with a view to proper roads being formed, *MacNair* 2119–2125. 2303, 2304——The roads in Bengal might, without any great expense, be made passable throughout the rainy season; bricks might readily be procured, *ib.* 2301–2309——Advantage, on the score of road-making, if there were an increased number of settlers conjointly with a system of local self-government, *Dalrymple* 3248–3257——Probability of the Europeans and natives maintaining the roads if made by Government, *ib.* 3253–3255. 3391–3397—— The natives understand road-making, and there is no want of labour, *ib.* 3255. 3398–3401.

Reason why Government, rather than the zemindars, should make the roads; provision to that effect, under the decennial settlement, *Dalrymple* 3391–3397. 3431–3433——In making roads, bricks may be procured without any great expense; they are laid down broken, *ib.* 3420. 3483–3487——Want of proper funds and local committees for the formation of roads, *ib.* 3434, 3435——Good roads may be made in Bengal without any very great expense, *Mackenzie* 3914——There is a toll and ferry fund established by Government, and managed by a local body, for the maintenance of the roads, *ib.* 3915–3918.

Much greater cost of metallic than of earthen roads; particulars hereon, *Thornton* 8237–8239——Practice as regards the formation and management of roads through district committees, *ib.* 8264, 8265——Great obstacle on account of the rains to the construction of roads in Bengal, *Bidwell* 9270.

II. *Bombay:*

Bad state of the roads in different parts of Bombay, as shown by witness's experience in 1851; suggestion then made by him for their local maintenance, *Warden* 6100–6103. 6184–6188—— Information relative to the extent and character of the roads in Mysore; very favourable testimony on this point, *Onslow* 6505. 6536. 6513–6517——Want of better facilities in Mysore for reaching the places of export, *ib.* 6699, 6700. 6818–6825——Much has been done of late years to improve the roads in Bombay, *Warden* 7480.

Greatly improved state of the roads throughout Bombay, although in many places roads are still urgently required, *Wingate* 7723–7729——Particulars relative to the character and extent of the roads throughout Bombay, and the efforts made of late years to increase and improve them, *ib.* 7943–7953. 8030–8073——Commercial as well as military objects served by the principal roads in Bombay, *ib.* 8032–8043. 8067–8069——Better lines of road could not have been selected than those by the Tul Ghaut, Bhore Ghaut, and Ram Ghaut, *ib.* 8040–8043. 8069.

Less requirement of roads in Guzerat than in the Deccan, *Wingate* 8044. 8062–8065. 8074—— Roads are much required in the Deccan; much more should have been done to make or improve them, *ib.* 8044. 8070. 8072, 8073——Rate of travelling over the roads, *ib.* 8048–8061——Great value of new roads in order to develope the resources of the country, *ib.* 8079–8100—— Character of the roads in Bombay further adverted to in connexion with the rate of travelling of bullock-carts over them, *ib.* 8152–8160——There are about 500 miles of good roads in Bombay; the cross roads are much more extensive, *ib.* 8161–8164.

Evidence as to the character of the roads in Guzerat, more especially in the Broach and Surat districts; considerable improvement within the last seven or eight years, *Landon* 8291–8308—— The roads in Guzerat are now sufficient for local purposes, but are insufficient for external trade, *ib.* 8291. 8309, 8310——Practice as regards the appropriation of Government money in repairing the roads, *ib.* 8296–8300——Want of materials for road-making in Guzerat, *ib.* 8681—— State of repair of the roads from Broach to Baroda, *ib.* 8682.

III. *Madras:*

Excellent roads communicating with the hills in Madras, *Baikie* 767–770. 798–803——Information relative to the principal roads in the south of India; excellent manner in which many of them have been constructed and maintained, *Ouchterlony* 5365—— Better management of the roads when under a distinct road department than since their transfer in 1855 to the management of the several district surveyors, *ib.* 5365, 5366—— The cross or district roads are generally bad, *ib.* 5365. 5367——Of late years public money has been liberally voted for road purposes, *ib.* 5365—— Dislike of the natives to spend money on roads; they are all kept up by Government, *ib.* 5368, 5369——Advantage in there not being any tolls levied on the roads or canals in southern India, *ib.* 5382.

Reports, 1857-8—*continued.*

ROADS—continued.

IV. *North Western Provinces:*

Good and numerous roads in the North West Provinces in addition to the Grand Trunk Road which passes through the centre of the Doab, *Saunders* 9916-9918. 9929, 9930. 10087——System of local assessment for the maintenance of the roads; dissatisfaction hereby, *ib.* 9919-9928——Operation of the system of local assessment for the formation of roads further adverted to; the natives are alive to the value of roads, but object to the assessment as a separate charge from revenue, *ib.* 9973. 9977-9993——Illustration of the desire of the natives occasionally to make roads for religious purposes only, *ib.* 9974-9977.

V. *Character of the Roads of India under Heathen Dynasties:*

Much better roads throughout the country during the Hindoo and Mahomedan dynasties than at present, *Mackenzie* 3711, 3712——Further reference to the better state of the roads under former dynasties; in Shah Jehan's time the country was covered with roads, *ib.* 4027. 4049, 4050.

Information relative to the number and condition of the roads in India in ancient times; grounds for inferring that there were no good roads at all, *Thornton* 8228-8231.

See also *Grand Trunk Road.*

Ryots. Great advantages to the ryots through European capital and settlement, *Theobald* 1187, 1188; *Freeman* 1516, 1517; *MacNair* 1974, 1975. 2046-2049. 2328-2333. 2605. 2609; *Wise* 2630. 2637-2643. 2713, 2714. 2777-2786. 2858, 2859. 2963, 2964; *Dalrymple* 3268-3270. 3402-3406; *Mackenzie* 3692-3696; *Baillie* 4545; *Wingate* 7893, 7894. 8167-8170; *Landon* 8349-8359.

Nature of the rights of the cultivators of the soil in Bengal, and means by which those rights might be extinguished; difficulty hereon, *Freeman* 1662, 1663. 1671. 1707-1713——Under a system of fee-simple, or of extended European settlement, the ryots may be protected by a fixed rate, beyond which their rents should not be raised, *MacNair* 2498-2501. 2504, 2505.

Constant practice of the native zemindars in Bengal to enforce illegal exactions from the ryots, *MacNair* 2596-2605; *Mackenzie* 3638-3646. 3653-3656; *Mullens* 7212-7217. 7223, 7224. 7316, 7317.

Very favourable feeling of the cultivators of the soil towards European settlers; instances of this in Lower Bengal during the mutiny, *Wise* 2637-2649. 2715. 2869. 2965-2967——The rights of the ryots under the permanent settlement must be protected, *ib.* 2929, 2930——Nature of the occupation rights of the ryots in Bengal, *MacNair* 3034-3038.

There is no reason why the rights of the ryots may not be equitably purchased, *Wise* 3155-3157——Difficulty as regards the rights of the ryots if the land were to be sold out and out, *Dalrymple* 3347-3351——Tendency of the ryots to become attached to the European settlers, *ib.* 3402. 3576-3580——The population of Bengal are not generally in want of rice as food, but in winter they are under-clothed, *ib.* 3497-3499.

The better class of farmers in Lower Bengal are being impoverished, and live in less comfort than under the Hindoo and Mahomedan dynasties, *Mackenzie* 3630——The cultivators' farms in Bengal vary very much in size, but average about twelve acres each, *ib.* 3650——The farmers pay about 4 *s.* of rent, and 2 *s.* of illegal exaction, per English acre, *ib.* 3651, 3652——Political advantage in the cultivators becoming possessors of the soil, *ib.* 3678-3680——Right of continued occupancy of the soil in India if previously held for ten years, *ib.* 3741, 3742. 3871——There is less comfort among the better class of farmers in Bengal than there used to be in former times, *ib.* 3894.

Political difficulties anticipated in the event of the natives being largely ousted from the soil by European colonization, *Hawkins* 4326——With the exception of the upper class of natives, the great body of the people are favourable to European settlement, *Waller* 4838.

Reference to a "Statement of the Ryots in the Zillah Nuddea," complaining of the oppression and injustice experienced by them, and by the Bengal ryots generally at the hands of the native and European zemindars and indigo planters; witness believes that this document emanated directly and entirely from the natives themselves, that there is a great deal of truth in it, and that it is well worthy of the consideration of the Committee, *Mullens* 7154-7166——Further statement in confirmation of the truth of the complaints of the ryots against the zemindars, *ib.* 7209-7218.

Varying size of the ryots' holdings in Bombay; in the rice countries the average is probably below ten acres, *Wingate* 7827——The holdings underlet in Bombay are not generally the properties of large farmers, but of non-agricultural classes, *ib.* 7828-7830——Witness denies that the population throughout Bombay are in a poor and wretched condition; in many districts, the Southern Mahratta especially, they are exceedingly comfortable, and have abundance to live upon, *ib.* 8078-8084.

Reports, 1857-8—*continued.*

Ryots—continued.

In 1853 witness made a tour of the north-eastern parts of Bengal, and found the condition of the people to be on the whole good, *Mills* 8766-8769——Illustration of the friendly feeling of the natives in the North-Western Provinces towards European settlers, *Saunders* 10071-10073.

See also *Administration of Justice (Mofussil). Advances to Cultivators. Enam Commission (Bombay). European Capital and Skill. Land Revenue Settlement, and Tenure and Sale of Land. Native Character. Police. Zemindars.*

S.

Salaries (Public Servants). Increased pay of late years of different native officials, *MacNair* 2128-2130——Good pay at present of the sudder ameens and moonsiffs, *ib.* 2410. 2412-2414——Probability of improvement in the morality and efficiency of the police and of the native officials generally if they were better paid, *Wise* 3047-3051. 3118-3120——Reasons for the much better pay of European than of native officials, *ib.* 3052——Statement showing the low salaries of the great majority of the natives in the uncovenanted service, *ib.* 3054-3065——Unduly large salaries at present of many of the civil servants, *Waller* 4875——Effect of the exclusive character of the covenanted service as regards the subordinate positions and low salaries open to the uncovenated service, *ib.* 4919-4924. 5098-5101.

Improvement to be effected by an increase of the pay of native officials, *Wingate* 7776. 7780——Expediency of a further increase in the pay of the native judges, *Bidwell* 9373-9376——The emoluments of the native judges should be increased, but it is not necessary to give them the same salaries as the European judges, *Marsham* 9408. 9735-9746——It might be well to increase the pay of principal sudder ameens to 1,000 rupees a month, *ib.* 9408——Corruption among the Company's officers when they were underpaid, *ib.* 9745, 9746.

See also *Police*, I. 3.

Sale of Land. See *Land Revenue Settlement, and Tenure and Sale of Land. Redemption of Land Tax.*

Sale Law Improvement Bill. See *Land Revenue Settlement, and Tenure and Sale of Land.*

Salem. Successful and satisfactory establishment of a European zemindar in Salem, *Ouchterlony* 5423. 5464. *See* also *Coilamully Hills. Shevaroy Hills.*

Salt. Enhanced grievance in the case of salt through the difficulties of transit, *Freeman* 1521. 1599-1601——Great adulteration of salt by native traders; how Government might prevent this, *ib.* 1521. 1599——Enhanced price of salt in the interior through the difficulties of transport from the seaboard, *Balston* 5931, 5932.

Sanatariums. See *Darjeeling (Bengal). Neilgherry Hills (Madras)* 9. *Pooroonahur (Madras).*

Saunders, John O'Brien. (Analysis of his Evidence.)—Was in the North-Western Provinces, in the Allygurh district, as an indigo planter and merchant from 1827 till 1852; 9789-9793. 9795——Very few European settlers in the North-Western Provinces, 9794. 9796——Diminution in the indigo trade, and in the number of indigo planters in the North-Western Provinces, in consequence principally of the increased cultivation of a better quality of indigo in Bengal, 9797-9799. 9804-9807. 10080, 10081. 10132, 10133. 10146, 10147——Objection by the Europeans in the North-Western Provinces to be placed under the jurisdiction of native judges in criminal cases, 9800-9803.

Opportunity, by means of irrigation from the Great Ganges Canal, of improving the indigo cultivation in the Allygurh district, 9808-9812. 10082, 10083. 10126-10129——Advantage anticipated from the facility of transport to be afforded by the railways, 9813, 9814. 10084-10086——Unfriendly disposition of the majority of the Government officials in the Allygurh district, &c. towards the settlers, 9815-9830——The Government at Agra have always shown a wish to encourage settlement, 9831.

Grounds for objecting to the revenue settlement in the North-Western Provinces; the result has mainly been to transfer the land from the talookdars to merchants or other capitalists, and to destroy the influence and interest of the former in the management of the country, 9834, *et seq*——Plan of arrangement of the revenue under the new settlement, 9842——Way in which the new settlement has affected the European planters, 9852. 9865-9873——Power of the natives in the North-Western Provinces to protect themselves from extortion or oppression, 9862——Beneficial operation of the settlement in a commercial point of view owing to the investments by traders in the land, 9862-9869——Varieties of tenure open to the European in the North-West Provinces, 9874.

Reports, 1857-8—*continued.*

Saunders, John O'Brien. (Analysis of his Evidence)—*continued.*

Badness to the last degree of the native courts in the North-Western Provinces, 9875–9880. 10052–10055——Corrupt character of the native judges, 9876. 10052–10056——Also of the native officials attached to the courts, 9876——The natives generally are naturally most corrupt and false, 9876, 9877. 10113–10115——Great improvement if there were a despotic or summary mode of administering justice, 9881–9888——All the judges should, if possible, be Europeans, 9889. 10056——Opportunity, by departing from the exclusiveness of the covenanted service, and by employing Europeans in India or from England, of obtaining an adequate number of well-qualified Europeans for presiding over all the courts, 9889. 10057–10063. 10110, 10111.

As a matter of police the use of the native language in the courts should be retained, 9890——Opportunity taken by native officials, in official correspondence, to insult Europeans through their position not being properly defined, 9881–9895——Paramount importance of increased European superintendence generally in all departments in India, 9896–9899. 10108–10112——Very good character of the police in the North-Western Provinces; different causes of their superiority to the Bengal police, 9899–9912——Physical and moral superiority of the Hindoos in the North-West Provinces over the Bengalese, 9901–9905.

Physical advantages of the North-Western Provinces as compared with Bengal, 9908–9910——Advantage of the very perfect survey and registration of land in the North-West Provinces, 9913–9915——Good and numerous roads, in addition to the great trunk road which pass through the centre of the Doab, 9916–9918. 9929, 9930. 10087——System of local assessment for the maintenance of the roads; dissatisfaction thereby, 9919–9928——Good state of the portion of the trunk road in the Doab; it is well bridged, 9929–9934.

Large internal sugar trade in the North-West Provinces, the natives consuming as much as they can get, 9935–9943——Suitableness of the climate of the hill districts of Mussorie Nynee Tal, &c. for the European constitution, 9944–9949——Unsuitableness of the land on these hills for European cultivation, 9950–9953——Facility for largely extending the tea cultivation in the hills, 9953. 9956——The natives would gladly consume tea if they could procure it cheaply, 9953——There is no uncultivated land where witness has been in the North-West Provinces, 9955.

Further explanation as to the new settlement; the talookdars received eighteen per cent. of the revenue as a sort of retiring pension, 9958–9964——Operation of the settlement further objected to, as regards more especially the talookdars and the smaller class of cultivators among the newly recognised proprietors, 9965–9968. 9994–9997——Apparent benefit of the new system in giving merchants or money lenders, as capitalists, a vested interest in the soil, 9969, 9970. 10033. 10035——Dissatisfaction among the natives in consequence of the new system, 9970. 10010–10020. 10092——Violence arising out of the settlement during the late rebellion; the new proprietors have been ousted or murdered, 9971, 9972. 9998–10000. 10037–10039.

Operation of the system of local assessment for the formation of roads further adverted to; the natives are alive to the value of roads, but object to the assessment as a separate charge from revenue, 9973. 9977–9993——Illustration of the desire of the natives occasionally to make roads for religious purposes only, 9974–9977——Further examination relative to Mr. Bird's revenue settlement, and further objection to it on the ground of its having dispossessed those who were the old proprietors according to the native system 9994 *et seq.* 10096–10101.

The new settlement had appeared to Government up to the time of the outbreak to work well, 10026. 10029, 10030. 10100, 10101——The revenue might have been collected still more readily under the old than the new system, 10027, 10028——Opinion that it would be wise even now to take steps for restoring the proprietorship to men of influence in the country, 10031——Experience of witness as a mortgagee in the case of land under the new settlement; great litigation and expense in the enforcement of his claims in the native courts, 10040–10055.

Suitableness of the half-caste population for employment under Government; the natives, however, occasionally hold them in contempt, 10064–10070——Illustration of the friendly feeling of the natives towards European settlers, 10071–10073——The Mahomedans have always been much more inimical than the Hindoos to British rule, 10075. 10088, 10089——Fitness respectively of Mahomedans and Hindoos for employment by settlers, 10076–10079. 10113–10115——On the abolition of the Persian language in the courts a mixed language was used which was not intelligible to the bulk of the natives, 10076. 10220——The natives, although not fitted for judicial offices, might be employed in the management of estates and in Customs' appointments, 10090, 10091. 10111, 10112.

Opinion that the mutiny has been owing to a combination of causes, our social reforms having been a main cause, 10092–10095——From all that witness knows of the Punjaub system of Government he fully approves of it, on the score of its simplicity, 10103——Improbability of so much as twenty years' purchase being given in the event of a power to redeem

Reports, 1857-8—*continued.*

Saunders, John O'Brien. (Analysis of his Evidence)—*continued.*

redeem the land-tax, 10104-10107——Greater honesty on the part of natives of the banker class than of any other class, 10116, 10117.

Necessity of thorough experience in settlers in the North-Western Provinces before they can with safety make advances of capital, 10118, 10119——The rate of interest on mortgage is usually twelve per cent., 10120, 10121——Witness, though successful as a capitalist, would not advise other Europeans to embark their capital in the North-West Provinces, 10122-10125——Witness and his relations in the Doab have not found the climate unhealthy, 10130, 10131. 10135-10137.

Falling off in the cultivation of cotton in the Doab for export; causes thereof, 10132-10134. 10225-10229——Advantage in point of health if a European regiment were stationed on the hills at Nynee Tal or Almorah; inconvenience in other respects, 10138-10145——Large margin for profit by the growth of tea in the Kumaon hills and the Dhoon, where the cultivation would be largely increased if there were proper facilities given by Government, 10149-10158.

The close and excellent superintendence carried out by the Lieutenant-governor of the North-Western Provinces, has been productive of great advantage, 10159-10161——Although the employment in greater numbers of competent Europeans is very desirable, witness does not consider it expedient to throw open the civil service, or to select Europeans in India for any of the higher offices, 10162-10184. 10224——As regards the numerous changes in our system of administration, during Lord William Bentinck's time, witness questions whether they can all be considered improvements, 10185-10196.

The greater development of the country during the last thirty years, has been owing to measures that have been pressed upon the Company, 10197-10200——Much less bribery if there were Europeans in every department, 10201-10206——Further reference to the importance of railways as an encouragement to settlement, 10207-10211——Probability of the disaffection in Oude being very much owing to the system of revenue settlement contemplated for that province, 10212-10216——Impolicy of keeping up a large native army in India, 10217-10218——Increased litigation through the system of native judges, 10221-10223.

The cultivation of cotton in the North-West Provinces may be increased and improved by means of irrigation, but its competition with American cotton must be very uncertain, 10230-10240——The best crops are now irrigated, 10243——Increased crops of indigo by means of irrigation; the quality can hardly be further improved, 10245, 10251-10253——Large growth of wheat and barley, 10247-10249——The cotton is inferior to all the Bombay cottons, 10250——The indigo fetches a lower price by twenty-five or thirty per cent. than the Bengal indigo, 10254-10256.

A general improvement of the courts is one of the remedies required as an encouragement to settlement, 10257, 10258——The knowledge that Government officials wished to encourage settlement is also required, *ib.*——Nothing is simpler than for the capitalist to be on good terms with the natives; the reception of Europeans going to re-settle would be favourable, save on the part of the Mahomedans, 10259-10264.

Savings Banks. Circumstance of savings banks not being resorted to by the native community, *Bidwell* 9324-9327.

Schlagintweit Hermann, Phil. Dr. LL.D., *and Robert Schlagintweit, Phil. Dr.* (Analysis of their Evidence.)—Were, together with their brother, Mr. Adolphe Schlagintweit, sent out by the Court of Directors, on a scientific mission, to Central Asia, the Himalaya Mountains, and the territories generally of the East India Company, 6976-6978——Outline of the travels of each brother, 6979-6981——As regards Mr. Adolphe Schlagintweit, it is feared that he has fallen at Yarkand, in action against the Chinese, 6981. 7068——The total length of the lines along which the researches were carried amounts to about 18,000 miles, 6981.

Principal roads or passes over the Himalayas into Tibet; the lowest is the Niti Pass which is 16,000 feet high, 6982. 6990. 6998——Different climates in different parts of the Himalayas; the north-western portion is the most favourable for Europeans, 6983-6985——Dry and healthy climate in Tibet, 6984. 6995, 6996——Cashmere is an exceedingly favourable place for European settlement, 6986, 6987——In Sikkim the climate is very mild, but there are very heavy falls of rain, which cause much ill health, 6988-6994.

Character of the valleys of the Himalayas, 6989——Absence of dairy farms throughout the Himalayas, though some portions are exceedingly suitable for them, 6991-6993——The villages are situated at a much less altitude in the Himalayas than in Tibet, 6997——Inaccessibility of Bhutan Proper to European trade; causes of this, 6998. 7032-7039——Obstacles to British trade with Nepaul, through the exclusive character of Jung Bahadoor's government, 6998. 7054-7058.

Evidence as to the character and quantity of the Chinese tea now consumed in Tibet, and as to the means for supplying that country with a better and cheaper tea, to be grown

Reports, 1857-8—*continued.*

Schlagintweit, Hermann, Phil. Dr., L.L.D., and Robert Schlagintweit, Robert, Phil. Dr. (Analysis of their Evidence)—*continued.*

along the Himalaya range, where an unlimited quantity may be produced, 7000-70011. 7024——Principal articles of Central Asia and of Tibet, which might be exported to India, 7012, 7013. 7025-7031——Supply of cloth and other manufactures from Russia in Central Asia and Tibet; necessity of proper means of transit of goods in order that an English trade may be substituted for the Russian trade, 7014-7020. 7070-7079.

Obstacle to the supply of Indian-grown tea to the regions northward of Tibet, 7021-7023——Difficulties of a trade with Sikkim, on account of the Chinese control there exercised, and of the want of proper roads, 7040-7053——Impediment to Europeans going to Tibet, *viâ* Kumaon and Gurwahl, 7059-7061——Importance of an improvement of the British trading relations with Cashmere; obstacles at present against European settlement there, 7062-7064. 7084-7086.

Indirect way in which British trade must take place with Central Asia, 7064——Mode of conduct of the trade, and character of the people, of Turkistan, 7064-7066——Suggestions with a view to an improved communication with Central Asia, through Cashmere, 7073-7079——Reference to the terms on which the Indian Government grant land in Kumaon for tea cultivation, 7080-7083——The fact that the Hindoo commercial classes in India have not established an extended trade with the regions north of the Himalayas is explained by the want of proper and safe communications, which want it is most expedient to remedy, 7087-7104.

Schools. See *Education of Natives.*

Scientific Mission. Witnesses were, together with their brother, Mr. Adolphe Schlagintweit, sent out by the Court of Directors on a scientific mission to Central Asia, the Himalaya Mountains, and the territories generally of the East India Company, *H. and R. Schlagintweit* 6976-6978——Outline of the travels of each brother, *ib.* 6979-6981——As regards Mr. Adolpe Schlagintweit, it is feared that he has fallen at Yarkund, in action against the Chinese, *ib.* 6981. 7068——The total length of the lines along which the researches were carried, amounts to 18,000 miles, *ib.* 6981.

Seeds. Deterioration of foreign seeds in India when continued to be grown on the same soil, *Warden* 6178-6180. 6183; *Onslow* 6886.

Shevaroy Hills (Salem). Particulars as to the climate and resources of the Shevaroy hills, *Ouchterlony* 5278——The Shevaroy hills are by no means extensive; they are resorted to chiefly as a sanitarium, *ib.* 5498.

Sikkim. Impression that Sikkim is now an independent territory, *Hooker* 566, 567——Absence of restriction upon the purchase of land, *ib.* 675-677. 1717-1721——Large fall of rain in Sikkim, *ib.* 678, 679.

The climate is very mild, but there are very heavy falls of rain, which cause much ill health, *H. and R. Schlagintweit* 6988. 6994——Difficulties of a trade with Sikkim, on account of the Chinese control exercised there, and the want of proper roads, *ib.* 7040-7043——The people of the country are a good-natured and kind-hearted race, and are always very friendly towards Europeans, *ib.* 7053.

Silhet, Cachar, &c. Increased cultivation in Silhet, Cachar, and the upper Gangetic delta, through the improved Governments in these districts, *Hooker* 648-652. 707-713.

Silk. Statistics as to the silk cultivation of Bengal, *MacNair* 2045.

Silver. Way in which the silver is absorbed in the country without hoarding, *Baillie* 4540——The present demand for silver in India is an indication of prosperity, and should be viewed with satisfaction by exporters and manufacturers in this country, *Wingate* 7708, 7709.——*See* also *Currency. Hoarding.*

Skilled Labour. See *Children of European Soldiers. European Capital and Skill.*

Small Cause Courts. Besides the proposed courts of extended competency in the large towns, there should be in those places small cause courts, as at Calcutta, *Theobald* 1003-1005.

Spinning Factories. Advantage to be derived from the establishment of factories for spinning yarn from the raw cotton; successful operation of some of these factories or "filatures" in Pondicherry, *Ouchterlony* 5311-5314——Impracticability of employing European children in "filatures" on the Neilgherries, *ib.* 5456, 5457.

Stamp Law. The stamp law, as making litigation a source of revenue to the Government, should be abolished, *Waller* 4899.

Steam Communication. Great benefit of a subsidy from Government in aid of steam communication along the coast, and in connexion with the interior, *Onslow* 6834-6838.

Sudder

Reports, 1857-8—*continued.*

Sudder Ameens. See *Administration of Justice.*

Sudder Court (*Calcutta*). Views of the commercial body of Calcutta, &c. as represented by witness, in regard to the amendments desirable in the Sudder Courts, with a view to professional judges, *Theobald* 1012——Curse to the people in the operation of the Sudder Dewanny and Nizamut Adawluts at Calcutta, *Mackenzie* 3800, 3801——Opinion that an amalgamation of the Supreme and Sudder Courts is not practicable at the present time, *Hawkins* 4160, 4161; *Baillie* 4597-4599; *Mills* 8871——Non-objection to the appointment of one or two English barristers as judges in the Sudder Court; an amalgamation of the Supreme and Sudder Courts would not necessarily follow from this plan, *Hawkins* 4480, 4481.

Great advantage of the reforms in the Sudder Court at Calcutta by the introduction in a great measure of the English language, *Waller* 4852-4855——Causes to which may be attributed the much more satisfactory operation of the Sudder Court than of the Zillah and district courts, *ib.* 4876——Further reference to the extended use of the English language in the sudder court, and to the advantages arising therefrom, *ib.* 5116-5119——Result in the Sudder Court as regards the translations into the English language, *ib.* 5122-5128—Great improvements if one or two barristers were appointed as judges to the Sudder Court, *Marsham* 9627-9629.

Sugar. Cultivation of sugar respectively by the natives and by Europeans, *Tremenheere* 56-59——Of two sugar companies in Bengal, one has ceased to exist, *ib.* 489-492——Particulars relative to the cultivation of date-sugar in Bengal; cost, quantity produced, and means of extending the production, *Mackenzie* 3727-3737. 3756-3763——Great facilities for a largely increased production at a very small cost, *ib.* 3727-3737. 3756-3761——Good quality of the date-sugar, *ib.* 3731. 3763.

Calculation that by proper means of irrigation, sugar may be produced at less than one-fifth of the cost of produce of slave-grown sugar, *Balston* 5945——Effect of the climate in checking the growth and produce of the sugar cane as well as of the cotton plant, *ib.* 6279. 6284——Statement that in the case of sugar the land tax and the cost of irrigation amount together to fifty per cent. of the cost of production, *ib.* 6279-6284——Great importance of facilities of irrigation in the case of sugar, *ib.* 6284, 6285.

Successful cultivation of sugar in Mysore; large increase anticipated if the canal system of irrigation be introduced, *Onslow* 6635-6648——Belief that a great deal may be done in Mysore in the profitable cultivation of sugar, *ib.* 6701——Increased exports of sugar from Mysore, although the Indian exports generally many have decreased of late, *ib.* 6710-6713——The Mysore sugar is all extracted from the cane, *ib.* 6714-6717.

Great increase in the exports of sugar from Bengal, *Marsham* 9509——Large internal sugar trade in the North West Provinces, the natives consuming as much as they can get, *Saunders* 9935-9943.

See also *Mysore*, 11.

Sunderbunds. Great risk of the approach to Calcutta through the Sunderbunds, *MacNair* 2010.

Supreme Council. The Supreme and other local councils are wholly useless and enormously expensive, *Waller* 4944——Besides several other sweeping reforms, which are much required, the Supreme Council should be abolished; the members of it are drawing 8,000 *l.* a-year, and are doing nothing, *ib.* 5090, 5222.

Supreme Court. Suggestion that in all the great cities there be English courts with civil and criminal jurisdiction in important cases, *Theobald* 1003-1005——Strong objection of the planters and merchants to the abolition of the Supreme Court at Calcutta; their views on this point, *ib.* 1097-1099——Favourable feeling of the natives of Calcutta towards an approximation to the English criminal law, *ib.* 1263——English law has been administered satisfactorily in Calcutta for eighty years, *Freeman* 1730——Absence of complaints by natives or others against the operation of the Supreme Court at Calcutta, *ib.* 1768-1770——Operation of English law as in the Supreme Court of Calcutta compared with the operation of the Mofussil Courts, *MacNair* 2217-2230.

Higher class of practitioners in the Supreme Courts than in the Mofussil Courts, the expense being very irregular in the latter courts, *Baillie* 3595, 3596——Objection to an extension of the Supreme Courts to the larger towns in the interior; the natives would strongly oppose it, *Hawkins* 4287-4289; *Mills* 8869, 8870. 8881-8884——Greater expense of the regular proceedings in the Supreme Court than in the Mofussil Courts, *Baillie* 4595——Parties to contracts in the interior can only sue in the Supreme Court in the event of one of them being a European, *ib.* 4643, 4644——Superiority of the Supreme Courts to the Mofussil Courts on the common-law side, and probably on the equity side, so that suitors in Calcutta are not likely to resort to the latter courts, *ib.* 4645-4654. 4710——As regards the views of the natives at the Presidency towns in favour of the Queen's Courts, they reflect very much the views of the Europeans around them, *ib.* 4706-4710.

Reports, 1857-8—*continued.*

Supreme Court—continued.

If the Company's courts were substituted for the Supreme Court in Calcutta the bulk of the Europeans would desert the place, *Waller* 5144——Strong approval in certain petitions from Calcutta and Madras of the Supreme Courts at those places, *ib.* 5144. 5152——Reference to the petition from the Madras Native Association as being far more in accordance than are the sarcasms of Lord Macaulay with the views of the people relative to the Supreme Court, *ib.* 5151, 5152——Great and growing confidence of the natives as well as the Europeans in the Supreme Courts, the constitution of which courts is admirable and the administration of justice most satisfactory, *Warden* 6079-6084. 6111-6113.

In Calcutta the natives are well satisfied to be under the Supreme Court, to which they have become habituated, *Mills* 8885; *Bidwell* 9352-9357——Illustration of the strong complaints made by English settlers against the Supreme Courts and its expense, such, settlers having been also opposed to the jurisdiction of the Mofussil Courts, *W. H. Martin*, 9132-9136——The expenses of the Court at Calcutta are very great, *Bidwell* 9353.

Petitions from planters, merchants, and British subjects generally in Bengal in strong opposition to an abolition of the Supreme Court, and praying for its extended jurisdiction, *App.* (*Fourth Rep.*) *p.* 233-238.

See also *Administration of Justice* (*Mofussil*), XI. 5.

Surplus Labour. See *Coolie Emigration.* *Migration of Native Labourers.*

Survey. Doubt as to the Government Survey of the Bengal and Berar districts being yet brought into practical use in remedying the difficulty through the absence of settled boundaries to estates, *Freeman* 1886-1890——Benefit anticipated from the survey in Bengal, *M'Nair* 2153-2155——Advantage if there were an increased number of European superintendents over the conduct of the survey, *ib.* 2156-2160——Extent to which the survey in Bengal had proceeded when witness left India, *ib.* 2479——Corrupt conduct of the survey in taking the boundaries, so far as the natives have to do with them, *ib.* 2583-2585.

Importance of a complete survey of every tenure, *Mackenzie* 4022——A proper survey of the land in Bengal would have saved a good deal of trouble and litigation, *Hawkins* 4216——There have been no reports recently as to the progress of the survey in Bengal, *ib.* 4217——Statement as to the great importance of a proper survey being undertaken generally by Government as a first step towards colonization, *Ouchterlony* 5314-5320——Practice in regard to the employment of natives and European officers generally on surveys in Madras; inadequate number of officers for the purpose, *ib.* 5314. 5316, 5317. 5320——Advantage of the very perfect survey and registration of land in the North-west Provinces, *Saunders* 9913-9915.

T.

Tanjore. Statement by Colonel Cotton as to the great benefits resulting from public works in the district of Tanjore, *Onslow* 6538.

Tar. Ample means for providing tar in India from the resinous woods of the Himalayas, *Tremenheere* 471.

Taxation. Propriety of new taxes in India if the exigencies and just government of the country require them, *Warden* 7499-7502.

See also *Land Revenue Settlement, and Tenure and Sale of Land.* *Redemption of Land Tax.*

Tea. Cosiderable facilities for the production of tea in the Himalayas at a very low cost, *Tremenheere* 6169——Great facilities for the cultivation of tea along the Himalayas, in Sikkim particularly, *Hooker* 551-557. 725-727——Growing taste of the natives for tea, *ib.* 558-560——Good quality of the Assam tea, *ib.* 561. 722-724——Statement as to the tea now used in Tibet and Central Asia; importance of some means for introducing tea from India, *ib.* 598-617. 680-682——Price of the tea now cultivated in the Upper Provinces, where Chinese labour is employed through British capital, *ib.* 728-730.

Successful perseverance of the European settlers in the cultivation of tea in Assam, *Freeman* 1541——Consideration of the extent to which Government assisted in the cultivation of tea in Assam and Kumaon, *ib.* 1921-1925——There are a good many Europeans in Assam superintending the tea cultivation, *Wise* 2874——Facility for the cultivation of tea in Mysore and Coorg, *Ouchterlony* 5283——Successful experiment by witness in growing tea in his garden in Coorg, *Onslow* 6426——The natives would soon consume tea largely if it were produced in sufficient quantities, *ib.* 6431.

Reports, 1857-8—*continued.*

Tea—continued.

Evidence as to the character and quantity of Chinese tea now consumed in Tibet, and as to the means for supplying that country with a better and cheaper tea to be grown along the Himalaya range, where an unlimited quantity may be produced, *H. and R. Schlagintweit* 7000-7011. 7024——Obstacle to the supply of Indian-grown tea to the regions northward of Tibet, *ib.* 7021-7023——Reference to the terms on which the Indian Government grant land in Kumaon for tea cultivation, *ib.* 7080-7083.

Terms of the grant of land to the Assam Tea Company; operations of the Company up to 1853, *Mills* 8825, 8826. 8832-8836——The use of tea is likely to increase among the natives, *ib.* 9112——Facility for largely extending the cultivation of tea on the hills, *Saunders* 9953.9956——The natives in the North-west Provinces would gladly consume tea if they could procure it cheaply, *ib.* 9953——Large margin for profit by the growth of tea in the Kumaon hills and the Dhoon, where the cultivation would be largely increased if there were proper facilities given by Government, *ib.* 10149-10158.

See also *Neilgherry Hills* (*Madras*), 7.

Teak. Importance of a proper development of the teak forests in Travancore, &c., *Ouchterlony* 5278-5283.

Temporary Settlement. See *Climate.* *European Capital and Skill*, 1.

Tenasserim. The climate of Tenasserim is favourable to the health of Europeans, and the soil is very fertile, but the great scarcity of labour renders the province not a desirable one in which to invest British capital, *Tremenheere* 152-156.——*See* also *Tin.*

Tenure of Land. See *Enam Commission* (*Bombay*). *Land Revenue Settlement, and Tenure and Sale of Land.* *Redemption of Land Tax.*

Terais (*Hill Districts*). Extremely unhealthy character of the terais or plains leading to the base of the mountains; particulars hereon, *J. R. Martin* 226-228. 266-269. 282-284——Belt of unhealthy country on the approach to the Neilgherries, *Baikie* 789.

Theobald, William. (Analysis of his Evidence.)—Barrister; practised for fourteen years tn India, 846, 847——Left Calcutta at the end of 1856, as agent to this country, on the part of a considerable body of planters and merchants, who complained of the contemplated enactment of the "Black Acts," and of the want of reforms long asked for in vain, 847, 848——Acted since 1854 as agent for an association of planters and merchants in the Mofussil, established for the purpose of securing reforms in the local administration of justice, 850-852.

Distribution of Europeans all over Lower Bengal as indigo planters and purchasers of produce, 853. 856——Lower Bengal comprises a population of about 40,000,000, and is the most fertile part of all India; it includes Behar and Tirhoot, 854, 855——Absence of increase of late years in the number of Europeans engaged in agricultural and commercial pursuits in the interior districts of Lower Bengal, 857——The Bengal climate is a very fine one, considering the latitude; its drawbacks, 858——Opportunities of the Europeans in Bengal for change of air, by journeys to the hills or by sea voyages, 859-864——Increased settlement in the interior where there is a readier access to the hills and a speedier and cheaper means of return voyages to England, 863-867.

Reference to a plan several years ago for East Indian colonization in the Bombay Presidency, which was encouraged by Sir John Malcolm, but was disapproved of by the Court of Directors, 868-870——Obstacle to European settlement previously to 1833, on account of the licence system, 870——Belief that all legislative restrictions upon settlement have been removed by Act IV. of 1837; doubt held by some on this point, 871——Reference to the case of the removal of Colonel Ouseley, who was acting as agent of the Ranees of Nagpore, 872——Prohibition upon the civil servants in India from holding land, 872-875——Right of East Indians, and of children born in India of European parents, to hold land without restriction, 876.

Impracticability of a settlement of India by European emigrants in large numbers, 877——The want of roads and railroads must be supplied before Europeans can properly penetrate and develop the country, 877. 886——An improved administration which shall afford proper security for the persons and property of Europeans is greatly required as an encouragement to settlement, *ib.*

Particulars as to the mineral resources of different parts of Bengal; these are very great, 878-885——How far the mineral resources have been developed, 883-885——Way in which the land revenue system in Madras and part of Bombay, as comprising the employment of a most unprincipled police, deters capitalists from investing in the land, 886-890——Particulars of the land revenue system in Lower Bengal, that is of the permanent settlement, and of its very injurious operation as regards European enterprise and the security of property, 886. 891 *et seq.*

Origin of the permanent settlement adverted to, 891. 901, 902——The grievance of the present settlement system in Bengal lies mainly in the fact, that the rights of the

Reports, 1857-8—*continued.*

Theobald, William. (Analysis of his Evidence)—*continued.*

zemindars may peremptorily be sold in default by the revenue collectors, and that the rights or vested interests of the putneedars, izaradars, and ryots may thereby be swept away, 891-895. 905-921——Reference to the circumstance of Mr. J. P. Grant, a member of the Government, having brought in a Bill for the purpose of improving the revenue settlement law; explanation as to its not having passed into law, 893. 896-898——Feeling of the commercial body in Bengal that they should be represented in the Legislative Council, 898-900.

Public merits of the permanent settlement in Bengal as opposed to its serious defects, 901, 902——Exceptional class of cultivators whose interests are protected by the Permanent Settlement Act, 903-905——The indigo planters are generally landlords; objects in their becoming so, 922, 923——Imperfect security of the planters even as landlords, 924——Nature of the security of the indigo planters previously to 1837, when they could only go into the country by licence, 925-931——Lessees as well as proprietors have extended rights under the Act of 1837; 932.

Evidence in support of the charge that the native police in Bengal are corrupt, unprincipled, and useless; opinion of Mr. Halliday on the subject, 933-936——Low and criminal class from which the police are largely taken; they are said to be the sweepings of the gaols, 934-936——Great importance of an extension further downwards of European agency in India, 937-941——Considerable improvement if Europeans were employed in the police force, 938-941.

Grounds for the statement that the covenanted or European magistrates are very inexperienced and inefficient, and are altogether too small in number; views of Mr. Halliday to a similar effect, 942-949——Increasing inexperience of the European magistrates on account of the increased number of young men sent out lately from Haileybury, 942-945——Very inefficient and prejudiced character of the uncovenanted class of magistrates, who are mostly natives, and are appointed by the local governments, 947.

Corrupt character of the omlah; the European magistrates are, to a great extent, in their hands, 949-950——Importance of a large increase of Europeans in the uncovenanted service, 951-954——Expediency of greater care in the selection of native servants; the Government has not done justice in this respect, 951. 954, 955.

Grounds for the statement that there is a pressing want of a *lex loci*, 956, 957——Europeans should not be tried to such an extent in the native courts, 957——The revenue law, and many other laws, require improvement, 958, 959——A law is much wanted for the enforcement of contracts, and for the regulation of proceedings with the natives; reference hereon to a repealed law of Lord W. Bentinck on the question of indigo contracts, 958-964.

Particulars as to the Affray Bill for Bengal proposed by the Government about four years ago, and subsequently dropped; grounds on which the commercial interest opposed this Bill, 965——In dropping the Affray Bill an improved law was not brought forward, *ib.*——Statement as to an amended law on the subject of taking recognisances to keep the peace not having yet passed, 965-967.

Reasonableness of the objections of the Europeans to be placed under the Black Acts, that is, Acts placing them indiscriminately with the natives of the country under the same local tribunals, 968——Non-objection to a penal code; objection however to particular parts of the code proposed by Mr. Macaulay, 969-972——Expediency in any code of a due assimilation to the principle of English law; deviation by Mr. Macaulay from this principle, as, for instance, in the right of private defence, 969-975.

Prejudicial action of the European magistrates towards European planters, &c.; cause of this, 976——Cold treatment experienced by the European inhabitants from the upper ranks of the civil service, and from the Government; instances of this, 976-980——Abridgment by the Government of the right of remonstrance on the part of the European inhabitants; instances of this during the Governor-generalship of Lord Canning, to whom, directly, witness does not attribute this disposition to limit the right of representation of grievances, 977-980.

[Second Examination.]—Statement in proof of the deficiency of roads in Central India and the Lower Provinces, 981——Great want of bridges throughout the country, *ib.*——Tolls are taken on several of the roads, 982——System of management and means of support of the roads; improvement suggested on these points, 983-987——In making or maintaining the roads, compulsory labour should if necessary be resorted to, 987. 1107-1111.

Want of a better police for the protection of the Ganges traffic, 988——Want also of engineering appliances for deepening parts of the Ganges, *ib.*——Importance of proper measures being adopted for keeping one of the Nuddea rivers navigable throughout the year; steps taken on the subject, 989——Particulars relative to the Calcutta canals; their bad management and utter inadequacy to accommodate the traffic, 989*-992.

Further

Reports, 1857–8—*continued.*

Theobald, William. (Analysis of his Evidence)—*continued.*

Further statement as to the expediency of introducing European superintendents into the native police, 993, 994——Want of sundry reforms in the magistracy further adverted to, 995——The native deputy magistrates should not act at all as superintendents of the police, *ib.*——Magistrates and judicial officers of all classes should be put under proper legal responsibility to the public, 995-997——Explanation as to the origin of the Act of 1850 for the "Protection of Judicial Officers," 995.

Qualifications suggested as indispensable before admission to the judicial office, 998, 999——Exclusive character of the system in the distribution of judicial offices between the covenanted and uncovenanted services; instances of this, 1000–1002——Suggestion that in all the great cities there be English courts with civil and criminal jurisdiction in important cases, 1003–1005——Besides the proposed courts of extended competency in the large towns, there should be in those places small-cause courts, as at Calcutta, 1003–1005.

Further evidence relative to the question of a *lex loci;* propriety of acceding to the wishes of the East Indians in this matter, 1006–1011——Views of the commercial body of Calcutta, &c., as represented by witness, in regard to the amendments desirable in the Sudder Court, 1012—— Importance of an infusion of commercial knowledge into the Legislative Council further adverted to, 1013. 1015, 1016——Strong feeling of the commercial body in opposition to the measure for the restriction of the press, 1014—— Non-objection to natives being qualified for admission to the Legislative Council, 1017.

The introduction of the English language into the courts is in every way desirable, 1018——Advantage if the principle of municipal government, or local self-government in certain matters, were encouraged, 1019–1021——Disapproval of a redemption of the land tax; it saves a host of other taxes, 1022, 1023——Disposition among the planters to encourage the establishment of schools and the moral welfare of those about them, 1024, 1025.

Examination on the question of the climate of Bengal, to the effect that it is less unhealthy and less deteriorating than is generally supposed, 1026–1032——Good health enjoyed by the planters, 1028, 1029——Belief that though colonisation, as in America or Australia, may not be practicable even on the hills of India, colonists may with success go to India in much greater numbers, 1033——Belief that the Act of 1833 does not enjoin the same law for natives and Europeans, and offers no proper foundation for the threatened Black Act, 1034, 1035.

Nature of the protection afforded by the existing criminal law in cases of maltreatment of natives in the interior by Europeans; approval of other recourse in grave cases besides the Supreme Court, 1036–1039. 1137–1141——The objection of the planters, &c., is to being tried by the inefficient or prejudiced native courts, 1039–1044——Corrupt character of the omlahs further adverted to, 1040–1042——Trial by the sessions judges is not satisfactory to the planters, 1042–1044——The planters, &c., should be tried in their own language by a jury and a competent professional judge, 1043–1046.

Better qualifications for the judicial office of barristers after short experience in India, than of the ordinary civil servants after many years' experience, 1047–1052——Witness has not seen a certain despatch from the Court of Directors ordering that the magistracy be placed in the hands of older men, 1053–1055——Nature of the examinations undergone by the civil servants adverted to, in connexion with their imperfect acquaintance as magistrates with the native language; whatever the examination, there is inadequacy on this score, 1056–1066——Probable causes of the frequent selection of incompetent natives as magistrates, 1067–1072.

Further statement as to the insecurity of capital under the revenue system in Bengal, 1073–1075——Obstacle to the investment of European capital in Madras on account of the ryotwarry system further adverted to, 1076–1079——Further reference to the revenue system as the probable cause of the migration from the Coromandel coast, 1080–1082——Origin of the permanent settlement in Bengal further adverted to; its wisdom in a political point of view, 1083–1086—— Further reference to the means of investment of indigo planters in the land previously to 1837; 1087, 1088.

Personal knowledge upon which, in addition to the expressed views of Mr. Halliday, witness bases his evidence in regard to the magistracy and police, 1089. 1189–1191—— As regards a certain despatch for the reform of the police and magistracy, witness shows that fundamental changes as regards the police are not insisted upon for the present, 1090–1093. 1158–1162——Larger operations, but not larger number of the European agriculturists in the interior of Bengal, 1094——Witness further attributes the paucity of Europeans to the state of the local administrations, the revenue system, and other causes, 1095.

Strong objection of the planters and merchants to the abolition of the Supreme Court; their views on this point, 1097–1099——Explanation as to the employment by the planters of their own establishments, or latteeals, in protecting their interests, 1100——

Reports, 1857-8—*continued.*

Theobald, William. (Analysis of his Evidence)—*continued.*

Approval of the appointment of planters as honorary magistrates and deputy magistrates, 1101–1104——The magistrates generally are more or less under the influence of the omlahs, 1105, 1106.

Witness further contends that it is essential to have one law for the natives, and another law for the Europeans, 1112–1119——The objection to the penal code is, that it substitutes for English law some law not so good, 1119——Way in which witness would provide for proper qualifications in judicial officers as a separate service; barristers should be largely resorted to, and the more fitting members of the civil service selected, after superadding the legal education required, 1120–1136. 1237–1239.

False charges would constantly be brought against Europeans if liable to be tried by the local tribunals for capital offences, 1140——The present system of criminal jurisdiction does not give an impunity to Europeans, 1141——Action respectively of the Indian and home authorities in regard to the appointment of some uncovenanted servants in lieu of covenanted servants, 1142–1152 —— Belief that the exclusion of uncovenanted servants from certain judicial offices rests entirely upon custom, 1151, 1152——Approval of an extension of the uncovenanted service, and of an abolition of the social and pecuniary distinction between uncovenanted and covenanted judicial officers, 1153–1156 ——The civil service should be recast, but not abolished, 1157.

Further evidence in support of European superintendents of police; army sergeants might be so employed; result of such superintendence in Calcutta and Bombay, 1158–1168. 1215–1218——The natives as well as the Europeans suffer under the grievances complained of by witness, 1169, 1170. 1177——No remedy has yet been applied to the reform of those grievances, the existence of which have been admitted by Mr. Halliday and Mr. Grant, 1171–1175.

Further reference to the effect of the evils complained of in deterring European settlement in the Mofussil, 1176. 1272, 1273——The insecurity to person and property through the inefficiency of the police and magistracy goes to a great and grievous extent, 1178, 1179——Further evidence as to the inadequacy in the representation of the Legislative Council of interests which ought to be represented, 1180–1186. 1292, 1293——Great advantage of European settlement to the natives, 1187, 1188.

Effect of the Acts of 1853 and 1857 in regard to the previous restrictions upon the tenure of land, 1192, 1193——Further reference to the propriety of re-considering the prohibition upon officials against holding land, 1195, 1196——Witness cannot suggest any remedy for the ryotwarry system in Madras, 1197, 1198——Evils of the ryotwarry system further adverted to; the ryot fares worse at the hands of the police or agents of Government than at the hands of the agents of the zemindars, 1198–1204.

Explanation as to the objections of the indigo planters to Mr. Grant's Bill for remedying the law of sales of land, 1205–1209. 1271. 1297, 1298——Although the Europeans generally have increased in number of late years the colonists have not increased, 1211, 1212——As regards a *lex loci*, its want is established by the Indian Law Commissioners, 1213——Low grades from which the police are taken further adverted to, 1214—— Approval of a recent proposition on the part of Government for the employment of planters and other European residents as instruments in carrying out the police laws, 1219, 1220.

Further reference to the large number of young men sent out from Haileybury in 1853, and to the probable cause thereof, 1221–1227——Different ways in which Europeans are now amenable to the jurisdiction of the local magistracy, 1228, 1229——The introduction of the English law, as a *lex loci*, need not injuriously affect the natives as regards their employment in judicial offices, 1230, 1231——Different grounds of the objection of the planters to the Affray Bill, 1232, 1233——Monstrous injustice involved in the operation of the law authorising the magistrates to take recognizances to keep the peace, 1234, 1235.

Favourable feeling of the natives of Calcutta towards an approximation to the English criminal law, 1236——Consideration of the grounds of political economy upon which witness objects to a redemption of the land tax, 1240–1247——Defence of the principle upon which witness contends that Europeans in the Mofussil should be subject to the jurisdiction of the Supreme Court alone until a system of courts can be devised in the Mofussil with which they may reasonably be satisfied, 1248–1263.

There is no difficulty in purchasing land in the Mofussil, save that the part of any zemindary purchased is liable for the revenue of the whole, 1264–1270——Value of the Bill of Mr. Grant in proposing to divide zemindaries and to apportion the revenue among the different co-sharers, 1269–1271——Importance of utilising the local knowledge obtained by revenue or judicial officers in any district, 1274–1276——The revenue and judicial services should be thrown open to all competent Englishmen in India, 1277.

Greater number of civil servants absent on leave since the overland route, 1278–1282 Mischievous effect upon the civil service of the new regulation permitting furlough at the

Reports, 1857-8—*continued.*

Theobald, William. (Analysis of his Evidence)—*continued.*

the end of seven years, 1283——Unfitness of many of the native judges to administer justice to natives, 1285——The police in Bengal should have something of a military organisation, as in the Punjaub; respectable Europeans should fill the place of darogah and other subordinate places, 1286, 1287——Long period now taken in the transit of goods by the Ganges, &c., from Calcutta to Delhi, 1288. 1299-1302——Great advantage anticipated from railway communication in making settlement generally possible, 1289.

Views of Lord Metcalfe as to the great importance of colonisation, 1290, 1291——Views of Lord Metcalfe as to the discontentment of the European settlers and the East Indians with the Company's government, 1291——Healthy character of the indigo planters further adverted to, 1294-1296——Facility for the formation of joint-stock companies in India, 1303-1306——There are no legal obstacles to settlement in India any more than in any other dependency of the Crown, 1307——Since Act IV. of 1837, Europeans may settle in every part of the country without a licence, 1308.

[Third Examination.]—Explanation that the Act IV. of 1837 does not appear to have removed the restriction in the statute of 1834 as to the necessity of licence before settlement in provinces acquired during the present century, 2986, 2987.

[Fourth Examination.]—Explanation in support of former evidence as to the origin of Act XVIII., the Act of 1850; 9390——Statement in support of former evidence, and in correction of the evidence of Mr. Hawkins, in regard to the question of the legal liability of Indian judicial officers previously to the Act of 1850, *ib.*

Explanation relative to the success of M. Courjon and Mr. Laruletta as indigo planters in the Mofussil, although subject to native jurisdiction; it is several years ago since these gentlemen were in business, 9392-9396——Further statement as to the expediency of a different constitution of the Legislative Council, 9397, 9398.

Thornton, William Thomas. (Analysis of his Evidence.)—Conducts the correspondence of the India House regarding public works in India; has never been in India, 8205-8207——Particulars as to the present state of the Grand Trunk Road from Calcutta to Lahore; it is excellently metalled nearly the whole way, and is completed between Calcutta and Delhi, save that about eight bridges are yet to be made, 8208-8215——Perfect character of the road where completed, 8209. 8257——Explanation relative to the bridges, more especially as to those yet to be built; stupendous character of some of these works, the delay in the construction of which is by no means to be wondered at, 8209-8216. 8223-8227. 8232-8234. 8255-8259. 8271-8273.

Complete road from Calcutta to Kuttack; its character, 8216-8222. 8240——Information relative to the number and condition of the roads in India in ancient times; grounds for inferring that there were no good roads at all, 8228-8231——Orders from the Court of Directors for the construction of roads as feeders to the railways, 8235, 8236——Statement as to the existence of numerous roads in Bengal and throughout India; there can, however, be no question that there is a great want of roads, 8237-8250. 8265-8269.

Much greater cost of metalled than of earthen roads; particulars hereon, 8237-8239 The Government of India cannot justly be charged with neglect in regard to roads; their conduct on this score has, in fact, been most exemplary, 8260-8262. 8270——More care bestowed of late years upon the question of roads, 8263——Practice as regards the formation and management of roads through district committees, 8264, 8265.

Thuggee. Success of witness in procuring the conviction of river Thugs; means other than the ordinary police employed for this purpose, *W. H. Martin* 9148-9152. 9203, 9204.

Tibet. Successful result of the fair established by Dr. Campbell about thirty miles from Darjeeling; numerous commodities brought thither from Tibet and the hills, *Hooker* 562-565——Nature of the route to Tibet through Sikkim and Darjeeling, *ib.* 569-575——Principal productions of Tibet; evidence hereon as to the attempts hitherto made and as to the importance of further attempts to develop a trade between that country and India, *ib.* 576 *et seq.*——Military and civil authority exercised by the Chinese in Tibet, *ib.* 596, 597. 700-702——The frontier of Tibet is closed by the Chinese and Sikkim authorities against British trade from India; character of the communications or passes into the country adverted to hereon, *ib.* 619-629. 666-668. 683-695——The people of Tibet are chiefly of the Mongolian race, *ib.* 731.

Principal roads or passes over the Himalayas into Tibet; the lowest is the Niti Pass, which is 16,000 feet high, *H. & R. Schlagintweit* 6982. 6990, 6998——Dry and healthy climate in Tibet, *ib.* 6984. 6995, 6996——The villages are situated at a much less altitude in the Himalayas than in Tibet, *ib.* 6997——Principal articles of Central Asia and of Tibet which might be exported to India, *ib.* 7012, 7013. 7025-7031——Large quantities of salt in Tibet, easily procurable, *ib.* 7013——Supply of cloth and other manufactures from Russia in Central Asia and Tibet; necessity of proper means of transit of goods in order

Reports, 1857-8—*continued.*

Tibet—continued.

order that English trade may be substituted for the Russian trade, *H. & R. Schlagintweit* 7014-7020. 7070-7079——Impediment to Europeans going to Tibet *viâ* Kumaon and Gurwahl, *ib.* 7059-7061.

See also *Central Asia.* *Tea.*

Timber. See *Forests (Madras).* *Himalaya Mountains.* *Mysore*, 9. *Neilgherry Hills (Madras)*, 8. *Teak.*

Tin. In the Tenasserim provinces tin abounds and is worked by Chinamen, *Tremenheere* 26.

Tipperah Territory. Particulars as to the corrupt conduct of the police and of the nazir, or sheriff, with reference to a case of murder in the Tipperah territory some sixteen years ago; the nazir was dismissed the service, but was reappointed by the local collector, *Wise* 2721-2725. 2819-2867. 2849-2851. 2907——The late rajah of Tipperah was more advanced and intelligent in character than the present rajah, *ib.* 3085, 3086.

Tirhoot. In Tirhoot there are a million of inhabitants with only one magistrate and one judge, *Freeman* 1633——The planters in Tirhoot are no healthier than those in Bengal, *ib.* 1838, 1839——Absence of disputes between the planters, zemindars, and ryots in Tirhoot, where there are no complaints of the inefficiency of the police, *Marsham* 9440.

Title to Land. See *Enam Commission (Bombay).* *Land Revenue Settlement, and Tenure and Sale of Land.* *Redemption of Land Tax.* *Resumption of Rent-free Tenures.*

Torture. Instance of resort to torture about twenty months ago by a darogah at Pubna, near Calcutta; particulars of this case and of the action of the magistrate in the matter; the darogah received only a slight reprimand, with a caution to be more careful in future, *Freeman* 1759-1762. 1766. 1852——Witness absolves all gentlemen in the civil service from a disposition to encourage torture, *ib.* 1852——Many cases of torture by the natives have come to witness's knowledge, *Dalrymple* 3568, 3569.

Transit Duties. Advantage of the abolition of transit duties in India generally, *Onslow* 6915-6918——Improvement in Bombay through the abolition, in part, of the native transit duties, *Wingate* 7699, 7700.

Transit, Means of. See *Communication, Means of.*

Transport of Produce. See *Communication, Means of.*

Travancore. Belief as to the considerable resources of the Travancore hill districts, both as regards climate and agricultural capabilities; they are, however, but imperfectly known, *Ouchterlony* 5278-5283.

Travellers. Good police arrangements for the protection of the property of travellers on the trunk lines of communication in Bengal, *Tremenheere* 96, 97.

Tremenheere, Major-general George Borlase. (Analysis of his Evidence.)—Retired from the Bengal Engineers about two years ago; spent twenty-five years in different parts of India, 1-3——Necessity of colonisation in India springing from the capitalist instead of from the labourer, 4-6——Very slight progress of British settlement in India, 7——Doubt as to there being any proper record of the number of British settlers, 8-10——Permission given to British subjects under the Acts of 1833 and 1837 to purchase and cultivate land in India, 11-13.

The want of proper means of intercommunication throughout the country is the first and chief obstacle to European settlement, 14-17——Capital is indispensable in colonists, 16——Importance of facilities for the transit of the products of the country from one district to another, 17. 20, 21——The chief mineral resources of India are coal, iron, copper, and tin, 18——Particulars as to the available supplies of coal; the coal of Burdwan and of the Nerbudda is the best adapted to commercial purposes, 19-24.

Great importance of railways in India as a means of bringing together the coal and the iron, 20, 21. 31-35——Several parts of India in which iron exists abundantly, 25, 26. 33——In the Tenasserim provinces tin abounds, and is worked by Chinamen, 26——Copper exists in the Himalayas, but has not yet been profitably worked, *ib.*——Available supplies of wood fuel in Kumaon for the smelting of the iron of that district, 26-30——Vicinity of coal, iron, and lime on the Nerbudda River, 33, 34——Want of lime in many parts of India; available supply near Sylhet as a flux for iron, 36. 39, 40——Existence of deposits of kunkur, which is an impure carbonate of lime, and is hardly available as a flux for iron, 36-38. 41.

Principal vegetable products of India, 42——Facilities in the Punjaub for the production of large supplies of wheat at an exceedingly slight cost, 42-49——Great importance

Tremenheere, Major-General George Borlase. (Analysis of his Evidence)—*continued.*

ance of European superintendence in the production and preparation of Indian cotton, 50–52. 176–179——European supervision is most essential in the case of all vegetable or agricultural productions in India, 50 *et seq.*——Strong illustration of the value of European enterprise and superintendence in the case of indigo, 53–55.

Considerable attention bestowed by the natives upon the cultivation of opium, 55——Cultivation of sugar respectively by the natives and by Europeans, 56–59——Great importance, in times of famine, of facilities for the transport of produce, 60——Considerable facilities for the production of tea in the Himalayas at a very low cost, 61–69——Great want of a proper economy by the natives of the available resources of manure; illustration hereon of the beneficial results of a proper use of manure in developing the soil, 70–79.

Works of irrigation are of the greatest importance, and might well be undertaken by private enterprise, 80, 81——Information relative to the roads, and the means of communication thereby, 82–88——Means by which the roads are constructed and maintained, 84. 88–93——Good police arrangements for the protection of the property of travellers on the trunk lines of communication, 96, 97.

It is most important, for several reasons, to make the hill stations accessible by railway from the plains, 98–110——Particulars as to the large mortality of English soldiers in India, 107–109——Obstacles, through the climate, to the settlement in the plains of English families of the labouring class, 110——Limited extent to which the Himalayas are adapted to European colonisation, *ib.*——Abundance and cheapness of native labour, *ib.*——The true function of the European in India is, not as a labourer, but as a director of native labour, *ib.*

Importance of some plan for an increased number of Englishmen in India, 110——Proposition that the children of European soldiers be removed from the plains to hill stations, and there trained at the cost of Government to different puruits, 110 *et seq.*——As part of witness's scheme, he proposes that an increased proportion of married soldiers be taken to India with their wives; objections to this suggestion considered; slight increase of cost in consequence, 110. 112–122——Different places at which stations or asylums, like the Lawrence Asylum, might be formed for the reception of the soldiers' children, 110.

Several ways in which the children thus trained in the country might, when grown up, be most usefully employed, 110, 111. 137. 142. 146. 149——Objections to half-castes being received in the proposed asylums; degeneracy consequent upon the mixture of races, 112. 123–136——Every precaution should be taken to prevent the European soldiers from marriage with natives, 112. 116. 150. 151——Respects in which the cost of the proposed establishments would in a great measure be counterbalanced, 137–141.

The climate of Tenasserim is favourable to the health of Europeans, and the soil is very fertile, but the great scarcity of labour renders the province not a desirable one in which to invest British capital, 152–156——Large export of rice from Akyab, in Arracan, through the enterprise mainly of Sir Archibald Bogle, 157–161——Doubt as to any advantage if grants of land were made to officers and soldiers when their term of service had expired, 162–170——Advantage rather of European agency in superintending cultivation by native labour than of direct European cultivation, 162–179——Facilities at present for purchasing land in Bengal, 171–175.

Necessity of an extensive system of railways, more especially of numerous branch lines as feeders to the trunk lines, in order properly to develope the resources of India; the present lines, though well laid out, are but the skeleton of what is wanted, 180–193——Belief that the resources of this country are fully adequate to the supply of any quality of materials that may be required for the railways, 194.

[Second Examination.]—Suggested further increase of the members of the uncovenanted civil service in India, who by retiring on moderate pensions might be induced to settle in the country, 339–341. 449–451——Importance, on the score of an improved administration, of substituting Europeans, educated in India, for the native officials now employed as sudder ameens, moonsiffs, &c., 341. 364, 365. 382–386. 401–403. 472–478.

Evidence as to the want of morality and honesty in the native subordinate officials, and in the native character generally; argument therefrom in favour of the extended employment of Englishmen of good moral qualifications in the administration of justice, 341. 364, 365. 382–386. 401–403. 425–443. 452–459. 472–478. 487, 488.

Urgent importance of agricultural improvement in India, agriculture as a science having been altogether neglected, 342. 348–350.——Great importance of branch railways in Bengal as a means of remedying the want of wood fuel in different districts, 343. 345——Statement as to the East Indian Railway being more on the line of commerce than on the line of production, 343–345——Advantages anticipated from the settlement on the hills of European farmers, as likely to lead to an interchange of the products of the hills and of the plains, 346–358.

Reports, 1857-8—*continued.*

Tremenheere, Major-General George Borlase. (Analysis of his Evidence)—*continued.*

Training institutions desirable in the case of young Europeans intended for the uncovenanted civil service, or for agricultural or other occupations, 361, 362. 389, 390. 455——Objection to a substitution of the English language for the vernacular in the courts of law, or as the medium of instruction, 363——Produce or yield of wheat in the North-west Provinces further adverted to; character of the land on which grown, 366-378.

Impression that there are not on the part of Government any obstacles to settlement, 379, 380. 410. 413. 420, 421——In Bengal great complaints have been made by Europeans against the administration of justice, 381. 456-459——Approval of the trunk lines of railway being first laid down, 387, 388——Evil in very few persons settling in India with a view to permanent residence there, 392——Further reference to the illustration previously cited as to the value of manuring the land, 393, 394.

Amount of additional expense in the event of increasing the proportion of married soldiers further adverted to, 395-397——Means by which the parents of children removed to the proposed training institutions in the hills might at times visit their children, 398-400——Enhanced value of products if there are increased facilities of export, 404-406——Further reference to the want of means of communication and transport as a main cause of a non-development by Europeans of the resources of India, 407-412, 422-424——Very important effect of the climate in deterring European settlement, 413, 414. 460-469.

There are several instances of profitable cultivation by Europeans, as in the case of indigo, sugar, and linseed, 415-419——Mention of several natural resources of the Himalayas, &c., 471——Very large timber obtainable in the Himalayas, 471——Circumstance of the land in some districts producing two crops of wheat, but only one of cotton, 479-482——Great importance of numerous branches to the East Indian Railway adverted to in connexion with the delay in sanctioning lines into Oude and Rohilcund, 483-486.

Of two sugar companies in Bengal, one has ceased to exist, 489-492——The improvement in the cultivation of opium has been owing solely or mainly to native labour, 493, 494. 512——Soldiers in India do not now educate or provide for their children, 495——Advantage in a moral point of view, both as regards the parents and their children, in removing the latter to the proposed training asylums, 495-498——Improvident marriages need not be increased under the contemplated scheme of dealing with the children, 499, 500.

Further statement as to the means of lightening the expense of the proposed establishments, 502-504——The staff of the establishments should comprise natives as well as Europeans, 503——Way in which the industrial qualifications of the young men trained at the establishments should eventually be disposed of, 504-508——There should be a proper separation of the different religious denominations, 509, 510.

Natural obstacles to the extended use of the feeders of the main rivers as a means of transport of produce, 511. 515——Increased population likely to be congregated along the lines of railway, 513, 514——Excellent investment afforded to capitalists by the railways, 516, 517——Supply of timber in the Himalayas further adverted to, 518, 519——Witness will lay before the Committee a paper being prepared by him on public works in Bengal, 520, 521.

Turkistan. Mode of conduct of the trade, and character of the people, of Turkistan, *H. and R. Schlagintweit* 7064-7066.

U.

Uncovenanted Service. See *Civil Service.*

Under Tenures. See *Land Revenue Settlement, and Tenure and Sale of Land.*

Union Bank (Calcutta). Decrease of European settlers in Kishnagur, Jessore, and other districts, chiefly through the failure in 1848 of the Union Bank at Calcutta, *Mackenzie* 3907, 3908——Mismanagement of the Union Bank, *ib.* 3909-3911.

V.

Vegetable Products. Principal vegetable products of India, *Tremenheere* 42——Successful introduction of European vegetables and fruits through English settlement, *Freeman* 1522-1524.

Reports, 1857-8—*continued.*

W.

Wages. Rate of wages in Bengal; system of monthly payment, *MacNair* 2147-2152——Considerable improvement anticipated in the physical condition of the natives if by means of more liberal wages they were enabled to procure better food, *Ouchterlony* 5303——Improvement in the condition of natives by the employment given by witness, *Fowler* 5740, 5741——Increase of wages through the increased employment of capital, *Mullens* 7176. 7214.——*See* also *European Capital and Skill.*

Waller, Joseph Gabriel. (Analysis of his Evidence.)—Resided continuously in India for twenty years; lived principally at Calcutta, but travelled over a great part of the country, 4830, 4831——Was a solicitor in the Supreme Court, and subsequently an advocate in the Sudder Dewanny Adawlut, and has kept up his connexion with the country since his return to England in 1855; 4832-4835.

The European settler has in India all the inducements that a rich and fertile country, with an abundance of cheap labour, can offer to skill, capital, and enterprise, 4836——The climate does not offer any serious impediment whatever to settlement by Europeans, 4837——With the exception of the upper class of natives, the great body of the people are favourable to European settlement, 4838——The Bengalee is not, either mentally or morally, in any way inferior to the native of the Upper Provinces, *ib.*——European settlement would be most beneficial to India and to its people; it would effect more than any number of legislative enactments, 4839.

Argument that the real impediment to the colonisation of India is to be found in the exclusive policy of the system under which the country has been governed, 4840——Evil of the constant antagonism between the official and non-official Anglo-Indian communities, 4840, 4841——Wretchedly inefficient, oppressive, and corrupt character of the departments of administration, *ib.*——Radically defective constitution of the Legislative Council, 4840. 4843-4845.

Great evil of the present system of the covenanted civil service in its leading to the appointment of magistrates and judges exceedingly inexperienced and inefficient, 4840. 4873, 4874——Full concurrence in the evidence of other witnesses as to the wretchedly corrupt state of the Company's courts, 4840——Also as to the difficulties experienced by the English magistrates and judges, through their imperfect acquaintance with the native language, *ib.*——Effect of the exclusive system of the civil service in deterring well-educated and professional men from going out from this country, *ib.*

Bar to settlement through the neglected condition of India as regards roads and other means of communication. 4841——Immense importance of a transfer of authority from the Company to the Crown; the change would be very popular with the natives, 4842, 4843——Evil at present through the series of antagonisms in the judicial and other services, 4842——Suggested re-constitution of the Legislative Council, by the formation of a separate Council for each Presidency, and by the infusion of unpaid non-official Europeans and of natives, 4843-4851——The Supreme and other local Councils are wholly useless and enormously expensive, 4944.

Evidence strongly in favour of the introduction of the English language into the courts of law; sundry arguments in support of the proposition, 4852-4868——Entire failure of the present system of competitive examination to secure the most efficient men for India, 4869, 4870——Necessity of throwing the service entirely open in order to obtain efficiency, 4870.

Sufficiency of the salaries in order to induce competent men to go out from this country, 4870. 4875——A knowledge of the native language for colloquial purposes would be sufficient, if the English language be used, 4871——Education in jurisprudence is essential in any one appointed to the judicial office, 4872, 4873——Admission by numbers of gentlemen in the civil service that to attempt to dispense justice is a total failure, 4873.

As regards the police throughout India, its inefficiency cannot be exaggerated, 4874——Unduly large salaries at present of many of the civil servants, 4875——Exceedingly light duties of the revenue collectors, *ib.*——Absence of difficulty in finding members of the uncovenanted service to fill positions previously occupied by covenanted servants at much larger salaries, *ib.*

[Second Examination.]—Causes to which may be attributed the much more satisfactory operation of the Sudder Court than of the Zillah and district courts, 4876——In the Company's courts the trouble of the litigant may be said really to commence on the day when he gets his decree, 4877——Grounds for objecting to the subjection of European settlers, or Christians, to the jurisdiction of the native criminal judges, 4878, 4879——Approval of the extended employment of natives, and of opening some higher offices to them, 4879. 5091.

Reports, 1857-8—*continued.*

Waller, Joseph Gabriel. (Analysis of his Evidence)—*continued.*

Further statement as to the advantages to be derived, indirectly as well as directly, from the introduction of the English language into the courts, 4880——Objection to Europeans being subject to the Company's courts in the interior presided over by Europeans, 4881——Way in which the present revenue sale laws necessarily deter settlement, 4882. 4903-4905——Difference between a talook and putnee, 4883, 4884——Advantages to be derived from a permission to redeem the land-tax, 4885, 4886. 4906-4908——Necessity under which indigo planters and others keep in their pay bodies of police, 4887.

Belief that the character of the natives is very favourable to European settlement; they are mild, docile, and gentle, and capable of being trained to everything that is good, 4888. 4961——Decided objection to the introduction of the non-regulation system into Bengal, 4889——Further evidence as to the deficient training of the civil judges, 4890. 5002-5006. 5085-5089. 5134. 5199——Causes of the antagonism between the settlers and the civil servants, 4891-4893. 4946, 4947. 5081, 5082——Dissent from Mr. Baillie's statement that the business of indigo planters has, on the whole, been a losing one, 4894-4896.

More profitable settlement but for the state of the law and of the police, 4896, 4897——Means suggested for putting an end to the antagonism between the official and non-official communities, 4898. 4930-4934——Importance of the liberty of the English press in India; objection to the recent suppression of its freedom in reference to the mutiny, 4898. 4925-4927. 4981-4996. 5026-5028. 5082-5084——The body of English law should be introduced with such modifications as are necessary to suit the religious habits and social condition of the natives, 4898.

Further statement as to expediency of abolishing the present exclusiveness of the civil service, 4898. 4919-4924. 4930-4934. 5006, 5007, 5223, 5224——The police must be remodelled by the introduction of the European element, and of the native Christians, 4898——Suggestions for providing an efficient magistracy, *ib.*——A worse judicial system than the present could hardly be devised, 4898, 4899——The stamp law, as making litigation a source of revenue to the Government, should be abolished, 4899——Necessity of the introduction of professional judges independent of the Government, 4899.

Impression that the people would readily pay for a more expensive police, if efficient, 4900-4902——A system of registration and a proper survey of the country are essential, under a permission to hold the land in fee-simple, 4909, 4910——Objection to interference with the rule of the Hindoo religion, that the son should take upon himself the debts of his father; in practice, the recovery by law of such debts, as of debts generally, is extremely remote, 4911-4918——Effect of the exclusive character of the covenanted service as regards the subordinate positions and low salaries open to the uncovenanted service, 4919-4924. 5098-5101.

The native press should be placed under certain restrictions, but should not be prohibited altogether, 4928-4930. 4979-4981——Further evidence in favour of a separate Legislative Council for each Presidency, and of its comprising non-official Europeans and natives, 4933-4939. 4955-4958. 5048-5051——Incompetent character of the native pleaders; they should undergo a sort of apprenticeship, 4940-4942——Natives should be allowed to plead in the Supreme Court, without first being called to the bar in England, 4943-4945.

Evil in the necessity under the present system of keeping incompetent men in the service, and of promoting them, 4948-4951. 5087——Instances of the promotion of utterly inefficient men to the bench, 4951-4954——The promotion of natives to high offices should not be encouraged until the mutiny is entirely over, 4959——Importance of the appointment of native Christians to offices in the police, &c., from which they are now excluded, 4960. 4966. 4999. 5054, 5055. 5214. 5215. 5217-5220——Advantage if Government had taken an open and plain course in regard to Christianity; instead of professing to be hostile to its introduction, they should be perfectly neutral in the matter, 4960. 4965. 4974. 4997-5001. 5070. 5112-5114.

Respect entertained by the natives for the missionaries, 4962-4964——There are a great many coloured Christians in Bengal, 4966. 5212, 5213——Degraded condition of the coloured Christians or Eurasians; they are unjustly held in much contempt, 4967-4971. 5071-5073——The lower orders of natives who turn Christians are not considered very trustworthy, 4972——More bitter feeling of the Mahomedans than of the Hindoos against Christians and Christianity, 4975. 5031-5034.

Expediency of all Christians, as well as of European settlers, being subject to the jurisdiction only of European or Christian judges, 4976, 4977. 5029, 5030. 5056-5069. 5074-5077——In a physical sense only are the Bengalees at all inferior to the people of Upper India, 4978——Further statement as to the unsuitable test to which the candidates for the civil service are subjected, 5002-5007. 5085-5087——Way in which the patronage should

Reports, 1857-8—*continued.*

Waller, Joseph Gabriel.—(Analysis of his Evidence)—*continued.*

should be administered, with a view to efficient appointments, if the civil service were thrown entirely open; checks upon jobbery under the system, 5006-5025. 5102-5109. 5164-5188.

Explanation as to the qualifications or professional training desirable in the case of every person appointed to a judgeship; how such qualification might in practice be secured, 5016-5021. 5102-5109. 5135. 5192——The more commerce is extended in India the greater will be the security of the British rule, 5034-5036——Anticipation that in course of time caste will, if not interfered with in any way, gradually disappear, 5037-5041——The Hindoos believe the Christian religion to be a true religion, and consider that its progress will be great if not forced in any way, 5042——Advantage if the Church were entirely disconnected from the State in India, 5043-5047.

Further statement with reference to the exceedingly light duties and large salaries of revenue officers in Bengal, 5052, 5053——Mixed system of native judges and of European and native Christian judges comprised in witness's plan of an improved judicial system, 5057-5069. 5074-5077——Further evidence as to the importance of introducing the substance of the English law all over India; equity must not, however, be separated from law, as in this country, 5061, 5062. 5192-5198.

Different sense in which colonisation can take root in India, as compared with other colonies, 5078-5080——Objection to the duties of the collectors being partly of a judicial character, 5088. 5131——Besides several other sweeping reforms which are much required, the Supreme Council should be abolished; its members are drawing 8,000*l.* a year, and are doing nothing, 5090. 5222——Very inefficient constitution of the Legislative Council further adverted to, 5092-5097. 5221——Each Presidency should enact its own laws, and should act as far as possible subject to the imperial authority of this country, instead of to the authority of the Governor-General, 5110, 5111. 5155-5163. 5189-5191.

Further evidence in favour of the introduction, that is, gradually, of the English language into the courts generally throughout India, 5115-5133——Impression that Mr. Hawkins does not object to the introduction of the English language, provided it be done gradually, 5120——An improvement in the administration of justice will not only encourage British settlement, but will lead to an improvement of the condition of the natives, 5136, 5137.

Belief that the great majority of the natives prefer the Queen's system of law to the Company's system, 5138-5141——Reference to, and confirmation of, certain documentary evidence, showing the strong preference of natives as well as of Europeans for the Queen's courts over the Company's courts, 5142-5154——Power and practice of the Court of Directors in regard to patronage in India; restrictions upon abuse of patronage, 5170-5172. 5175-5182.

Reference to the hill station of Darjeeling as presenting very great resources for colonisation, 5200, 5201——Opinion that settlers' children or grandchildren would not degenerate in Darjeeling, 5202, 5203——In the plains settlement, as distinct from colonisation, may be carried out, notwithstanding the climate, 5204——Greater attraction to settlers, as regards pasture lands, in Australia and Canada than in India, 5205. 5207, 5208——Opinion that enterprising settlers would make money more quickly in India than Australia, 5206.

Witness entirely dissents from Mr. Mackenzie's objection to the employment of native Christians in the police, 5209-5214——Dissent also from Mr. Mackenzie's evidence in regard to the number and success of Greek houses in India, 5216——Approval of there being one grand appellate court at Calcutta, constituted of Queen's judges, the covenanted service being at the same time abolished, 5223, 5224.

Slightly increased mortality of civilians in India as compared with this country, 5225-5227——Mechanics and skilled labourers would be of the greatest use in India, 5228——Importance of a bridge being built over the river at Calcutta, 5229-5235——Further reference to the great want of roads in Bengal, 5236-5239.

Warden, John. (Analysis of his Evidence.)—Left India in 1854, after having been thirty-three years in the civil service, chiefly in the Deccan and the South Mahratta country; held several of the highest offices in the Bombay Presidency, 6020-6026——Considers that the climate in Bombay need not prevent colonisation by Europeans, that is as capitalists, or superintendents of native labour, 6028——The exceedingly low cost of native labour, about eight shillings a month, must always, irrespectively of the climate, prevent the successful settlement of Europeans as manual labourers, 6028. 6047, 6048.

On the Mahableshwur hills in the Deccan Europeans may live permanently, and their race be continued there, 6029-6034——Heaviness of the monsoon in some parts of the Mahableshwur hills, 6030. 6038, 6039——Healthy character of the European soldiers stationed on the hilly districts near Poonah, 6035, 6036——On parts of the Mahableshwur hills, and in other places in Bombay, depôts for the soldiers and asylums for their children may, with great advantage, be established, 6037, 6046.

Reports, 1857-8—*continued.*

Warden, John. (Analysis of his Evidence)—*continued.*

The security of our rule in India depends upon the natives' opinion of our power and justice, 6049——Lower opinion entertained by the natives during the last fifteen or twenty years of our power or justice, 6050, 6051——Excellence of the Elphinstone code, as first laid down for the administration of the Mofussil territories in Bombay; it has since been encumbered with a number of supplementary regulations which have destroyed its simplicity and deformed its beauty, 6052-6056.

Reference to Mr. Elphinstone's proclamation in 1818, declaring the principles on which the Presidency should be settled, and promising that private rights should be treated with generosity, 6057, 6058. 6062——Excellent progress of the settlement of the Company under Mr. Elphinstone's administration, 6059, 6060——As an obstacle to European colonisation, the Enam Commission has not attracted that notice in this country which it should have done, 6061, 6062——Excellence of the tenure of enamdars under the native rule and at the time of Mr. Elphinstone's settlement; enams, in fact, offered the best investment to a European colonist, 6062, 6063. 6075.

Origin of the Enam Commission, 6062——The Commission has disturbed Mr. Elphinstone's settlement, and has unduly interfered with the rights of the Peishwa's subjects, 6062 *et seq.*——The liability of enamdars to be called upon to prove their titles for a period extending back sixty years before the abdication of the Peishwa necessarily operates in deterring settlers from investment on the security of the enams, 6062-6077. 6143-6145——Hardship of the exclusion of enamdars from the right of supporting their claims in a court of justice, 6066-6068. 6129-6134.

Main objection to the operation of the Enam Commission, on the ground that active steps were not taken until 1852, thirty-five years after the abdication of the Peishwa, when many prescriptive titles had been established by the mere lapse of time, and that then sixty instead of thirty years' possession before the abdication should be shown, or ninety-five years' possession altogether, 6068-6075. 6126-6128. 6138, 6139. 6211, 6212. 6219. 6223-6225. 6229. 6248.

Deprivation by the Act of 1852 of the right of female succession to enams; belief that under the native system such succession was unquestioned, 6069-6071. 6247——Impropriety in the *onus probandi* being thrown upon the enamdar, 6074, 6075. 6138, 6139——Also in the final appeal being only to the Governor in Council, and in the claimant not being allowed to support such appeal in a proper manner, 6074, 6075. 6129-6134——Also in the Commission being composed of inexperienced and unqualified men, 6075.

Grievance in the slow progress of the Commission; particulars hereon, 6075. 6146-6153——Disaffection and symptoms of rebellion in certain districts through the operation of the Commission, 6075. 6243-6246——If it be the fact that a large proportion of the land in Western India is alienated, and held by fraudulent titles, the proper way to test such titles is through the courts of law, 6075——As the operation of the Commission involves a violation of public faith, and a rigorous and partial administration of the laws, the Commission should at once be revoked, *ib.*——All decrees passed by the Commission should be declared open to appeal to the Sudder Court, and to Her Majesty in Council, *ib.*

Ample opportunities of witness for acquiring information in regard to the administration of justice in the Mofussil and at Bombay, 6078——Great and growing confidence of the natives, as well as of the Europeans, in the Supreme courts, the constitution of which courts is admirable, and the administration of justice most satisfactory, 6079-6084. 6111-6113——Obstacle to the satisfactory administration of justice by European judges in the Mofussil in Western India on account of the several native languages spoken, and which they do not properly understand, 6081-6083. 6090. 6249, 6250.

Arguments in favour of the administration of justice in the language of the judge, 6082-6086——Aptness of the natives in learning foreign languages, 6083, 6262——Gradual way in which the English language should be introduced into the courts, 6083-6086——Expediency, if the English language be used, of the judges being still acquainted with the native languages, 6083. 6087-6091——Higher test and further examination proposed with a view to greater proficiency in the native languages, 6083. 6249, 6250.

Advantage if the barristers in the Supreme Court were appointed to judgeships; illustration of their fitness for such position, 6087-6089. 6251——There is every desire in Western India to administer justice properly, but the judicial system is defective, 6087-6095. 6111-6118. 6194——Importance of a legal education in the case of all judges, 6087-6092. 6114-6118. 6204. 6252-6255——Improvement if the judicial administration were separated from the civil service, 6094, 6095. 6276. 6278——Expediency of a simpler and cheaper course of proceeding especially in petty cases, 6096, 6097. 6174, 6175——Undue amount of the costs in small cases, as ascertained by witness when on a circuit as judicial commissioner from Bombay, 6097-6099.

Bad

Reports, 1857-8—*continued.*

Warden, John. (Analysis of his Evidence)—*continued.*

Bad state of the roads in different parts of Bombay, as shown by witness's experience in 1851; suggestion then made by him for their local maintenance, 6100-6103. 6184-6188——If the English language be used in the courts any attempt at deception on the part of the interpreters would be detected by the pleaders on either side, 6104-6109——Facility for providing a class of native pleaders conversant with the English language; deficient attainments of students at the Bombay College adverted to hereon, 6105-6108. 6262-6264.

Influence of the sheristadars over the European judges; belief that the British officials generally are more or less influenced by their native subordinates, 6110-6113. 6272-6274——Circumstance of the use of the English language in the Supreme Court at Bombay not being distasteful to the natives, 6119-6122——The interpreters, if the English lanaguage be introduced in the Zillah courts, would not be more costly than the present staff of the judges, 6123, 6124——Interpreters might readily be procured, 6125.

Letter from Jafur Alee, a landowner in Bombay, to Sir Erskine Perry, complaining generally of the proceedings of Government, and more especially of their disregard of native rights in land, 6136——Distinction between an enam and a jagheer, 6136, 6137——Rare instances of any grants by Government either in jagheer or enam, 6140, 6141, ——Gradual disappearance of enamdars in Bombay under the present system of resumption as pursued by Government, and growing obstacle thereby to European settlement, 6142-6145. 6154-6156. 6168, 6169.

Reference to a statement showing the number of enam claims received and recorded in the northern and southern divisions of the Bombay Presidency, 6146-6153——Except the enam lands, the lands in Bombay have not generally a saleable value, on account of being too heavily assessed, 6157-6164——Confirmation by Mr. Elphinstone of all grants or promises of enam where the right was properly shown, 6165-6167.

Opening for European capitalists in Bombay in the superintendence of cotton and sugar cultivation, 6170, 6171——Witness never met with any European capitalists in the Mofussil, 6172——The mode of administering justice in Bombay is some obstruction to successful colonisation, 6173-6176——The main obstacle to settlement is the difficulty of procuring land with a proper title, 6174. 6176, 6177——Opinion that cotton in India, though it may be much improved, can never be brought to equal American cotton, 6178-6183.

Impression that there is no disinclination among the civil servants in Bombay to encourage European settlers, 6189. 6194——Higher social position of the civil servants than of the settlers; the civil service is in fact a caste, 6190-6193——The native judges have on the whole turned out very well, 6195. 6265——Greater deference and consideration shown by the natives to Europeans in proportion to their rank and wealth, 6195-6197. 6206-6208——An abolition of the covenanted civil service would not have any effect in deterring European settlement, 6198, 6199——Advantage if uncovenanted servants of tried efficiency were eligible for offices now held exclusively by the covenanted servants; it would in fact be well to abolish the covenanted system, 6200-6205. 6275-6278——Instance of an uncovenanted servant of tried ability having been excluded from high office by the Home authorities; he was originally a domestic servant, 6202, 6203.

Examination with reference to certain statements put forward (by Mr. Mangles) in justification of the principle of a resumption of rent-free tenures; witness repeats his objections to the practice pursued in the matter, 6209-6232——Instead of re-assessing the lands held in enam, it would have been better to have levied some new tax on the enamdars, 6216-6219. 6226, 6227. 6230——Further reference to the members of the Enam Commission as not the most competent men for the office; Mr. Hart is a very able man, of some twenty-three years' standing in the service, but Captain Cowper is probably under thirty years of age, 6233-6242.

Witness considers it very important that the European judges should have a practical knowledge of the character and habits of the people, but they should as well have a legal education; means by which both qualifications may be secured, 6252-6261——Approval of the appointment of natives as judges; they should however have more education and higher salaries, 6265-6270——Advantage in placing European sergeants in the police rather than in raising the pay of the native police officers, 6267. 6270, 6271.

[Second Examination.]—Further reference to the plateau in the neighbourhood of the Mahableshwur hills as a very favourable place for settlement by Europeans, 7353-7358. 7362. 7536-7546——Witness is not aware that the soldiers at Poonah are kept under any particular restrictions on the score of health, 7359-7361.

The main objection of witness to the Enam Commission is, that time alone had established prescriptive titles, and that whatever was done under the Commission was done too late, a period from 1817 till 1852 having been allowed to elapse, 7363-7365. 7389-7395——Certain provisions in the Act XI. of 1852 adverted to as professing to acknow-

Reports, 1857-8—*continued.*

Warden, John. (Analysis of his Evidence)—*continued.*

ledge titles confirmed by British authority, or declared hereditary under a sunnud; the Enam Commission is nevertheless the opposite of protection, 7365 *et seq*——Further evidence in confirmation of the statement that the *onus probandi* is improperly thrown upon the claimant or defendant, 7370 *et seq.* 7528, 7529.

If Government have reason to believe that lands are held by fraudulent titles the adjudication of such titles should be delegated to a properly constituted court, founded on recognised principles of justice, and carrying out the general provisions of the law, 7387-7394. 7424. 7578——Probable necessity of a long delay before the settlement of the numerous claims to be investigated, 7389-7395. 7423, 7424.

Impression as to its having been contemplated to extend the Act XI. of 1852 to Guzerat, 7396-7402——Circumstance of its having been said by some one in the Bombay Council that the introduction of the Act of 1852 into Guzerat would produce a rebellion, 7399. 7403. 7404. 7467——Further reference to the information contained in a certain return to the House of Commons relative to the different ways in which the cases before the Enam Commission have been decided, 7405-7418——Want of a proper appeal in India against the decision of the Enam Commission further adverted to, 7419-7422. 7530-7535——Less trustworthy evidence now procurable from the Peishwa's dufter at Poonah than in Mr. Elphinstone's time, 7425-7430.

Practice under the native governments always, on receipt of a nuzzer, to grant the right to convey to an heir by adoption any interest in the public revenue, 7431. 7581——Witness fully believes that, whatever may have been the orders of the Court of Directors, adoptions to enams are disallowed by the Enam Commission, 7432-7437——Age and experience of Captain Cowper further adverted to, 7438-7440——Belief that under the native governments enams were not saleable, 7441-7445——Probability of Mr. Elphinstone having contemplated extensive resumptions, but not at so distant a period as 1853; 7446-7448.

Further evidence as regards the young men educated at the Elphinstone and Poonah Colleges, to the effect that some of them are equal to the civil servants from Haileybury, and possess proper qualifications for the office of pleader, 7449-7461. 7514-7527——Origin of the law by which in the Deccan enamdars were unable to sue the Company in courts of justice, 7462, 7463——How far it can be said that the Peishwa abdicated in favour of the British Government, 7464, 7465——Judges of Her Majesty's courts would have made most efficient members of the Enam Commission, 7466.

Although Government cannot be said to have altered the law of prescription in the Deccan, they instituted a rigorous and unjust law there, as compared with the law in other parts of the Peishwa's dominions, 7468-7472——The attempt of Sir John Peter Grant to extend the jurisdiction of the Supreme Court was differently received in the Mofussil, 7473-7476——An examination in Mahratta should be sufficient for barristers, the evidence being conveyed through interpreters, 7477——Civil servants are not always examined with reference to the language of the district to which they are appointed, 7478.

Further disapproval of the appointment of collectors as magistrates, 7479——Construction of the road from Poonah to Sholapore further adverted to, 7480-7485——Education must go on hand in hand with the reforms contemplated by witness in the courts of justice, 7486. 7503——Considerable reduction of the rent of the Government land in the Bombay Presidency, 7487-7490——Any European capitalists who may have gone out to Bombay are exceptional cases, 7491-7494.

With reference to a strong statement by Lord Macaulay in the House of Commons in 1853, in opposition to throwing open the public appointments, the same does not alter witness's opinion on the subject, 7495, 7496——Further reference to the impropriety of the exclusion from a high office of a person who was formerly a domestic servant, 7497, 7498——Propriety of new taxes in India, if the exigencies and just government of the country require them, 7499-7502——Expediency of military sergeants being introduced into the police, although some European sergeants in the Bombay police turned out badly, 7504-7507.

Witness fully adheres to the substance of each statement made by him on his first examination before the Committee, 7510, 7511——Explanation, by reference to Mr. Elphinstone's History of India, of the practice in regard to the succession of females, 7511——Reference to Mr. Elphinstone's delineation of the character of the Hindoos as illustrating the injurious operation of the system of omlah under the Company's courts, 7511-7513.

Further reference to the importance of judicial education and training in the European judges, 7541——System of education and training suggested in the case of judges, supposing the service to be thrown open and the judicial service separated from the revenue service, 7542-7550——There would be no practical difficulty in a distinct judicial service, 7543. 7550, 7551——The introduction of the English language into the courts

Reports, 1857-8—*continued.*

Warden, John. (Analysis of his Evidence)—*continued.*

courts must be gradual, 7552. 7560——Further statement as to the interpreters, &c. necessary if the English language be used; necessity of the continued employment of some natives, 7552-7560.

The students at the Elphinstone College are all natives, without reference to caste or religion, 7561-7563——The mischievous influence of the native official is exercised more or less over all European officers, however high their position, 7564-7567——The statement made by witness at Question 6075 was drawn up by himself, 7568——He repeats that the Enam Commission should be revoked; this opinion is fortified by a reference to Mr. Elphinstone's proclamation, 7569——Enam means literally a gift, 7570.

Where the enamdar is ousted the subtenures are not disturbed, 7571-7573——The enams are principally in the Deccan and the South Mahrattan country, 7574——Tendency of the Enam Commission to produce disquiet and rebellion on the part of the natives in Bombay, 7575-7577——Difficulty in Europeans settling in Bombay by the purchase of land from the enamdars, 7579-7584——Further reference to the interference by Government with the system of adoption, 7581, 7582. 7588, 7589——The practice of adoption was general under the Peishwa and the Hindoo rajahs, 7585-7587.

Watson, J. and R. There are upwards of fifty Europeans in Messrs. Watson's concerns in Lower Bengal; difficulty in keeping up the number, *Dalrymple* 3175-3177——Messrs. Watson have in their silk, indigo, and sugar concerns a capital of about 300,000 *l.* in block, and expend about 200,000 *l.* annually, *ib.* 3178-3187——In Messrs. Watson's operations there are 20,000 yearly contracts, *ib.* 3223——Advantage if an increased number of Europeans could be procured for the concerns of Messrs. Watson, *ib.* 3217-3221——Advances to the ryots by the firm of Messrs. Watson, have accumulated during the last thirty years to about a million sterling, of which about half has been remitted, *ib.* 3540-3544.

Western India. See *Bombay.*

Wheat. Facilities in the Punjaub for the production of large supplies of wheat at an exceedingly slight cost; large yields per acre, and character of the land on which grown, *Tremenheere* 42-49. 366-378——Circumstance of the land in some districts producing two crops of wheat but only one of cotton, *ib.* 479-482——Exceedingly low price at which wheat sells at some places in the interior of the country, *Balston* 5905, 5906——Irrigation will largely increase the cultivation of wheat in Mysore, &c., *Onslow* 6655——The wheat of the Broach district is the best in Western India; it is not exported to any extent, nor has the cultivation much increased, *Landon* 8320-8322——Large growth of wheat and barley in the North-west Provinces, *Saunders* 10247-10249.

Statement in letter from H. Williams, Esq., dated Jubbulpore, 3 May 1858, as to the extremely low price of wheat at that place, *App.* (*Fourth Rep.*) *p.* 261.

Wingate, Major George. (Analysis of his Evidence.)—Joined the Engineer corps in the Deccan in 1831, and has since had about twenty years' actual service in the Bombay Presidency, chiefly in settling the land assessment, 7590-7595——The revenue settlement of Bombay is a field settlement, a separate assessment being fixed on each field as recognised by means of boundary marks, 7596——The system of revenue settlement in Bombay differs from the Bengal and Madras system very materially, in the fact that in Bombay the holder of each field is simply responsible for the assessment of each field, 7597-7600.

Important respects in which the present settlement in Bombay differs from and is an an improvement upon the old ryotwarree system upon which it is founded, 7601-7605——Object of the settlement to recognise all existing rights, and to confer them where they do not already exist, 7604-7608——The assessment is for thirty years, at the end of which period there may be a general re-assessment, 7606-7608. 7609. 7621——Important advantages of the regulation that the holder of land may sell or under-let as many fields as he pleases, by giving certain notice; objection hereon to the late Mr. Mackay's proposition of a compulsory lease of the entire holding, 7610-7620.

Belief that the present system is highly favourable to the investment of capital in land and agricultural works, 7610-7612. 7620——The present system in Bombay was commenced in 1835 and finally settled in 1847; 7618——Objection to a permanent assessment, on financial grounds, 7618, 7619——The liability to a re-assessment at the end of thirty years ought not in any way to deter European settlement, 7621-7624.

Exceedingly favourable effect of the present assessment upon the condition of the agricultural population; letter in 1849 from the present Commissioner of Scinde in corroboration of this statement, 7625, 7626——The system was first tried on the recommendations of Mr. Frere, Mr. Goldsmid, and Mr. Williamson Ramsay, 7626——The security of tenure, directly under Government, and the reduction and certainty of the assessment, are the causes of the improved state of the ryots, 7627-7631——Save by an increased or reduced land-tax, the position of the landholder will nobe affected at the end of the thirty

Reports, 1857-8—*continued.*

Wingate, Major George. (Analysis of his Evidence)—*continued.*

years, 7632——Favourable operation of the settlement in checking pauper holdings, 7633-7637.

[Second Examination.]—Absence of greater tendency to subdivision of occupations under the Bombay revenue settlement than under that in the other Presidencies, 7638——Facilities of European capitalists for acquiring land under the system in Bombay, 7639-7640——Argument that the land-tax, as in Bombay, does not and should not deter the purchase of land by Europeans, 7641, 7642.

Grounds for concluding that the redemption of the land-tax would be a great evil to the interest of agriculture in India, 7643——Objection, upon financial grounds, to a redemption of the land-tax, inasmuch as land is almost the only available source for taxation, 7643-7647.

Except in Khandeish there is no great extent of unappropriated land in the Bombay Presidency, 7648. 7653——Opinion that there is no part of the Presidency suitable for colonisation by Europeans, 7648——Europeans and their children might, with much advantage, be located on the Western Ghaut ranges in Bombay, 7648-7652——Witness has estimated that there are 5,000,000 acres of waste lands in Khandeish, upon the greater part of which cotton or other produce might be grown, 7653, 7654. 7667-7669.

Considerations as to the probable amount of cotton which, by means of European capital, may be produced in Khandeish; opinion that it is not possible to produce a crop at all approaching that of the United States, 7654 *et seq.*——Considerable facilities for irrigation in Khandeish; it is, however, found more profitable to extend dry-crop cultivation than to irrigate, 7655. 7663. 7673. 7684——Cotton is now extensively grown in Khandeish, and its cultivation is increasing very rapidly, 7656, 7657——Bar to settlement through the unhealthiness of the climate, 7678, 7679——Doubt as to any particular improvement in the mode of cleaning cotton in Khandeish, 7685-7688.

Europeans cannot successfully compete with the natives as actual tillers of the soil, 7689——European capitalists or colonists can most advantageously operate by setting in motion native labour, and by purchasing and preparing native produce, 7689. 7690. 7749, 7750——European capital and skill may with excellent prospects of success be employed in manufacturing processes, the native processes being very defective, 7689——The use of agricultural machinery is by no means incompatible with small occupations, as in Bombay, 7691-7694.

Evidence showing that the land assessment in Dharwar and throughout Bombay is anything but burthensome, 7695-7697——Great extension of cultivation in consequence of the re-assessment, 7697——Reference to the views of Mr. Green, formerly professor of literature at Poonah College, as to the liberal policy of the Bombay Government in matters of land revenue, 7697, 7698——Depressed state of agriculture at one period in the districts conquered from the Peishwa, 7699——Quotation from an article by witness in the "Bombay Quarterly Review" for April 1857, referring to great improvements during recent years, and great prospective improvements in the condition of the agriculturists, 7699.

Improvement through the abolition, in part, of the native transit duties, 7699, 7700——In many of the native states the system of taxation altogether is oppressive, 7701, 7702——Explanation as to the use of manure on land in Bombay; its value is well known, 7703, 7704——Railways will be of immense advantage to the agriculturists in every way, 7705——Fine breed of cattle in Guzerat, but not in the Deccan, 7706.

Very much larger metallic currency required under the British revenue system than under the native system; quotation hereon from the article, before referred to, in the "Bombay Quarterly Review," 7707——The present demand for silver in India is an indication of prosperity, and should be viewed with satisfaction by exporters and manufacturers in this country, 7708, 7709——Grounds for objecting to the substitution of a gold standard for a silver standard in India; reference hereon to witness's article in the "Bombay Review," 7710-7714.

The experience of witness goes to show that the Presidency of Bombay has during the last twenty-five years made great advances in commerce, manufactures, population, and civilisation, 7715-7729——Increased use of British as well as of native manufactures in the Presidency; effect of competition upon the latter, 7714-7723——Great increase in the use of bullock carts in the Deccan, &c. 7723-7729——Greatly improved state of the roads throughout Bombay, although in many places roads are still urgently required, 7723-7729.

Inefficient state of the harbours along the Bombay coast, 7729——Great importance to the settlers as well as to the natives of improved means of transit, 7730——Readiness of the natives to adopt European improvements, 7731-7738——Large growth of New Orleans cotton in the South Mahratta country, where it was only introduced in 1845;

Reports, 1857-8—*continued.*

Wingate, Major George. (Analysis of his Evidence)—*continued.*

7733——Particulars as to the increased use of saw-gins in cleaning cotton; great importance of these machines, 7733-7744.

Witness does not consider it possible, having due regard to the interests of existing proprietors, to create a permanent race of large landed proprietors; the customs of inheritance would break up large properties, 7745, 7746——There is no obstacle to the purchase by colonists of individual properties in Bombay, 7747, 7748——Large estates in the hands of Europeans are not the bsst investment for capital, 7749, 7750——Bad condition of the large estates in the hands of native proprietors, who, in Bombay, are generally a worthless class, 7750.

Bar to the efficient administration of the Bombay Presidency through the control exercised by the supreme authority at Calcutta, 7751-7762——Reference to the circumstance of Bombay not having yet paid its own expenses, 7754-7761——There should be a great freedom of action and power of legislation in the local Government, and the superintending authority over each Presidency should be in England rather than Calcutta, 7762-7772——Witness does not directly recommend the abolition of the office of Governor-general, 7764. 7767. 7770. 7773, 7774.

Improved administration if there were a greater number of European officials or superintendents, 7775-7779——Improvement to be effected by an increase of the pay of native officials, 7776. 7780——Witness considers that under a proper system natives may be made very efficient public officers, 7776, 7777. 7780——Corrupt practices resorted to under the present system of promotion, through the collector, of subordinate revenue officials; amendment suggested, 7780-7794. 7810, 7811——Practice as regards the reading by the native officer, or karkoon, of petitions to the collector on questions of revenue; checks upon and improbability of a false reading by the karkoon, 7791-7824——Belief that the European officers in the Bombay Presidency are not, generally, under the influence or in the hands of the native officials, 7794*. 7818, 7819.

The removal of the jungle in Khandeish would obviate the ill effects on the score of climate, 7825, 7826——Varying size of the ryots' holdings in Bombay; in the rice countries the average is probably below ten acres, 7827——The holdings underlet are not generally the properties of large farmers, but of non-agricultural classes, 7828-7830——The increased cultivation in Bombay has more than compensated for the reduced assessment, so that Government have lost nothing whilst the people have gained enormously, 7831-7833.

Statement, based on an experience of twenty-five years, that the general tendency of Government and its officers is not in any way to thwart or discourage, but in every way to promote and encourage European settlement, 7834-7839——Reference to the encouragement given by the Government collector in Khandeish to the operations of the firm of Ritchie, Stewart, & Co., in procuring cotton, 7835.

Very large proportion of land in Dharwar and Belgaum which is alienated, in the shaps of enams, &c., from the Government assessment, 7840——Enamdars possess an exemption from taxatiou rather than a property in the land, 7841——Reasons why enamdars are not generally cultivators of their enams, 7842-7844——Impression that the rent-free land in Bombay amounts to a third of the entire revenue of the Presidency, 7845-7849——Only a small portion of the property held under free grants is appropriated to religious purposes, 7850, 7851.

There are doubtless some members of the civil service in Bombay who are not efficient, but the body is on the whole a zealous and efficient one, 7852——Efficiency of the Bombay civil servants generally in regard to the native languages, 7853-7856——Different native languages spoken in Bombay, 7853-7855——Approval of a separation, as far as possible, of the judicial from the revenue service, 7857-7859——In Bombay promotion in the judicial branch is confined to the officers of that branch, 7858——Legal training for judgeships should be acquired in India, rather than in this country, *ib.*

Offices of high trust and emolument should be open to natives, if proved qualified by examination, 7860. 7864——Opinion that natives have more confidence in the decision of European than of native judges, 7861——Objection to substituting barristers from this country for natives in the offices of sudder ameen and moonsiff, 7862-7865——European settlement in India may be greatly extended, but not on the same principle as in Australia, 7866-7868——Belief as to the probability of an increased number of Eurasians in India, and as to their fitness as colonists, 7869-7871——As regards enams in Bombay, the general impression of witness was that a great many were held on imperfect or fraudulent titles, 7872.

[Third Examination.]—Practice, under the Bombay revenue survey, in regard to the ascertainment of the capabilities of the soil, on which the assessment was fixed, 7873-7875——Advantageous position in which the ryot is placed by his occupancy being permanent for thirty years without liability to an increased assessment, whilst he has it

Reports, 1857-8—*continued.*

Wingate, Major George. (Analysis of his Evidence)—*continued.*

in his power to cultivate as much or little as he pleases, 7876-7882——Further explanation of the reasons why the power to increase the assessment at the end of thirty years should not deter European settlement, 7883-7886——Further statement that the direct, as opposed to the indirect, cultivation of land by Europeans, is not likely to be profitable, 7887-7890.

Witness reads to the Committee the rules under which the revenue survey settlements of Bombay are now administered, 7891, 7892——Benefits likely to be derived by the natives in various ways from an increased ssttlement of Europeans, 7893, 7894——Wild and uninhabited state of large portions of the province of Khandeish during the unsettled period preceding our occupation of the province; reference hereon to witness's Khandeish report of March 1852; 7895. 7897, 7898.

Witness has recently heard from the present collector in Khandeish that within the last seven years the cultivation has increased by about 400,000 acres, 7895, 7896—— Unhealthiness of the jungles in Khandeish, and paucity of the population further adverted to as a bar to European colonisation, 7899-7901——Further reference to the encouragement given by Government, though without success, to the firm of Ritchie, Stewart, & Co., 7902-7905.

Localities on the east of the line of ghauts in Bombay might be fixed upon as favourable places for asylums for European children; the Mahableshwur hills are too wet for the purpose, 7906-7921——There is a large sanitarium at Pooroondhur, between Poona and Mahableshwur, 7912——Further statement that the Bombay Government offer no hindrance to European settlement, 7913, 7914——The inducements to settlement offered by Canada, the United States, and Australia, and the unhealthy climate of India, sufficintly account for the non-settlement of the latter country, 7915.

Tabular statement delivered in, showing the extent of cotton cultivation in the collectorates of Belgaum and Dharwar for a series of years between 1841 and 1857; 7916—— Further statement relative to the effect upon native manufactures and the condition of the natives through the increased import of European manufactures, 7917-7921——Opinion that the future wealth of India will depend upon the development of her manufacturing power as well as of her productive power, 7922, 7923.

Belief that although cotton may be very extensively cultivated in India, a sufficient quantity cannot at any time be relied upon to make this country independent of American cotton; the price, in fact, will govern the production in India, 7924-7932—— Grounds for the statement as regards the operation of the Enam Commission that the *onus probandi* really rests with the Commissioner, 7933-7937——The establishment of the Enam Commission was by no means calculated to create a rebellion in the country, 7939, 7940.

European superintendents have been introduced into the Bombay police, but with what effect witness is unable to say, 7941, 7942——Further particulars relative to the character and extent of the roads throughout Bombay, and the efforts made of late years to increase and improve them, 7943-7953. 8030-8073——Witness had no practical knowledge of any young men educated at the Elphinstone College, but he fully believes that English education will vastly improve the native mind, and that properly educated natives may be largely made use of for Government employment, 7954-7965.

There have been several instances of sales of land, as well as of subletting, under the new assessment in Bombay, but not many years' purchase have as yet been obtained, 7966-7978. 8023, 8024——Witness conceives that there will be quite as great a commerce in land in Bombay under the thirty years' assessment as under a perpetual assessment, or under a right to acquire the fee simple; examination hereon with reference to some offers which have been made for the purchase of lands, provided the assessment on such lands were made permanent, 7979-8029.

Reasons other than the thirty years' assessment to which may be attributed the absence of investment in land by Bombay capitalists, 7984 *et seq.*——High rates of interest, but not so high as fifty or sixty per cent., paid for loans by the ryots in Bombay, 8014-8017 —— Commercial as well as military objects served by the principal roads in Bombay, 8032-8043. 8067-8069——Less requirement of roads in Guzerat than in the Deccan, 8044. 8062-8065. 8071——Roads are much required in the Deccan; much more should have been done to make or improve them, 8044. 8070. 8072, 8073——Rate of travelling over the roads, 8048-8061.

Under the present revenue settlement the ryots in Bombay may be said to be untaxed, 8074-8079——Witness denies that the population throughout Bombay are in a poor and wretched condition; in many districts, the Southern Mahratta country especially, they are exceedingly comfortable, and have abundance to live upon, 8078-8084——The system of assessment according to the crop ceased several years since in Bombay, 8085-8088. 8090——Approval of a water rate for irrigation, as in Khandeish, 8086.

The settlement is not completed throughout Bombay; the surveys are still going on in Guzerat

Reports, 1857-8—*continued.*

Wingate, John George. (Analysis of his Evidence)—*continued.*

Guzerat and Khandeish, 8089. 8091-8093——Further statement that the expiry of the term of thirty years does not affect the title of the occupant, 8094-8096——Great value of new roads in order to develop the resources of the country, 8097-8100——Enhancement in the market price of cotton through the cost of transit, 8100-8103.

Careful manner in which the assessment has been carried out; re-assessment has not been necessary in any district, 8104-8108——Further evidence to the effect that the liability to increased assessment at the end of thirty years is not calculated to deter European investment or settlement, 8109-8123——Limited extent to which European settlement now exists in the Bombay Presidency; absence of European agricultural settlement, 8124-8133. 8144, 8145——Prospects of India as a manufacturing country further considered; success anticipated, 8134-8143.

Witness, who is not now in the Company's service, is perfectly unbiassed in his evidence, 8147-8149—— Character of the roads in Bombay further adverted to in connexion with the rate of travelling of bullock-carts over them, 8152-8160——There are about 500 miles of good roads in Bombay; the cross roads are much more extensive, 8161-8164——Tendency of the want of roads to check migration to the unpopulous districts, 8165, 8166.

Beneficial effect of increased European settlement upon the moral and social condition of the people, 8167-8170——Tendency of increased settlement to strengthen our hold upon the country; line of demarcation now existing between the governing and the governed adverted to hereon, 8171-8175——Further statement, that although the cultivation of cotton is being much extended, it is not likely to be produced so profitably as to lead to the same extent of cultivation as in America, 8176-8185.

Improbability of the assessment in Bombay ever being reduced below the present limit, 8186——Any further reduction of the assessment would be a loss of revenue, as all the valuable land is now cultivated and assessed, 8187-8189——Although the present assessment was first tried in 1835, it was not carried out rigorously until within the last five years, 8190, 8191——In the collectorate of Broach and other old assessed districts the assessment has been reduced without a re-survey, 8192, 8193.

Further reference to the successful cultivation of New Orleans cotton in Dharwar, although in adjacent districts the experiment has failed, 8194-8200——Belief that good faith exists on the part of the Government of India towards its subjects, and that in course of time the many causes of complaint on the part of the latter will be remedied, 8201-8204.

Wise, Josiah Patrick. (Analysis of his Evidence.)—Has resided for upwards of thirty years in several districts of Eastern Bengal as a proprietor and manager of indigo and other concerns, 2622-2629——Marked improvement in the condition of the people of India wherever Europeans have settled, 2630-2637——Largely increased revenues if settlement had been encouraged as recommended by Sir C. Metcalfe, 2630. 2857——Constant hostility displayed by the Indian Government, through its laws, towards European settlement, 2630. 2647. 2650-2653. 2877-2885——Expense and insecurity in the investment of capital under the perpetual settlement system, as at present administered in Eastern Bengal, 2632-2636——Instance of the reversal of a sale after seventeen years' purchase, 2634. 2886-2895.

Outline of measures necessary in order to facilitate the investment of capital in zemindaries and under-tenures without impairing the security of the revenue, 2635, 2636——Very favourable feeling of the cultivators of the soil towards European settlers; instances of this in Lower Bengal during the mutiny, 2637-2642. 2715. 2869. 2965-2967——Sundry respects in which the presence of the settler has benefited the material condition of the native, and protected him from oppression, 2637. 2643. 2777-2786. 2858, 2859——Increased benefit to the native accordingly as settlement is extended, 2638-2642. 2713, 2714. 2776. 2963, 2964.

Strong complaint against the threatened enactment of measures for subjecting European settlers to the criminal jurisdiction of native judges and native juries, 2637. 2645. 2647. 2650——Entire inadequacy of the European magistrates in the Bengal districts to see to the proper administration of justice, 2645. 2647——Want of training and experience in the magistrates, *ib.*——Corrupt state of the native police, 2643-2648——Very little power of the sessions judges over the magistrates, 2643. 2896——Under the present system neither person nor property is secure, 2645-2647.

Failure of the appointment of natives as deputy magistrates, 2647——Increased exactions through the increased pay of the darogahs, 2647, 2648——Suggestions for a reform of the magistracy, 2647——The darogah's place should be taken by a European, *ib.*——Ample power at present of the country magistracy over Europeans, 2649——Witness has suffered in several ways through the present state and administration of the laws, 2654-2656——Particulars as to witness having been unjustly dispossessed of an estate which he had legally purchased; it was re-purchased and held by Government, 2654. 2917. 2940-2943.

Reports, 1857-8—*continued.*

Wise, Josiah Patrick. (Analysis of his Evidence)—*continued.*

Check to settlement through the defective Sale Law, 2657——Great improvement if the English language were introduced into the courts of law, 2658, 2659——Practice as regards leases and management in the case of property which has reverted to Government in respect of arrears of revenue, 2660-2669. 2944-2951——Facilities for European colonization in the tea districts of Assam, and in the hilly districts generally, 2670-2679——The land in Assam chiefly belongs to Government; favourable terms upon which it is leased, 2672, 2673. 2870. 2879-2882.

Excellent natural facilities for the production of cotton in India, 2679——Large crops of very good cotton grown by witness near Dacca, 2679, 2680. 2735——Under a proper state of laws, and with power to hold land in perpetuity, cultivation would soon be immensely extended by Europeans, 2681, 2682——Experiment by the Government in cotton cultivation in Dacca; causes of its failure, 2683, 2684. 2742-2757——Bad state of the roads in witness's district, 2758——Also of the canals, *ib.*——Very good health of witness in India, 2686-2688. 2852-2856.

Evidence in favour of the introduction of a gold currency into India, and of the issue of Government paper bearing a certain rate of interest and payable after twelve months, 2689-2691. 2952-2962——Immense property held by European settlers and capitalists in indigo cultivation, and immense value of the indigo produced annually by them, 2692-2695——Enhanced value of indigo, silk, sugar, &c., when produced under European superintendence, 2696-2699——Explanation as to the system of native money-lending to cultivators, and the usurious price paid for loans in the interior of the country, 2700, 2701. 2775, 2776. 28272845. 2981-2983.

Vast increase of production through the extended settlements of Europeans, 2702-2704——The number of Europeans in the Mofussil has not increased, 2705, 2706. 2848——The great body of the people have not derived due advantage from the increase of production; the advantage goes rather to the money-lenders, 2707, 2708. 2711. 2775——Advantage of an increased introduction of capital as a means of adjusting the balance of trade, which, under the present system, continues much against this country, 2709-2713——Easier access to loans if there were more European capital, 2710-2713. 2776.

Young Englishmen well acquainted with the native language are much wanted in the service of the planters, 2716, 2717. 2720——Strong approval of well-organised institutions in the hills for the education and practical training of the sons of soldiers, 2717-2720——Particulars as to the corrupt conduct of the police, and of the nazir, or sheriff, with reference to a case of murder in the Tipperah territory some sixteen years ago; the nazir was dismissed the service, but was re-appointed by the local collector, 2721-2725. 2819-2826. 2849-2851. 2907.

Evidence as to the injurious and oppressive operation of the Resumption Law in Eastern Bengal; this law, which was an inquiry into titles, ceased about five or six years ago, 2726-2728. 2808-2817. 2917-2919——Further particulars relative to the cultivation of cotton in Dacca, and the reasons why it has not been more extensively produced, 2729-2766. 2790-2793. 2803-2807. 2908-2916——Difficulty as regards water communication between Dacca and Calcutta, 2760-2769.

Settlement would doubtless be more profitable if there were good laws and a good police, 2770——Witness would not have settled in India had he been aware of the difficulties to be encountered, nor would his experience be encouraging to others; his residence there has, however, been tolerably profitable to him, 2771-2774. 2917. 2931, 2932——Reference to the practice of the natives to submit disputes to the settlers for arbitration, 2780-2786——Settlement of disputes at times through punchayetts, or village juries, 2785-2789——Inadequate means of communication between Calcutta and Assam; Government have put two steamers on the route, 2794-2802. 2871-2873.

Instead of a limit of sixty years for inquiry into titles, the limit should be about twelve years, 2816-2818——Railways will greatly induce settlement, 2834——Witness does not consider that the population of Dacca, &c. have retrograded during the last fifty years, 2846-2848——Jealousy of the native zemindars when Europeans purchase zemindaries, and no longer oppress the ryots, 2858——Further evidence as to the disgraceful state of the police, 2860-2868——Able magistrates are the best remedy for the condition of the police, 2861, 2862——Prospect of advancement desirable in connexion with the introduction of the European element into the police, 2863, 2864.

There are a good many Europeans in Assam superintending the tea cultivation, 2874——Difficulty as regards the supply of labour in Assam, 2875, 2876——There are not above thirty or forty Europeans in the five districts of Eastern Bengal in which witness is interested, 2897——Further statement as to the importance of introducing the English language and English judges into the courts, 2898. 2904. 2937-2939——The magistrates at present are, very many of them, unacquainted with the native language, 2899——Facility for procuring efficient interpreters in the proposed English courts, 2905, 2906.

Sundry respects in which it may be said that reforms or improvements have of late years

Reports, 1857-8—*continued.*

Wise, Josiah Patrick. (Analysis of his Evidence)—*continued.*

years been introduced by the Indian Government, 2920–2926——Improvement if some Government situations now held by natives were bestowed upon Europeans, 2927, 2928——The right of the ryots under the permanent settlement must be protected, 2929, 2930——When witness went to India thirty years ago the magistrates were more efficient than at present, 2933–2936——Want of supervision over the native courts, 2968–2970——Want of the circulation of a press in the interior as a check upon mal-administration, 2969–2980——Check to settlement through the spirit of Government opposition further adverted to, 2984, 2985.

[Second Examination].—Further evidence in support of the proposition for the introduction of the English language into the courts in the interior, 2988–3041——The Persian language was, till about ten years ago, the language of the courts in Lower Bengal, and Hindee is now chiefly used, although Bengalee is the vernacular of the province, 2988–3005——In exceptional cases only can the European magistrates and judges converse or deliver judgments in the native language, 3006-3009. 3109–3114.

Further statement as to the facility and advantage of a system of interpreters under judicial officers using the English language, 3010–3024. 3115–3117——Advantage, for purposes of appeal, of the evidence being all recorded by the judge in the English language, 3026–3029. 3066–3068——Readiness with which natives would qualify themselves as judges using the English language, 3035–3041. 3066——Low morality in many instances of the native judges; instance of this in the dismissal of a sudder ameen for bribery, 3042. 3150-3154.

Further expression of belief in the corrupt character generally of the police and omlah, 3043–3046. 3097–3099——Probability of improvement in the morality and efficiency of the police and of the native officials generally if they were better paid, 3047–3051. 3118–3120——Reasons for the much better pay of European than of native officials, 3052——Statement showing the low salaries of the great majority of the natives in the uncovenanted service, 3054–3065——Very limited number of European judges required in the mofussil in order to exercise jurisdiction over the planters, 3069-3080.

There are many highly respectable and intelligent natives in Dacca, but Europeans there would still like to be tried by a jury of their own countrymen, 3081–3084——The late rajah of Tipperah was more advanced and intelligent in character than the present rajah, 3085, 3086——There is a good number of very superior intelligent and worthy natives in different parts of the country, 3087——Great deterioration of the Portuguese settled in Chittagong and Dacca, 3088–3091——Many parts of Lower Bengal are occasionally very unhealthy, 3092–3096.

Harsh and unjust operation of the resumption laws further adverted to, 3100–3108——The native omlah would still be required under a system comprising the English language and efficient interpreters, but their bribery would be duly checked, 3115–3117. 3158, 3159——Further reference to the circumstances under which a certain sale was reversed after seventeen years' purchase, 3121–3126——Explanation as to witness not having taken any steps, as regards an appeal or a re-purchase, in the matter of the property which he had bought, and which was re-purchased by Government, 3127–3137.

Facility for introducing the decimal system of currency into India, 3138, 3139——Although witness has had excellent health in Lower Bengal, and has known several instances of the sons of planters remaining there in good health up to the time of manhood, he is not aware of any instance of a third generation there, and considers that deterioration takes place after the first generation, 3140–3149. 3160, 3161. 3164–3167——There is no reason why the rights of the ryots may not be equitably purchased, 3155–3157——Witness has a better opinion of the moral character of the Hindoos than of the Mussulmans, 3162, 3163.

Witnesses (Mofussil Courts). See *Administration of Justice,* X.

Wool. Coarse character of the wool produced in India; it may easily be improved, *Freeman* 1542–1545.

Y.

Yarn. Large import in Bombay of yarn from England, *Wingate* 7718–7721.

Z.

Zemindars. Explanation as to the native zemindars being mostly absentee landlords, *MacNair* 2050, 2051——Oppressions to which the ryots in Bengal are subject by the native zemindars, but not by the European zemindars or planters, *ib.* 2596–2605——Jealousy of the native zemindars when Europeans purchase zemindaries, and no longer oppress the ryots, *Wise* 2858——Higher prices generally bid at sales by natives than by settlers, *Dalrymple* 3344–3346.

Reports, 1857–8—*continued.*

Zemindars—continued.

Unduly large power of the zemindars in Lower Bengal, who constantly exercise them to the oppression of the ryots, *Mackenzie* 3638–3646. 3653-3656——The zemindars in Bengal are nearly all new men; their hereditary rights formerly were merely as tax-gatherers, *ib.* 3683-3689——The zemindaries very seldom change proprietorships, *ib.* 3690——The laws since 1840 have induced considerable absenteeism on the part of the Bengal zemindars, *ib.* 3691. 3939.

Benefits resulting wherever European zemindaries are established in Madras; difficulty in extending the system, *Ouchterlony* 5423–5427.

Statement by certain ryots in Bengal, and evidence in confirmation thereof, as to the ill-treatment experienced by them at the hands of the zemindars, native and European, *Mullens* 7154–7166. 7209–7218——The condition of the ryots on any estate depends greatly on the individual character of the zemindar, many of the English zemindars being very just, *ib.* 7212–7214. 7316, 7317——Means of the zemindars for exacting undue payments from the ryots, *ib,* 7215. 7217. 7223, 7224——The zemindars should be properly checked by law against unduly increasing the ryot rents, or making other exactions, *ib.* 7219–7224.

Witness does not consider it possible in Bombay, &c., having due regard to the interests of existing proprietors, to create a race of large landed proprietors; the custom of inheritance would break up large properties, *Wingate* 7745, 7746——Large estates in the hands of Europeans are not the best investments for capital, *ib.* 7749, 7750——Bad condition of the large estates in the hands of native proprietors, who in Bombay are generally a worthless class, *ib.* 7750.

See also *Administration of Justice* (*Mofussil*). *Advances to Cultivators.* *Affrays, and Affray Bill* (*Bengal*). *Land Revenue Settlement, and Tenure and Sale of Land.* *Ryots.*

Zillah Courts. See *Administration of Justice* (*Mofussil*).

INDEX

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